

Alabama Laws and Penalties

- Local Decriminalization
- Drugged Driving
- Low THC
- Mandatory Minimum Sentence
- Medical Marijuana
- Tax Stamps

Offense	Penalty	Incarceration	Max. Fine
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Possession

Personal Use			
Any amount	Misdemeanor	1 year	\$ 6,000
If previous non-personal conviction	Felony	1 year and 1 day* - 5 years	\$ 7,500

Other Than Personal Use

Any amount	Felony	1 year and 1 day* - 10 years	\$ 15,000
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* Mandatory minimum sentence and fine

Sale

Any amount	Felony	2* - 20 years	\$ 30,000
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By a person over 18 to a minor	Felony	10* - 99 years	\$ 60,000
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Within 3 mile radius of a school or a public housing project	Felony	5 years	N/A
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* Mandatory minimum sentence and fine

Trafficking

In excess of 2.2 lbs - less than 100 lbs	Felony	3 years*	\$ 25,000
100 lbs - less than 500 lbs	Felony	5 years*	\$ 50,000
500 lbs - less than 1,000 lbs	Felony	15 years*	\$ 200,000
1,000 lbs or more	Felony	Life*	N/A

* Mandatory minimum sentence and fine

Cultivation

Manufacture 2nd Degree	Felony	2* - 20 years	\$ 30,000
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Manufacture 1st Degree	Felony	10* - 99 years	\$ 60,0 00
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* Mandatory minimum sentence and fine

Hash & Concentrates

Possession	Felony	1 year and 1 day - 5 years	\$ 15,0 00
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Manufacture 2nd Degree	Felony	2 - 20 years	\$ 30,0 00
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Manufacture 1st Degree	Felony	10* - 99 years	\$ 60,0 00
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* Mandatory minimum sentence and fine

Paraphernalia

Use or possession of paraphernalia with intent to use	Misdemeanor	1 year	\$ 6,000
Delivery or sale	Misdemeanor	1 year	\$ 6,000
Use, deliver, or sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, or to possess with intent to use, drug paraphernalia to manufacture a controlled substance**	Felony	1 year and 1 day - 10 years	\$ 15,000
Subsequent violation of delivery or sale	Felony	1 year and 1 day - 10 years	\$ 15,000
Delivery or sale to a minor at least 3 years junior	Felony	2 - 20 years	\$ 30,000

** With possession of a firearm adds additional incarceration and fine.

Miscellaneous

A marijuana conviction will result in a 6 month driver's license suspension.

Penalty Details

Possession for Personal Use

In Alabama, marijuana for “personal use only” is a Class A Misdemeanor, punishable by a maximum sentence of 1 year and a maximum fine of \$6,000. A conviction of marijuana for “personal use” after a previous non-personal use conviction is a Class D felony punishable by a minimum of one year and 1 day and a maximum sentence of 5 years in prison along with a maximum fine of \$7500.

Marijuana possessed for reasons other than “personal use,” is a Class C felony, punishable by a prison sentence of a minimum of one year and one day in prison and a maximum sentence of 10 years in prison, along with a maximum fine of \$15,000.

- Code of Alabama §13A-12-214
- Code of Alabama §13A-12-213
- Code of Alabama §13A-12-211
- Code of Alabama §13A-12-215

Sale

Sale of a controlled substance in Alabama is a Class B felony punishable with a minimum sentence of 2 years and a maximum sentence of 20 years, along with a maximum fine of \$30,000.

The sale to a minor is a Class A felony which is punishable by a sentence of 10 years-life imprisonment and a maximum fine of \$60,000.

Sale within 3 miles of a school or a public housing project is an additional felony punishable by an additional sentence of 5 years imprisonment.

- Code of Alabama §13A-12-211
- Code of Alabama §13A-12-215
- Code of Alabama §13A-12-250
- Code of Alabama §13A-12-270

Trafficking

The sale, cultivation, or manufacture of 2.2 lbs – 100 pounds is considered trafficking and is a felony punishable by a mandatory minimum sentence of 3 years imprisonment and a possible sentence of 10-99 years, as well as a maximum fine of \$25,000.

Trafficking 100 pounds to less than 500 pounds is a felony with a minimum sentence of five years incarceration and a fine of \$50,000.

Trafficking 500 pounds to less than 1,000 pounds is a felony with a minimum sentence of 15 years incarceration and a fine of \$200,000.

Trafficking 1,000 pounds or more is a felony with a minimum sentence of life imprisonment.

- Code of Alabama §13A-12-231

Cultivation

Cultivation in Alabama is punished as either simple possession or as possession with intent to distribute, depending on the amount of marijuana being produced and other factors that may lead to the conclusion that the marijuana was being grown for reasons other than strict personal use. See the “Possession for Personal Use” section for further penalty details.

Manufacture

Unlawful manufacture of a controlled substance in the 2nd degree. The manufacturing of a controlled substance under Schedules I. Unlawful manufacture of a controlled substance in the second degree is a Class B felony.

- Code of Alabama §13A-12-217

Hash & Concentrates

In Alabama, hashish and THC concentrates are Schedule 1 substances.

Possession of a Schedule I substance is a Class D felony. A conviction for a Class D felony results in a sentence of 1 year and one day to 5 years. This differs from Alabama’s treatment of marijuana because with hashish there is no lesser penalty for personal use.

Possession of hashish or concentrates in Alabama will be a Class D felony even if the compound would have been for personal use.

Manufacture of hashish and THC concentrates are considered manufacture of a controlled substance in the second degree which is punishable as a Class B felony. A Class B felony conviction is punishable by a term of imprisonment between 2 – 20 years and a fine no greater than \$30,000. The possession of equipment or materials with the intent to manufacture a controlled substance is included under the charge of manufacture.

Manufacture in the first degree is a felony with a minimum sentence of 10 years and up to 99 years, and a maximum fine of \$60,000

- Code of Alabama §13A-12-212
- Code of Alabama §13A-12-217
- Code of Alabama §13A-12-218

Paraphernalia

Sale or possession of paraphernalia is a Class A misdemeanor punishable by a maximum sentence of 1 year imprisonment and a maximum fine of \$6,000.

Sale of paraphernalia to a minor 3 or more years younger than the seller is a Class B felony punishable by 2-20 years imprisonment and a maximum fine of \$30,000.

- Code of Alabama §13A-12-260(c)(1)-(2)
- Code of Alabama §13A-12-260(e)(1)
- Code of Alabama §13A-12-260(d)(1)-(2)
- Code of Alabama §13A-12-260(d)(1)-(2)

Miscellaneous

A marijuana conviction for trafficking will result in a 6 month driver’s license suspension.

- Code of Alabama §13A-12-231
- Code of Alabama §13A-12-290
- Code of Alabama §13A-12-291

Alaska Laws and Penalties

- Conditional Release
- Drugged Driving
- Legalization
- Medical Marijuana

Offense	Penalty	Incarcerati on	Max. Fine
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Possession

Personal Use			
1 oz or less	None	None	\$ 0

1 - 4 oz in your residence*	Not classified	N/A	\$ 0
1 - less than 4 oz	Misdemeanor	1 year	\$ 10,000
4 oz or more	Felony	5 years	\$ 50,000
Any amount within 500 feet of school grounds or rec. center**	Felony	5 years	\$ 50,000
Public consumption	Violation	None	\$ 100

With Intent to Distribute

Less than 1 oz	Misdemeanor	1 year	\$ 10,000
1 oz or more	Felony	5 years	\$ 50,000

* Based on an Alaskan Supreme Court decision, possession in the home for personal use is protected conduct by the right-to-privacy provision in their state constitution.

** If charged with possession of marijuana in a school zone, an affirmative defense may be raised in court that the conduct took place entirely within a private residence.

Sale or Delivery

Less than 1 oz	Misdemeanor	1 year	\$ 10,000
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1 oz or more	Felony	5 years	\$ 50,000
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To a person under 19 who is 3 years or more younger than the seller.	Felony	10 years	\$ 100,000
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Cultivation

Up to 6 plants (no more than 3 mature)	None	None	\$ 0
Up to 12 plants in a single dwelling (no more than 6 mature)	None	None	\$ 0
6 - 25 plants in your residence*	Not classified	N/A	\$ 0
25 plants or more	Felony	5 years	\$ 1,000
To a person under 19 who is 3 years or more younger than the seller.	Felony	10 years	\$ 100,000

* Based on an Alaskan Supreme Court decision, possession in the home for personal use is protected conduct by the right-to-privacy provision in their state constitution.

Hashish & Hashish Oil

Possession of any amount	Misdemeanor	0 - 1 year	\$ 25,000
Possession of any amount within 500 feet of school grounds or recreation center	Felony	5 years	\$ 50,000
Delivery, manufacture, or possessing with intent to distribute any amount	Felony	10 years	\$ 100,000

Retail Sales

Retail marijuana stores may sell to one person per day a limited quantity of marijuana products. See Penalty Details for more information.

Penalty Details

Possession for Personal Use

Adults may possess up to one ounce of marijuana and/or to grow up to six marijuana plants (no more than three mature) for non-commercial purposes. Sharing or gifting 1 ounce or less, or 6 plants or less for personal use to persons at least 21 years of age is also

permitted, however the consumption of cannabis in public remains an offense and is punishable by a fine of up to \$100.

- Alaska Stat. § 17.38.020
- Alaska Stat. § 17.38.040

Possession of 1 to less than 4 ounces is a Class A misdemeanor punishable by up to 1 year imprisonment and/or a fine up to \$10,000. However, if the use, display, or possession was for personal use and occurred in the confines of the offender's private residence, there is no penalty and this act is protected under the Alaskan constitutional right to privacy.

Possession of 4 or more ounces of marijuana is a class C felony punishable by up to 5 years imprisonment and/or a fine up to \$50,000.

Possession within 500 feet of school grounds, a recreation or youth center, or on a school bus is a class C felony punishable by up to 5 years imprisonment and/or a fine up to \$50,000. It is an affirmative defense to this charge that the violation occurred entirely within the confines of a personal residence.

- Alaska Stat. § 11.71.040
- Alaska Stat. § 12.55.035
- Alaska Stat. § 12.55.125(d), (e)

Possession with Intent to Distribute

It is a class A misdemeanor punishable by up to 1 year imprisonment and/or a fine up to \$10,000 to possess with intent to distribute less than 1 ounce of marijuana. Possession with intent to distribute an ounce or more of marijuana is a class C felony punishable by up to 5 years imprisonment and/or a fine up to \$50,000.

- Alaska Stat. § 11.71.050(a)(1)
- Alaska Stat. § 12.55.035
- Alaska Stat. § 12.55.135(a)

Sale/Delivery

Retail sales of cannabis by state-licensed entities to those over the age of 21 are regulated in this state. Marijuana sales by unlicensed entities remain subject to criminal penalties.

It is a class A misdemeanor punishable by up to 1 year imprisonment and/or a fine up to \$10,000 to deliver with compensation less than 1 ounce of marijuana. Delivery with compensation of an ounce or more of marijuana is a class C felony punishable by up to 5 years imprisonment and/or a fine up to \$50,000.

Delivery to a person under the age of 19 by a person at least 3 years his senior is a class B felony punishable by up to 10 years imprisonment and/or a fine up to \$100,000.

- Alaska Stat. § 11.71.050(a)(1)
- Alaska Stat. § 12.55.035
- Alaska Stat. § 12.55.135(a)
- Alaska Stat. § 11.71.040(a)(2)
- Alaska Stat. § 12.55.035(4)
- Alaska Stat. § 12.55.125(e)
- Alaska Stat. § 11.71.030(2)
- Alaska Stat. § 12.55.035(3)
- Alaska Stat. § § 12.55.125(d)

Cultivation

Adults may possess up to one ounce of marijuana and/or to grow up to six marijuana plants (no more than three mature) for non-commercial purposes. Up to 12 plants (6 or fewer mature) is allowed in a single dwelling (regardless of number of persons living there).

Cultivation shall be in a location where plants are not subject to public view without use of binoculars, aircraft, or other optical aids. One must take reasonable precautions to ensure the plants are secure from unauthorized access.

Cultivation of less than 25 plants of marijuana for personal use in a private residence is protected under the right to privacy of the Alaska constitution. Cultivation of 25 plants or more is a class C felony punishable by up to 5 years imprisonment and/or a fine up to \$50,000.

Selling marijuana plants to a person under 19 who is three years or more younger than the seller is a felony with a maximum sentence of 10 years imprisonment and a fine of \$100,000

- Alaska Stat. § 17.38.020(2)
- Alaska Stat. § 11.71.030(2)
- Alaska Stat. § 12.55.035(3)
- Alaska Stat. § 12.55.125(d)

Hashish & Hashish Oil

Hashish, hashish oil, and any other compound, mixture, or preparation containing THC is a Schedule IIIA substance.

Possessing any amount of hashish or hashish oil is a misdemeanor punishable by a fine of up to \$25,000 and a sentence of up to 1 year.

Possessing hashish or hashish oil within 500 feet of school grounds or recreational center (residential caveat) is a felony conviction punishable by a fine of up to \$50,000 and a sentence of 5 years.

Delivering, manufacturing, or possessing hashish or hashish oil with the intent to deliver is a felony punishable by a fine of up to \$100,000 and a sentence of 10 years.

- Alaska Stat. § 11.71.050(4)
- Alaska Stat. § 12.55.035
- Alaska Stat. § 12.55.135(a)
- Alaska Stat. § 11.71.404(4)
- Alaska Stat. § 12.55.035(4)
- Alaska Stat. § 12.55.125(e)
- Alaska Stat. § 11.71.030(2)
- Alaska Stat. § 12.55.035(23)
- Alaska Stat. § 12.55.125(d)

Civil Asset Forfeiture

Providing that “The department shall revoke the driver’s license or permit, privilege to drive, or privilege to obtain a license of a person not yet 18 years of age” was repealed effective July 9, 2021.

A person is “subject to” revocation for individuals at least 13 but under 21 if they are convicted or adjudicated a delinquent minor for misconduct involving a controlled substance.

- Alaska Stat. § 28.15.176
- Alaska Stat. § 28.15.185

Retail Sales

Retail marijuana stores may sell to one person per day up to: one ounce of usable marijuana; seven grams of marijuana concentrate for inhalation; or 5,600 miligrams of THC in combined sales of marijuana or marijuana products.

Personal possession of these amounts/forms is not explicitly permitted under the code, though the ability to purchase would indicate that possession is also legal.

Arizona Laws and Penalties

- Conditional Release
- Drugged Driving
- Legalization
- Medical Marijuana

Offense	Penalty	Incarceration	Max. Fine
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Possession

1 oz	No penalty	None	\$ 0
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More than 1 oz to 2.5 oz	Petty offense	None	\$ 300
More than 2.5 oz to less than 2 lbs	Felony	6 months - 1.5 years	\$ 150,000
2 lbs - less than 4 lbs	Felony	9 months - 2 years	\$ 150,000
4 lbs or more	Felony	1.5 - 3 years	\$ 150,000

Sale

Transfer of up to 1 oz*	No penalty	None	\$ 0
Less than 2 lbs	Felony	1.5 - 3 years	\$ 150,000

2 - 4 lbs	Felony	2.5 - 7 years	\$ 150,000
More than 4 lbs	Felony	4 - 10 years	\$ 150,000

* By adults with no remuneration

Manufacture/Cultivation

Up to 6 plants**	No penalty	None	\$ 0
Up to 12 plants at a single residence with more than one adult**	No penalty	None	\$ 0
More than 6 plants - 2 lbs	Felony	9 months - 2 years	\$ 150,000
2 - 4 lbs	Felony	1.5 - 3 years	\$ 150,000

More than 4 lbs	Felony	2.5 - 7 years	\$ 150,000
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** Non-commercial purposes in a private residence.

Trafficking

Less than 2 lbs	Felony	2.5 - 7 years	\$ 150,000
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2 lbs or more	Felony	4 - 10 years	\$ 150,000
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Hash & Concentrates

Less than 5 g	No penalty	None	\$ 0
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5 g to less than 12.5 g	Petty offense	None	\$ 300
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12.5 g or more	Felony	1 - 3.75 years	\$ 150,0 00
Manufacture, Sale, or Trafficking	Felony	3 - 12.5 years	\$ 150,0 00

Paraphernalia

Possession or use	No penalty	None	\$ 0
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Penalty Details

Possession

Voters in Arizona passed Prop 207, a statewide ballot initiative legalizing the possession, use, and commercial sale of marijuana for adults. The Act permits those age 21 or older to possess up to one ounce of cannabis and directs revenue from retail cannabis sales to fund various public education and safety programs. Adults may cultivate up to six plants for non-commercial purposes in a private residence. The [law](#) took effect on November 30, 2020.

Possession by those under age 21 is a civil penalty for a first offense, petty offense for a second offense, and class 1 misdemeanor for a third offense.

Use in public is classified as a petty offense.

Possession for personal use of more than one ounce, but less than 2.5 ounces of marijuana is a petty offense punishable by a maximum fine of \$300.

Possession for personal use of 2.5 ounces to 2 pounds of marijuana is a felony, punishable by a minimum sentence of 6 months, a maximum sentence of 1.5 years, and a maximum fine of \$150,000.

Possession for personal use of 2-4 pounds of marijuana is a felony, punishable by a minimum sentence of 9 months, a maximum sentence of 2 years, and a maximum fine of \$150,000.

Possession for personal use of more than 4 pounds of marijuana is a felony, punishable by a minimum sentence of 1.5 years, a maximum sentence of 3 years, and a maximum fine of \$150,000.

- Prop 207 36-2852(A)(1); Prop 207 36-2852(A)(1)
- Arizona REV. STAT. §13-3405(B)(1)
- Arizona REV. STAT. §13-801(A)
- Arizona REV. STAT. §13-702(D)

Sale

An adult may transfer up to 1 ounce of marijuana to another adult as long as there is no remuneration and the transfer is not advertised or promoted to the public.

The sale, or possessing for sale, of less than 2 pounds of marijuana is a felony, punishable by a minimum sentence of 1.5 years, a maximum sentence of 3 years, and a maximum fine of \$150,000.

The sale, or possessing for sale, of between 2-4 pounds of marijuana is a felony, punishable by a minimum sentence of 2.5 years, a maximum sentence of 7 years, and a maximum fine of \$150,000.

The sale, or possessing for sale, of more than 4 pounds of marijuana is a felony, punishable by a minimum sentence of 4 years, a maximum sentence of 10 years, and a maximum fine of \$150,000.

- Prop 207 36-2852(A)(2)
- Arizona REV. STAT. § 13-3405(B)(4)(5)(6)
- Arizona REV. STAT. § 13-801(A)
- Arizona REV. STAT § 13-702(D)

Manufacture/Cultivation

Voters in Arizona passed Prop 207, a statewide ballot initiative legalizing the possession, use, and commercial sale of marijuana for adults. Adults may cultivate up to six plants for non-commercial purposes in a private residence. The **law** took effect on November 30, 2020.

An adult may transfer up to 6 plants to another adult as long as there is no remuneration and the transfer is not advertised or promoted to the public. No more than 12 plants is permitted at a single residence where two or more individuals over age 21.

Producing more than 6 plants and up to 2 pounds of marijuana is a felony, punishable by a minimum sentence of 9 months, a maximum sentence of 2 years, and a maximum fine of \$150,000.

Producing between 2-4 pounds of marijuana is a felony, punishable by a minimum sentence of 1.5 years, a maximum sentence of 3 years, and a maximum fine of \$150,000.

Producing more than 4 pounds of marijuana is a felony, punishable by a minimum sentence of 2.5 years, a maximum sentence of 7 years, and a maximum fine of \$150,000.

- Prop 207 36-2852(A)(2)
- Arizona REV. STAT. § 13-3405(B)(7)(4)(5)
- Arizona REV. STAT. §13-801(A)
- Arizona REV. STAT § 13-702(D)

Trafficking

Bringing less than 2 pounds of marijuana into Arizona is a felony, punishable by a minimum sentence of 2 years, a maximum sentence of 7 years, and a maximum fine of \$150,000.

Bringing 2 pounds or more of marijuana into Arizona is a felony, punishable by a minimum sentence of 4 years, a maximum sentence of 10 years, and a maximum fine of \$150,000.

- Arizona REV. STAT. § 13-3405(B)(5)(6)
- Arizona REV. STAT. § 13-801(A)
- Arizona REV. STAT. § 13-702(D)

Hash & Concentrates

Voters in Arizona passed Prop 207, a statewide ballot initiative legalizing the possession, use, and commercial sale of marijuana for adults. The Act permits those age 21 or older to possess up to five grams of concentrates. The [law](#) took effect on November 30, 2020.

Possession for personal use of more than five grams but less than 12.5 grams of concentrates is a petty offense punishable by a maximum fine of \$300.

Possession for personal use of more than 12.5 grams of concentrates is a felony, punishable by a minimum sentence of 1 year, a maximum sentence of 3.75 years, and a maximum fine of \$150,000.

Manufacture, sale or trafficking of concentrates is a felony, punishable by a minimum sentence of 3 years, a maximum sentence of 12.5 years, and a maximum fine of \$150,000.

- Prop 207 36-2852(A)(1); Prop 207 36-2852(A)(1)
- Arizona REV. STAT. § 13-3401(20)(w)
- Arizona REV. STAT. § 13-3401(4)(a)-(b)
- Arizona REV. STAT. § 13-702(D)

Paraphernalia

Voters in Arizona passed Prop 207, a statewide ballot initiative legalizing the possession, use, and commercial sale of marijuana for adults. The Act permits the possession, use, manufacturing and sale of paraphernalia “relating to the cultivation, manufacture, processing or consumption of marijuana and marijuana products.”

Arkansas Laws and Penalties

[Conditional Release](#)

Local Decriminalization
 Drugged Driving
 Mandatory Minimum Sentence
 Medical Marijuana

Offense	Penalty	Incarceration	Max. Fine
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Possession

Less than 4 oz (first offense)	Misdemeanor	1 year or less	\$ 2,500
1 - less than 4 oz (subsequent offense)	Felony	6 years or less	\$ 10,000
4 oz - less than 10 lbs	Felony	6 years or less	\$ 10,000
10 - less than 25 lbs	Felony	3* - 10 years	\$ 10,000

25 - less than 100 lbs	Felony	5* - 20 years	\$ 15,00 0
100 - less than 500 lbs	Felony	6* - 30 years	\$ 15,00 0

* Mandatory minimum sentence

Delivery

14 g or less	Misdemeanor	1 year or less	\$ 2,500
14 g - 4 oz	Felony	6 years or less	\$ 10,00 0
4 oz - 25 lbs	Felony	3* - 10 years	\$ 10,00 0
25 - 100 lbs	Felony	5* - 20 years	\$ 15,00 0

100 - 500 lbs	Felony	6* - 30 years	\$ 15,00 0
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* Mandatory minimum sentence

Includes possession with intent to deliver

Includes manufacture

Delivery to a person under 18 at least 3 years younger is subject to an enhanced sentence of the fine, a term of imprisonment up to 2x authorized.

Trafficking

500 lbs or more	Felony	10* - 40 years	\$ 15,00 0
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* Mandatory minimum sentence

Hash & Concentrates

Penalties for hashish are the same as for marijuana. Please see the marijuana penalties section for further details.

Paraphernalia

Possession with purpose to use	Misdemeanor	1 year or less	\$ 2,500
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Possession with purpose to grow	Felony	6 years or less	\$ 10,000
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Delivery of smoking paraphernalia to a minor at least 3 years younger	Misdemeanor	1 year or less	\$ 2,500
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Delivery of growing paraphernalia to a minor at least 3 years younger	Felony	5* - 20 years	\$ 15,000
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* Mandatory minimum sentence

Penalty Details

Simple Possession:

Possession of less than 4 ounces of marijuana is a Class A Misdemeanor, punishable by up to 1 year in jail and a fine of up to \$2,500.

Possession of between 1 ounce and less than 4 ounces by an offender who has had 4 or more previous drug convictions is a Class D Felony, punishable by up to 6 years in prison and a fine of up to \$10,000.

Possession of between 4 ounces and less than 10 pounds is a Class D Felony, punishable by up to 6 years in prison and a fine of up to \$10,000.

Possession of between 10 pounds and less than 25 pounds is a Class C Felony, punishable by a mandatory 3 year minimum sentence, up to 10 years, and a fine not to exceed \$10,000.

Possession of between 25 pounds and less than 100 pounds is a Class B Felony, punishable by a mandatory 5 year minimum sentence, up to 20 years, and a fine not to exceed \$15,000.

Possession by 100 pounds and less than 500 pounds is a Class A Felony, punishable by a mandatory 6 year minimum sentence, up to 30 years, and a fine not to exceed \$15,000.

- [Arkansas Code § 5-64-419\(b\)\(5\)](#)
- [Arkansas Code § 5-4-201](#)
- [Arkansas Code § 5-4-401](#)

Possession with Intent to Deliver

Possession of up to 14 g of marijuana with the intent to deliver it to an another individual is a Class A misdemeanor, punishable by up to 1 year in jail and a fine of up to \$2,500.

Possession of between 14 g and less than 4 ounces of marijuana with the intent to deliver it to an another individual is a Class D Felony, punishable by up to 6 years in prison and a fine of up to \$10,000.

Possession of between 4 ounces and less than 25 pounds of marijuana with the intent to deliver it to an another individual is a Class C Felony, punishable by a mandatory 3 year minimum sentence, up to 10 years, and a fine not to exceed \$10,000.

Possession of between 25 pounds and less than 100 pounds of marijuana with the intent to deliver it to an another individual is a Class B Felony, punishable by a mandatory 5 year minimum sentence, up to 20 years, and a fine not to exceed \$15,000.

Possession of between 100 pounds and less than 500 pounds of marijuana with the intent to deliver it to an another individual is a Class A Felony, punishable by a mandatory 6 year minimum sentence, up to 30 years, and a fine not to exceed \$15,000.

- [Arkansas Code § 5-64-436\(b\)](#)
- [Arkansas Code § 5-4-201](#)
- [Arkansas Code § 5-4-401](#)

A second or subsequent conviction will result in a doubled penalty.

- [Arkansas Code § 5-64-408](#)

Delivery

Delivering 14g or less of marijuana to another individual, with or without remuneration, is a Class A Misdemeanor, punishable by up to 1 year in jail and a fine of up to \$2,500.

Delivering 14g or less of marijuana to another individual, with or without remuneration if the person has 4 prior convictions is a Felony, punishable by up to 6 years in jail and a fine of up to \$10,000.

Delivering between 14g and less than 4 ounces of marijuana to another individual, with or without remuneration, is a Class D Felony, punishable by up to 6 years in prison and a fine of up to \$10,000.

Delivering between 4 ounces and less than 25 pounds of marijuana to another individual, with or without remuneration, is a Class C Felony, punishable by a mandatory 3 year minimum sentence, up to 10 years, and a fine not to exceed \$10,000.

Delivering between 25 pounds and less than 100 pounds of marijuana to another individual, with or without remuneration, is a Class B Felony, punishable by a mandatory 5 year minimum sentence, up to 20 years, and a fine not to exceed \$15,000.

Delivering between 100 pounds and less than 500 pounds of marijuana to another individual, with or without remuneration, is a Class A Felony, punishable by a mandatory 6 year minimum sentence, up to 30 years, and a fine not to exceed \$15,000.

- [Arkansas Code § 5-64-438](#)
- [Arkansas Code § 5-4-201](#)
- [Arkansas Code § 5-4-401](#)

Delivery to a person under 18 at least 3 years younger is subject to an enhanced sentence of the fine, a term of imprisonment up to 2x authorized.

- [Arkansas Code § 5-64-406\(b\)](#)

Cultivation

Cultivation in Arkansas is punished as either simple possession or as possession with intent to deliver, depending on the amount of marijuana being produced and other factors that may lead to the conclusion that the marijuana was being grown for reasons other than strict personal use. See the “Simple Possession” and “Possession with Intent to Deliver” sections for further penalty details.

Manufacture

Manufacturing 14 g or less of marijuana is a Class A Misdemeanor, punishable by up to 1 year in jail and a fine of up to \$2,500.

Manufacturing between 14 g and 4 ounces of marijuana is a Class D Felony, punishable by up to 6 years in prison and a fine of up to \$10,000.

Manufacturing between 4 ounces and 25 pounds of marijuana is a Class C Felony, punishable by a mandatory 3 year minimum sentence, up to 10 years, and a fine not to exceed \$10,000.

Manufacturing between 25 pounds and 100 pounds of marijuana is a Class B Felony, punishable by a mandatory 5 year minimum sentence, up to 20 years, and a fine not to exceed \$15,000.

Manufacturing 100 pounds or more of marijuana is a Class A Felony, punishable by a mandatory 6 year minimum sentence, up to 30 years, and a fine not to exceed \$15,000.

- [Arkansas Code § 5-64-439\(b\)](#)
- [Arkansas Code § 5-4-201](#)
- [Arkansas Code § 5-4-401](#)

Trafficking

Possessing 500pounds or more of marijuana is classified as trafficking and is a Class Y Felony, punishable by a mandatory minimum sentence of 10 years and a maximum of 40 years imprisonment.

- [Arkansas Code § 5-64-440\(b\)\(6\)](#)
- [Arkansas Code § 5-4-201](#)
- [Arkansas Code § 5-4-401](#)

Hash & Concentrates

Penalties for hashish are the same as for marijuana. Please see the marijuana penalties section for further details.

- [Arkansas Code § 5-64-419\(b\)\(5\)](#)
- [Arkansas Code § 5-4-201](#)
- [Arkansas Code § 5-4-401](#)
- [Arkansas Code § 5-64-101\(16A\)](#)

Paraphernalia

Possession with purpose to use paraphernalia is a Class A misdemeanor, punishable by up to 1 year in jail and a fine of up to \$2,500.

Possession of paraphernalia with purpose to grow marijuana is a Class D Felony, punishable by up to 6 years in prison and a fine of up to \$10,000.

Delivering of smoking paraphernalia to a minor at least 3 years younger than the deliverer is a Class A Misdemeanor, punishable by up to 1 year in jail and a fine of up to \$2,500.

Delivery of growing paraphernalia to a minor at least felony violation is a Class B Felony and punishable by a mandatory 5 year minimum sentence, up to 20 years, and a fine not to exceed \$15,000.

Delivering of growing paraphernalia to a minor at least 3 years younger than the deliverer is a Class B Felony, punishable by a mandatory 5 year minimum sentence, up to 20 years, and a fine not to exceed \$15,000.

- [Arkansas Code § 5-64-443\(a\)](#)
- [Arkansas Code § 5-64-443\(b\)](#)
- [Arkansas Code § 5-64-444\(b\)](#)
- [Arkansas Code § 5-64-444\(a\)](#)
- [Arkansas Code § 5-4-201](#)
- [Arkansas Code § 5-4-401](#)

California Laws and Penalties

[Drugged Driving](#)

[Expungement](#)

[Legalization](#)

[Medical Marijuana](#)

Offense	Penalty	Incarceration	Max. Fine
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Possession

Personal Use

Up to 28.5 g of marijuana flower	No penalty	None	\$ 0
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28.5 grams or less, under 18 years	Infraction	None*	\$ 0
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28.5 grams or more, under 18 years	Infraction	None*	\$ 0
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28.5 grams or less, over 18 years, and occurred on school grounds	Misdemeanor	10 days	\$ 500
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More than 28.5 grams	Misdemeanor	6 months	\$ 500
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With Intent to Distribute

Any amount, under 18 years	Infraction	None*	\$ 0
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Any amount	Misdemeanor	6 months	\$ 500
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* Drug counseling and community service

Sale or Delivery

Any amount, under 18 years	Infraction	None*	\$ 0
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Gift of 28.5 grams or less	No penalty	N/A	\$ 100
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Any amount	Misdemeanor	6 months	\$ 500
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* Drug counseling and community service

Cultivation

Up to 6 plants	No penalty	None	\$ 0
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Any amount, under 18 years	Infraction	None*	\$ 0
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6 plants or more	Misdemeanor	6 months	\$ 500
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* Drug counseling and community service

Hash & Concentrates

Up to 8 g	No penalty	None	\$ 0
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8 g or more, under 18 years	Infraction	None*	\$ 0
8 g or more	Misdemeanor	6 months	\$ 500
Unauthorized manufacture	Misdemeanor	6 months	\$ 500
Chemical manufacture	N/A	3 - 7 years	\$ 50,000

* Drug counseling and community service

Paraphernalia

Sale, delivery, possession with intent, and manufacture with intent	Misdemeanor	15 days - 6 months	\$ 500
Involving a minor at least 3 years junior	Misdemeanor	1 year	\$ 1,000

Penalty Details

Possession for Personal Use

Proposition 64, The Adult Use Marijuana Act, permits adults over 21 years of age who are not participating in the state's medical cannabis program to legally grow (up to six plants, including all of the harvest from those plants) and to possess personal use quantities of cannabis (up to one ounce of flower and/or up to eight grams of concentrates) while also licensing commercial cannabis production and retail sales. The [law](#) took effect on November 9, 2016.

Possession of more than 28.5 grams of marijuana flower is a misdemeanor punishable by up to 6 months imprisonment and/or a fine up to \$500. If the amount possessed is 28.5 grams or less but the person is 18 years of age or older and the possession occurred on school grounds, the person is guilty of a misdemeanor punishable by up to 10 days imprisonment and/or a fine up to \$500. If the offender is younger than 18 years of age, then the offense is an infraction punishable by up to 8 hours of drug counseling and/or up to 40 hours of community service.

- California Health & Safety Code § 11362.1(a)(1)
- California Health & Safety Code § 11357(c)
- California Health & Safety Code § 11357(a)(1)
- California Health & Safety Code § 11357(b)(1)(2)

Possession with Intent to Distribute

Possession with intent to distribute more than one ounce of marijuana is a misdemeanor punishable by 6 months imprisonment and a fine of \$500. If the offender is younger than 18

years of age, then the offense is an infraction punishable by up to 8 hours of drug counseling and/or up to 40 hours of community service.

- California Health & Safety Code § 11359(b)
- California Health & Safety § 11359(a)
- California Health & Safety § 11357(b)(1)

Adult Transfer Without Compensation

To possess, transport, purchase, obtain, use, manufacture, or give away cannabis accessories to persons 21 years of age or older without any compensation whatsoever up to 28.5 grams or less carries no penalty, fine or incarceration in the state of California.

- California Health & Safety Code § 11362.1(a)(1)(2)(5)

Sale/Delivery

Monetary transactions involving the sale or delivery of any amount of marijuana by someone who does not possess a state licensed permit is a misdemeanor punishable by up to six months in jail and a \$500 fine. However, gifting marijuana in quantities up to one ounce for no remuneration is legal. If the offender is younger than 18 years of age, then the offense is an infraction punishable by up to 8 hours of drug counseling and/or up to 40 hours of community service.

- California Health & Safety Code § 11360(a)(1)(2)
- California Health & Safety Code § 11360(b)(1)

Cultivation

Proposition 64, The Adult Use Marijuana Act, permits adults over 21 years of age who are not participating in the state's medical cannabis program to legally grow (up to six plants, including all of the harvest from those plants). The **law** took effect on November 9, 2016.

Cultivation of 6 plants or more is a misdemeanor punishable by 6 months incarceration and a fine of \$500.

Cultivation of any amount by a person under 18 years of age is an infraction punishable by up to 8 hours of drug counseling and/or up to 40 hours of community service.

- California Health & Safety Code § 11362.1(a)(3)
- California Health & Safety Code § 11357(b)(1)
- California Health & Safety Code § 11358(a)(b)(c)

Hash & Concentrates

In California, hashish or concentrates are referred to as "concentrated cannabis".

Proposition 64, The Adult Use Marijuana Act, permits adults over 21 years of age who are not participating in the state's medical cannabis program to possess personal use quantities of up to eight grams of concentrates. The **law** took effect on November 9, 2016.

Possession of more than 8 grams of concentrates is a misdemeanor punishable by up to 6 months imprisonment and/or a fine up to \$500.

If the offender is younger than 18 years of age, then the offense is an infraction punishable by up to 8 hours of drug counseling and/or up to 40 hours of community service.

Generally the unauthorized manufacturing of concentrates is a misdemeanor punishable by 6 months incarceration and a fine of \$500. If the manufacturing process involved extraction chemicals, such as butane, then it is considered manufacture by means of chemical synthesis of a controlled substance. Manufacture by means of chemical synthesis of a controlled substance carries a fine no greater than \$50,000 and a term of imprisonment of 3-7 years.

- California Health & Safety Code § 11362.1(a)(2)
- California Health & Safety Code § 11357(b)(1)(2)
- California Health & Safety Code § 11358(d)
- California Health & Safety Code § 11358(c)
- California Health & Safety Code § 11379.6(a)

Paraphernalia

There is no penalty for the simple possession of marijuana paraphernalia. Sale, delivery, possession with intent to sell or deliver, and manufacture with intent to sell or deliver marijuana paraphernalia is a misdemeanor punishable by 15 days to 6 months imprisonment and/or a maximum fine of \$500. Delivery of marijuana paraphernalia by an individual aged 18 years or older to a minor at least 3 years his junior is a misdemeanor punishable by up to 1 year imprisonment and/or a fine up to \$1,000.

- California Health & Safety Code § § 11364.7(a)(1)
- California Health & Safety Code § 11374
- California Health & Safety Code § 11364.7(c)

Colorado Laws and Penalties

Conditional Release

Drugged Driving

Expungement
Legalization
Medical Marijuana

Offense	Penalty	Incarceration	Max. Fine
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Possession

Personal Use

2 oz or less	No Penalty	None	\$ 0
Transfer of 2 oz or less for no remuneration	No Penalty	None	\$ 0
More than 2 oz	Petty Offense	None*	\$ 100
Open and public displays or uses of 2 oz or less	Petty Offense	None*	\$ 100

More than 2 - 6 oz	Misdemeanor	3 months - 364 days	\$ 1,000
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More than 6 oz	Misdemeanor	6 - 18 months	\$ 5,000
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* 24 hours of community service

With Intent to Distribute

Possession of 8 oz or more is considered possession with the intent to distribute will enhance the sentence.

Sale or Distribution

4 oz or less	Misdemeanor	6 - 18 months	\$ 5,000
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More than 4 oz – 12 oz	Felony	6 months - 2 years	\$ 100,000
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More than 12 oz – 5 lbs	Felony	2 - 6 years	\$ 500,000
More than 5 lbs – 50 lbs	Felony	4 - 16 years	\$ 750,000
More than 50 lbs	Felony	8 - 32 years	\$ 1,000,000

Sale to a minor has a greater penalty. See details for information.

Cultivation

6 plants or fewer (3 mature)	No Penalty	None	\$ 0
6 - 30 plants	Felony	6 months - 2 years	\$ 100,000
More than 30 plants	Felony	2 - 6 years	\$ 500,000

Hash & Concentrates

Possession

2 oz or less	No Penalty	None	\$ 0
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2 - 3 oz	Misdeme anor	3 months - 364 days	\$ 1,000
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More than 3 oz	Misdeme anor	6 - 18 months	\$ 5,000
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Distribute, Transfer, or Possess with Intent

2 oz or less	Misdeme anor	6 - 18 months	\$ 5,000
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More than 2 oz – 6 oz	Felony	6 months - 2 years	\$ 100,00 0
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More than 6 oz – 2.5 lbs	Felony	2 - 6 years	\$ 500,000
More than 2.5 lbs – 25 lbs	Felony	4 - 16 years	\$ 750,000
More than 25 lbs	Felony	8 - 32 years	\$ 1,000,000

Sale, Transfer or Dispense to a minor has a greater penalty. See details for information.

Paraphernalia

Possession of paraphernalia	Petty Offense	N/A	\$ 100
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Penalty Details

Possession for Personal Use

Private possession by persons 21 years of age or older of up to two ounces of either cannabis flower or concentrates is no penalty. Private cultivation of up to six marijuana

plants, with no more than three being mature is no penalty. Transfer of two ounces or less for no remuneration is no penalty.

Possession of more than 2 ounces is a petty offense that is may be punishable by a maximum fine of \$100 and up to 24 hours of community service. Open and public displays, uses, or consuming 2 ounces of marijuana or less is a petty offense that is may be punishable by a maximum fine of \$100 and up to 24 hours of community service.

Possession of more than 2 to 6 ounces of marijuana is a misdemeanor, punishable by 3 months to 364 days imprisonment and a fine not to exceed \$1,000.

Possession of more than 6 ounces is a misdemeanor, which is punishable by 6 – 18 months of imprisonment and a maximum fine of \$5,000.

- Colo. Const. Art. 18 § 16(3)(a)(c)
- Colo. Const. Art. § 18-18-406(b)(l)
- Colo. Const. Art. § 18-18-406(c)

Possession with Intent to Distribute

Possession of 8 ounces of marijuana or more is a lesser-included offense of possession with the intent to distribute. Each element of the possession offense is included except the quantity, which is a sentence enhancer, not an essential element of the offense.

- People v. Garcia, 251 P.3d 1152

Sale or Distribution

Transfer of two ounces or less for no remuneration by persons 21 years of age or older is no penalty.

Retail sales of cannabis by state-licensed entities to those over the age of 21 are regulated in this state. Marijuana sales by unlicensed entities remain subject to criminal penalties.

The sale of 4 ounces or less of marijuana is a misdemeanor punishable by 6-18 months imprisonment as well as a maximum fine of \$5,000.

The sale of more than 4 ounces, but not more than 12 ounces of marijuana is a felony and punishable by a sentence of 6 months – 2 years and a maximum fine of \$100,000.

The sale of more than 12 ounces but not more than 5 pounds of marijuana is a felony punishable by a sentence of 2 – 6 years and a maximum fine of \$500,000.

The sale of more than 5 pounds but not more than 50 pounds of marijuana is a felony punishable by a sentence of 4 – 16 years and a maximum fine of \$750,000.

The sale of more than 50 pounds of marijuana is a felony and punishable by a sentence of 8 – 32 years and a maximum fine of \$1,000,000.

Sale to a minor has a greater penalty – increases incarceration and fine.

- § 18-18-406(b)(III)(A)(B)(C)(D)(E)
- § 18-18-406(1)(a)-(d)

Cultivation

There is no penalty in Colorado for persons who privately cultivate up to 6 marijuana plants, with no more than 3 being mature.

The cultivation of more than 6 but not more than 30 plants is a felony punishable by 6 – 18 months imprisonment as well as a maximum fine of \$100,000.

The cultivation of more than 30 plants is a felony punishable by 2-6 years imprisonment as well as a maximum fine of \$500,000.

- Co. Const. Art. 18 § 16(3)(b)
- § 18-18-406(3)(a)(III)(A)(B)(C)

Hash & Concentrates

Private possession by persons 21 years of age or older of up to two ounces is no penalty.

Possession of more than 2 ounces but less than 3 ounces of hashish or extracts is a misdemeanor punishable by a maximum fine of \$1,000 dollars and/or a term of imprisonment between 6 months and 364 days.

Possession of more than 3 ounces of marijuana concentrate is a felony punishable by 6 – 18 months imprisonment as well as a maximum fine of \$5,000.

- Co. Const. Art. 18 § 16(3)(a)
- § 18-18-406(b)(c)

Distribute, Transfer, or Possess with Intent

The sale of 2 ounces or less of marijuana concentrate is a misdemeanor punishable by 6 - 18 months imprisonment as well as a maximum fine of \$5,000.

The sale of more than 2 ounces – 6 ounces of marijuana concentrate is a felony punishable by 6 months -2 years imprisonment as well as a maximum fine of \$100,000.

The sale of more than 6 ounces – 2.5 pounds of marijuana concentrate is a felony punishable by 2 – 6 years imprisonment as well as a maximum fine of \$500,000.

The sale of more than 2.5 – 25 pounds is a felony punishable by a sentence of 4 – 16 years and a maximum fine of \$750,000.

The sale of more than 25 pounds is a felony punishable by a sentence of 8 – 32 years and a maximum fine of \$1,000,000.

Sale to a minor has a greater penalty – increases incarceration and fine.

- § 18-18-406(b)(III)(A)(B)(C)(D)(E)
- § 18-18-406(1)(a)-(d)

Sale to a Minor:

The sale, transfer, or dispensing of more than 1 pound of marijuana concentrate to a minor if the person is an adult and two years older than the minor is a level 1 drug felony punishable by a sentence of 8 – 32 years and a fine of \$ 5,000 – \$ 1,000,000.

The sale, transfer, or dispensing of more than 3 ounces, but not more than 1 pound of marijuana concentrate to a minor if the person is an adult and two years older than the

minor is a level 2 drug felony punishable by a sentence of 4 – 16 years and a fine of \$ 5,000 – \$ 750,000.

The sale, transfer, or dispensing of more than .5 ounces, but not more than 3 ounces, of marijuana concentrate to a minor if the person is an adult and two years older than the minor is a level 3 drug felony punishable by a sentence of 2 – 6 years and a fine of \$ 2,000 – \$ 500,000.

The sale, transfer, or dispensing of not more than .5 ounces of marijuana concentrate to a minor if the person is an adult and two years older than the minor is a level 4 drug felony punishable by a sentence of 6 months – 2 years and a fine of \$ 1,000 – \$ 100,000.

- § 18-1.3-401.5 [Web Search](#)
- § 18-1.3-501 [Web Search](#)
- § 18-18-406(1) [Web Search](#)

Paraphernalia

Possession of paraphernalia is a drug petty offense that is punishable by a fine of up to \$100. Note that drug paraphernalia does not include marijuana accessories. Examples include bongs, rolling papers, and roach clips.

- § 18-18-428

Connecticut Laws and Penalties

[Drugged Driving](#)

[Legalization](#)

[Mandatory Minimum Sentence](#)

Offense	Penalty	Incarceration	Max. Fine
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Possession

Personal Use			
Up to 1.5 oz in public	No Penalty	N/A	\$ 0
Up to 5 oz in public in locked container	No Penalty	N/A	\$ 0
More than 5 oz (1st offense)	Civil infraction	N/A	\$ 500
More than 5 oz (2nd offense)	Misdemeanor	3 months	\$ 500

1.5 oz or more in public	Misdemeanor	1 year	\$ 2,000
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Distribution or Cultivation**

Cultivation of up to 3 mature and 3 immature plants (1st offense)	Written warning	N/A	\$ 0
Cultivation of up to 3 mature and 3 immature plants (2nd offense)	Civil Offense	N/A	\$ 500
Cultivation of up to 3 mature and 3 immature plants (subsequent offense)	Misdemeanor	30 days	\$ 500
Less than 1 kilogram (1st offense)	Felony	7 years	\$ 25,000
Less than 1 kilogram (subsequent offense)	Felony	15 years	\$ 100,000

1 kilogram or more (first offense)	Felony	5* - 20 years	\$ 25,00 0
1 kilogram or more (subsequent offense)	Felony	10* - 25 years	\$ 100,0 00

Within 1,500 feet of an elementary/middle school, public housing project, or daycare center is punishable by an additional 3 years imprisonment.

By a person 18 years or older to a person under 18 is punishable by an additional 2 years imprisonment.

Distribution or cultivation includes possession with intent to distribute or cultivate marijuana.

* Mandatory minimum sentence

** Adults may legally cultivate marijuana beginning July 1, 2023.

Hash & Concentrates

Penalties for hashish are the same as for marijuana. Please see the marijuana penalties section for further details.

Paraphernalia

Distributing or possessing paraphernalia within 200 feet of an elementary/middle school is punishable by an additional 1 year of imprisonment.

Forfeiture

Any item used for the cultivation or distribution of marijuana is subject to forfeiture.

Penalty Details

Possession for Personal Use

[S.B. 1201](#) was signed into law on June 22, 2021. The personal use provisions of the law took effect on July 1, 2021. It permits adults 21 and older to possess up to 1.5 ounces of cannabis flowers or an equivalent amount of cannabis concentrates in public, and up to five ounces of marijuana in their private residence. The measure limits the discriminatory

actions that employers, hospitals, and others may take against those who test positive for past cannabis exposure. It also provides protections for parents and tenants who use cannabis in compliance with the law. The bill mandates that the odor of marijuana alone cannot be used as a basis for police to search an individual, and it prohibits jail time as a penalty for those under the age of 21 who are caught in possession of marijuana. Young adults (those ages 18 to 20) face civil penalties for marijuana possession. The use of cannabis in public remains subject to penalty.

Possession of up to 5 ounces in a locked container carries no penalty, no incarceration and no fine

Possession of more than 5 ounces is a civil infraction with a maximum fine of \$500 for a first offense. A second offense is a misdemeanor punishable by up to 3 months incarceration and a maximum fine of \$500.

Possession of 1.5 ounces in public is a misdemeanor punishable by up to one year incarceration and a maximum fine of \$2,000.

- Connecticut Gen. Stat. § 21a-279a(a)(d)(e)

Distribution or Cultivation

Distribution or cultivation includes possession with intent to distribute or cultivate marijuana.

S.B. 1201 was signed into law on June 22, 2021. Home cultivation is permitted under the law, but adults are not legally permitted to engage in this activity until July 1, 2023. At that time, an adult can grow up to six plants or 12 plants per household. Until then, home

cultivation remains prohibited and is punishable by civil fines. For home growing in CT prior to July 1, 2023, penalties for cultivating up to three mature and three immature plants are: (1) for a first offense, shall be issued a written warning, (2) for a second offense, shall be fined not more than \$500, and (3) for any subsequent offense, shall be guilty of a class D misdemeanor punishable by 30 days incarceration and a maximum fine of \$500.

For first offenders distribution or cultivation of less than 1 kilogram of marijuana is punishable by a fine of up to \$25,000 and/or up to 7 years of imprisonment. Subsequent offenses are punishable by a fine of up to \$100,000 and/or up to 15 years of imprisonment.

For first offenders distribution or cultivation of 1 kilogram or more of marijuana is punishable by 5-20 years of imprisonment. Subsequent offenses are punishable by up to 10-25 years of imprisonment. The court cannot reduce a sentence below the minimum years of prison time required by the statute, this means that first offenders face a minimum of 5 years imprisonment and subsequent offenders a minimum of 10 years imprisonment. The court may make exceptions to these mandatory minimum sentences if the defendant is under 18 or is/was mentally impaired.

Distribution or cultivation of marijuana within 1,500 feet of an elementary/middle school, public housing project, or daycare center is punishable by an additional 3 years imprisonment on top of any other sentence imposed.

Distribution of marijuana by a person 18 years or older to a person under 18 is punishable by an additional 2 years imprisonment, on top of any other sentence imposed. There is an exception to this rule if the distributor is less than 2 years older than the minor.

Using a person under 18 years of age to assist in the sale of marijuana is punishable by 3 years imprisonment, on top of any other sentence already imposed.

- Connecticut Gen. Stat. § 21a-278b(b)(c)(d)
- Connecticut Gen. Stat. § 21a-277(b)
- Connecticut Gen. Stat. § 21a-278(b)
- Connecticut Gen. Stat. § 21a-278a(a)(b)

Hash & Concentrates

S.B. 1201 was signed into law on June 22, 2021. The personal use provisions of the law took effect on July 1, 2021. It permits adults 21 and older to possess up to 1.5 ounces of cannabis flowers or an equivalent amount of cannabis concentrates in public.

The Connecticut statute uses the terms “Marijuana” and “Cannabis-type substance” to refer to plant Cannabis or any substance made from or with Cannabis, including hashish or concentrates. The terms are given the exact same definition in the statute. The term “Marijuana” is used to distinguish “Marijuana” from other hallucinogenic substances, whereas the term “Cannabis-type substance” is used to define penalties for possession of said substances. The penalties for all infractions involving hashish or marijuana concentrates are therefore the same as the penalties for all infractions involving plant marijuana.

- Connecticut Gen. Stat. §21a-240(7), (29)

Paraphernalia

Provisions do not detail any penalties for paraphernalia associated with cannabis.

Distributing or possessing paraphernalia within 200 feet of an elementary/middle school is punishable by an additional 1 year of imprisonment.

- Connecticut Gen. Stat. § 21a-267
- Connecticut Gen. Stat. § 21a-267(c)

Forfeiture

Any item used for the cultivation or distribution of marijuana is subject to forfeiture. This includes vehicles or aircraft that are used to transport marijuana for the purpose of distributing it.

- Connecticut Gen. Stat. 21a-246

Delaware Laws and Penalties

[Conditional Release](#)

[Drugged Driving](#)

[Legalization](#)

[Expungement](#)

[Mandatory Minimum Sentence](#)

[Medical Marijuana](#)

Offense	Penalty	Incarceration	Max. Fine

Possession

Up to 1 oz	No Penalty	None	\$0
1 oz - less than 175 g	Misdemeanor	3 months	\$ 575
175 – less than 1500 g (Tier 1)	Felony	2 years	N/A**
1500 – less than 5000 g (Tier 2)	Felony	5 years	N/A**
5000 g or more (Tier 3)	Felony	2* - 25 years	N/A**

Aggravating factors add increased incarceration

* Mandatory minimum sentence

** Maximum fines are at the discretion of the court for felony charges at sentencing.

Distribution, Sale, or Manufacture

Less than 1500 g (Tier 1)	Felony	8 years	N/A**
1500 – less than 5000 g (Tier 2)	Felony	15 years	N/A**
5000 g or more (Tier 3)	Felony	2* - 25 years	N/A**

Aggravating factors add increased incarceration

* Mandatory minimum sentence

** Maximum fines are at the discretion of the court for felony charges at sentencing.

Hash & Concentrates

Possession of up to 12 g of cannabis concentrates or products containing 750 mg of THC	No Penalty	None	\$0
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Penalties for hashish are the same as for marijuana. Please see the marijuana penalties section for further details.

Paraphernalia

Use or possession of paraphernalia for the use or possession of marijuana	No Penalty	None	\$0
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Deliver or possesses with the intent to deliver for the use of marijuana	No Penalty	None	\$0
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Forfeiture

All substances, raw materials, products, equipment, property, vehicles, research products, paraphernalia, money and other assets can be seized.

Last
Updated

April 24,
2023

Penalty Details

Under Delaware law marijuana is a schedule I drug. Legislation was approved in 2015 amending penalties for the possession of up to one ounce (28.35 grams) to a civil penalty, punishable by no more than a \$100 fine. In 2019, legislation was approved expanding decriminalization to also include low-level possession offenses by juvenile offenders. In 2023, legislation was enacted to remove the penalty for possession of up to one ounce of marijuana by adults aged 21 and over. The use of marijuana in public, or in a moving vehicle will remain a criminal offense.

Possession for Personal Use

Personal possession by adults aged 21 or older, of up to one ounce of marijuana is allowed by [HB 1](#), passed in April 2023. A person under the age of 21 who “knowingly or intentionally possesses, uses, or consumes a personal use quantity” marijuana must be assessed a \$100 civil penalty for a first offense.

Possession of more than one ounce, but less than 175 grams of marijuana is an unclassified misdemeanor carrying a fine of \$575. If there are one or more aggravating factors involved, possession is a class B misdemeanor.

Possession of 175 – less than 1,500 grams, Tier 1 Quantity, is a felony punishable by two years incarceration and fine at the discretion of the court.

Possession of 1,500 – less than 5,000 grams, Tier 2 Quantity, is a felony punishable by five years incarceration and fine at the discretion of the court.

Possession of 5,000 grams or more, Tier 3 Quantity, is a felony punishable by a mandatory minimum sentence of two years and up to 25 years incarceration, and fine at the discretion of the court.

Aggravating factors add increased incarceration.

- Delaware Code § 4205(2),(5),(7)
- Delaware Code § 4764(b),(c),(f)
- Delaware Code § 4751C(1),(2),(3)
- Delaware Code § 4756
- Delaware Code § 4753
- Delaware Code § 4752

Distribution, Sale, or Manufacture

Distribution, Sale, or Manufacture of less than 1,500 grams of marijuana, Tier 1 Quantity, is a felony punishable by eight years incarceration and fine at the discretion of the court.

Distribution, Sale, or Manufacture of 1,500 – less than 5,000 grams of marijuana, Tier 2 Quantity, is a felony punishable by 15 years incarceration and fine at the discretion of the court.

Distribution, Sale, or Manufacture of more than 5,000 grams of marijuana, Tier 3 Quantity, is a felony punishable by a mandatory minimum sentence of two years and up to 25 years incarceration, and fine at the discretion of the court.

Aggravating factors add increased incarceration.

- Delaware Code § 4754
- Delaware Code § 4753(a)(b)(1)
- Delaware Code § 4752

Hash & Concentrates

The Delaware statute uses the general term “Marijuana” to refer to plant Cannabis and “every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.” Nowhere does the statute differentiate penalties for Marijuana and Hashish or Concentrates. Both substances are classified under Schedule I of the Delaware Controlled Substances schedule. April 2023 legislation allowed for the possession of up to 12 grams of cannabis concentrate or cannabis products with up to 750 milligrams by adults aged 21 and over.

- Delaware Code § 4701(28)
- Delaware Code § 4714(d)(19)

Paraphernalia

April 2023 [legislation](#) removed penalties for the use and sale/delivery of paraphernalia items that are “used, or intended primarily for use, with marijuana.”

- Delaware Code § 4771(c)
- Delaware Code § 4774(a),(b),(c),(d)
- Delaware Code § 4764

Forfeitures

All substances, raw materials, products, equipment, property, vehicles, research products, paraphernalia, money and other assets can be seized.

- Delaware Code § 4784

Last Updated April 24, 2023

District of Columbia Laws and Penalties

[Conditional Release](#)

[Drugged Driving](#)

[Legalization](#)

[Medical Marijuana](#)

Offense	Penalty	Incarceration	Max. Fine
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Possession

2 oz or less*	None	None	\$ 0
6 plants or less*	None	None	\$ 0

Public use	Misdemeanor	Cite and release	\$ 0
More than 2 oz	Misdemeanor	6 months	\$ 1,000

*Initiative 71, which took effect on 2/26/15, permits adults 21 years of age or older to possess up to two ounces of marijuana in one's primary residence without penalty. Transfer without payment (but not sell) up to one ounce of marijuana to another person 21 years of age or older is also permitted. Provided that all persons residing within a single house or single rental unit may not grow more than twelve cannabis plants, with six or fewer being mature, flowering plants.

Sale, Distribution, Intent to Distribute, and Cultivation

6 plants or less*	None	None	\$ 0
1/2 lb or less(first offense)	Not Classified	6 months	\$ 1,000

Subsequent offense	Not Classified	2 years	\$ 5,000
Any amount	Not Classified	5 years	\$ 50,000

*Initiative 71, which took effect on 2/26/15, permits adults 21 years of age or older to cultivate no more than six plants (with three or fewer mature at any one time) in one's primary residence without penalty. Provided that all persons residing within a single house or single rental unit may not grow more than twelve cannabis plants, with six or fewer being mature, flowering plants.

Involving a minor by a person over 21 brings additional penalty and/or fine.

Within 1000 feet of an appropriately identified public or private day care center, elementary school, vocational school, secondary school, junior college, college, or university, or any public swimming pool, playground, video arcade, youth center, or public library, or in and around public housing may bring a doubled penalty.

Hash & Concentrates

Possession	N/A	180 days	\$ 1,000
Manufacture	N/A	5 years	\$ 50,000

Paraphernalia

Possession or sale of paraphernalia 21 years and up	None	None	\$ 0
Possession of paraphernalia under 21 years	None	30 days	\$ 100
Sale of paraphernalia	None	6 months	\$ 1,000
Sale of paraphernalia subsequent offense	None	2 years	\$ 5,000

Forfeiture

All substances, raw materials, products, equipment, property, vehicles, research products, paraphernalia, money and other assets can be seized.

Penalty Details

Possession

Adults 21 years of age or older may possess up to two ounces of marijuana and cultivate no more than six plants (with three or fewer mature at any one time) in their primary residence without penalty. Transfer without payment (but not sell) up to one ounce of marijuana to another person 21 years of age or older is also permitted.

- Ballot Initiative 71 [Web Search](#)

Public use of marijuana is a misdemeanor but will generally be handled through a cite and release procedure.

Unless marijuana was obtained through a doctor's recommendation, intentional or knowing possession of more than two ounces of marijuana is a misdemeanor with a penalty of incarceration of up to 6 months and a fine of not more than \$1,000.

For a first offense: the court may, without entering a judgment of guilty and with the consent of such person, defer further proceedings and place him or her on probation upon such reasonable conditions as it may require and for such period, not to exceed one year, as the court may prescribe. This action does not qualify as a conviction.

- D.C. Code § 48-904.01 [Web Search](#)

Sale, Distribution, Intent to Distribute, and Cultivation

Adults 21 and older may cultivate up to six marijuana plants (no more than three mature at any one time) in their primary residence without penalty. Not-for-profit transactions involving small amounts of the substance are also permitted.

- Ballot Initiative 71 [Web Search](#)

An offender who been convicted of distribution, manufacture, or possession with intent to distribute may be imprisoned for not more than 5 years, fined not more than \$50,000, or both. For a first conviction, and offender with no prior convictions for distribution, manufacture, or possession with intent to distribute, and who was caught with ½ pounds or less of marijuana, may be imprisoned for not more than 6 months or fined not more than \$1000 or both.

For a first offense: the court may, without entering a judgment of guilty and with the consent of such person, defer further proceedings and place him or her on probation upon such reasonable conditions as it may require and for such period, not to exceed one year, as the court may prescribe.

- D.C. Code § 48-904.01 [Web Search](#)

Distribution to a minor by a person over 21 brings a doubled penalty.

- § 48-904.06 (b) [Web Search](#)

The enlistment of a minor to distribute a controlled substance by one who is over 21 can be punished with up to 10 years in prison and a \$10,000 fine. For a second offense, an offender can be imprisoned for no longer than 20 years and fined not more than \$20,000.

- D.C. Code §48-904.07 (b) [Web Search](#)

Distributing or possessing with the intent to distribute within 1000 feet of an appropriately identified public or private day care center, elementary school, vocational school, secondary school, junior college, college, or university, or any public swimming pool, playground, video arcade, youth center, or public library, or in and around public housing may bring a doubled penalty.

- D.C. Code §48-904.07a [Web Search](#)

If a violation occurs after the person has been convicted the person shall be imprisoned for not more than 2 years, or fined not more than \$5,000, or both.

- Ballot Initiative 71 [Web Search](#)

Hash & Concentrates

Hashish is a Schedule II drug in Washington D.C.

- D.C. Code § 48-902.06(F) [Web Search](#)

Possession of hashish is punishable upon conviction with imprisonment for not more than 180 days and a fine of not more than \$1,000.

- D.C. Code § 48-904.01(d)(1) [Web Search](#)

Manufacturing or selling hashish is punishable, upon conviction, with imprisonment for not more than 5 years and a fine of not more than \$50,000.

- D.C. Code § 48-904.01(a) [Web Search](#)

Conditional Release for 1st time offenders is available, and record expungement occurs, by request, after successful completion of the program.

- D.C. Code § 48-904.01(e)(1) [Web Search](#)

Hash pipes, sifters, and bubble bags are paraphernalia in Washington D.C., and conviction for possession of such will lead to imprisonment for not more than 30 days and a fine for not more than \$100.

- D.C. Code § 48-1101(3) [Web Search](#)
- D.C. Code § 48-1103(a) [Web Search](#)

Paraphernalia

Paraphernalia possession or sale, for any person 21 years of age or older, is permitted for the use, growing, or processing of marijuana or cannabis. Any person in violation of possession laws shall be imprisoned for not more than 30 days or fined for not more than \$100, or both. Any person in violation of selling laws shall be imprisoned for not more than 6 months or fined for not more than \$1,000, or both. For a subsequent violation a person shall be imprisoned for not more than 2 years, or fined not more than \$5,000, or both.

- Ballot Initiative 71 [Web Search](#)

Forfeiture

The following are subject to forfeiture:

1. All controlled substances which have been manufactured, distributed, dispensed, or acquired in violation of this chapter;
 2. All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, or delivering any controlled substance in violation of this chapter;
 3. All property which is used, or intended for use, as a container for said controlled substances;
 4. All conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of said controlled substances;
 5. All books, records, and research products and materials, including formulas, microfilm, tapes, and data, which are used, or intended for use, in violation of drug laws;
 6. All cash or currency which has been used, or intended for use, in violation of drug laws;
 7. Everything of value furnished or intended to be furnished in exchange for a controlled substance ; and
 8. Any real property that is used or intended to be used in any manner to commit or facilitate the commission of a violation of drug laws.
- D.C. Code §48-905.02 [Web Search](#)

Florida Laws and Penalties

- Drugged Driving
- Local Decriminalization
- Low THC
- Mandatory Minimum Sentence
- Medical Marijuana

Offense	Penalty	Incarceration	Max. Fine
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Possession

20 grams or less	Misdemeanor	1 year	\$ 1,000
More than 20 grams - 25 lbs	Felony	5 years	\$ 5,000
More than 25 – less than 2000 lbs	Felony	3* - 15 years	\$ 25,000

2000 – less than 10,000 lbs	Felony	7* - 30 years	\$ 50,0 00
10,000 lbs or more	Felony	15* - 30 years	\$ 200, 000
Less than 25 plants	Felony	5 years	\$ 5,00 0
25 - 300 plants	Felony	15 years	\$ 10,0 00
300 - 2,000 plants	Felony	3* - 15 years	\$ 25,0 00
2000 - 10,000 plants	Felony	7* - 30 years	\$ 50,0 00
10,000 plants or more	Felony	15* - 30 years	\$ 50,0 00

Within 1000 feet of a school, college, park, or other specified areas	Felony	3* - 15 years	\$ 10,000
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* Mandatory minimum sentence

Sale

20 grams or less without remuneration	Misdemeanor	1 year	\$ 1,000
25 lbs or less	Felony	5 years	\$ 5,000
More than 25 – less than 2000 lbs (or 300 - 2,000 plants)	Felony	3* - 15 years	\$ 25,000
2000 – less than 10,000 lbs (or 2000 - 10,000 plants)	Felony	7* - 30 years	\$ 50,000
10,000 lbs or more	Felony	15* - 30 years	\$ 200,000

Within 1000 feet of a school, college, park, or other specified areas	Felony	3* - 15 years	\$ 10,000
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* Mandatory minimum sentence

Hash & Concentrates

Possession of hashish or concentrates	Felony	5 years	\$ 5,000
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Selling, manufacturing or delivering	Felony	5 years	\$ 5,000
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Selling, manufacturing or delivering within 1,000 ft of a school or child care facility.	Felony	15 years	\$ 10,000
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Paraphernalia

Possession of paraphernalia	Misdemeanor	1 year	\$ 1,000
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Penalty Details

Possession

Possession of 20 grams or less of cannabis is a misdemeanor punishable by a maximum sentence of 1 year imprisonment and a maximum fine of \$1,000.

Possession of more than 20 grams and up to 25 pounds of cannabis is a felony punishable by a maximum sentence of 5 years imprisonment and a maximum fine of \$5,000.

Possession of more than 25 pounds and up to 2,000 pounds of cannabis (or 300-2,000 plants) is a felony punishable by a mandatory minimum sentence of 3 years imprisonment and a maximum sentence of 15 years imprisonment and a maximum fine of \$25,000.

Possession of 2,000 pounds and up to 10,000 pounds of cannabis (or 2,000-10,000 plants) is a felony punishable by a mandatory minimum sentence of 7 years and a maximum sentence of 30 years imprisonment as well as a maximum fine of \$50,000.

Possession of 10,000 pounds of cannabis or more is a felony punishable by a mandatory minimum sentence of 15 years imprisonment and a maximum sentence of 30 years imprisonment as well as a maximum fine of \$200,000.

Sale or delivery within 1,000 feet of a school, college, park, or other specified areas is a felony punishable by a mandatory minimum sentence of 3 years and up to 15 years imprisonment and a maximum fine of \$10,000.

- Florida Criminal Code § 893.13(h)(3)

- Florida Criminal Code § 893.135(1)(a)(1)(2)(3)

Sale/Delivery

The delivery of 20 grams or less without remuneration is a misdemeanor punishable by a maximum sentence of 1-year imprisonment and a maximum fine of \$1,000.

The sale of more than 20 grams and up to 25 pounds of cannabis is a felony punishable by a maximum sentence of 5 years imprisonment and a maximum fine of \$5,000.

The sale of more than 25 pounds and up to 2,000 pounds of cannabis (or 300-2,000 plants) is a felony punishable by a mandatory minimum sentence of 3 years imprisonment and a maximum sentence of 15 years imprisonment and a maximum fine of \$25,000.

The sale of more than 2,000 pounds and up to 10,000 pounds of cannabis (or 2,000-10,000 plants) is a felony punishable by a mandatory minimum sentence of 7 years and a maximum sentence of 30 years imprisonment as well as a maximum fine of \$50,000.

The sale of 10,000 pounds or more of cannabis is a felony punishable by a mandatory minimum sentence of 15 years imprisonment and a maximum sentence of 30 years imprisonment as well as a maximum fine of \$200,000.

Sale or delivery of cannabis within 1,000 feet of a school, college, park, or other specified areas is a felony punishable by a maximum sentence of 15 years imprisonment and a maximum fine of \$10,000.

- Florida Criminal Code § 893.13(h)(3)
- Florida Criminal Code § 893.135(1)(a)(1)(2)(3)

- Florida Criminal Code § 893.13(c)

Hash & Concentrates

Possession of hashish or concentrates is a felony punishable by a term of imprisonment no greater than 5 years and a fine no greater than \$5,000.

Selling, manufacturing, delivering, or possessing with intent to sell, manufacture or deliver, hashish or concentrates is a felony punishable by a term of imprisonment no greater than 5 years and a fine no greater than \$5,000. If this occurs within 1,000 feet of a school, child care facility, etc., it is punishable by 15 years incarceration and a maximum fine of \$10,000.

- Florida Criminal Code § 893.13

Paraphernalia

Possession of drug paraphernalia is a misdemeanor punishable by a maximum sentence of one 1-year imprisonment and a maximum fine of \$1,000.

- Florida Criminal Code § 893.147

Georgia Laws and Penalties

[Conditional Release](#)

[Drugged Driving](#)

[Local Decriminalization](#)

[Low THC](#)

[Mandatory Minimum Sentence](#)

Tax Stamps

Offense	Penalty	Incarceration	Max. Fine
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Possession

Personal Use

1 oz or less	Misdemeanor	1 year	\$ 1,000
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More than 1 oz	Felony	1* - 10 years	\$ 5,000
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With intent to distribute

10 lbs or less	Felony	1* - 10 years	\$ 5,000
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10 - 2000 lbs	Felony	5* - 30 years	\$ 100, 000
2000 - 10,000 lbs	Felony	7* - 30 years	\$ 250, 000
More than 10,000 lbs	Felony	15* - 30 years	\$ 1,00 0,000
Within 1,000 feet of school grounds, a park, or a housing project, or in a drug free zone	Felony	5* - 40 years	\$ 40,0 00

*Mandatory Minimum Sentence

Sale or Delivery

10 lbs or less	Felony	1* - 10 years	\$ 5,00 0
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10 - 2000 lbs	Felony	5* - 30 years	\$ 100, 000
2000 - 10,000 lbs	Felony	7* - 30 years	\$ 250, 000
More than 10,000 lbs	Felony	15* - 30 years	\$ 1,00 0,000
Within 1,000 feet of school grounds, a park, or a housing project, or in a drug free zone	Felony	5* - 40 years	\$ 40,0 00

*Mandatory Minimum Sentence

Cultivation

10 lbs or less	Felony	1* - 10 years	\$ 5,00 0
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10 - 2000 lbs	Felony	5* - 30 years	\$ 100, 000
2000 - 10,000 lbs	Felony	7* - 30 years	\$ 250, 000
More than 10,000 lbs	Felony	15* - 30 years	\$ 1,00 0,000
Within 1,000 feet of school grounds, a park, or a housing project, or in a drug free zone	Felony	5* - 40 years	\$ 40,0 00

*Mandatory Minimum Sentence

Hash & Concentrates

Possession of less than 1 g (solid substance) or less than 1 ml (liquid substance)	Felony	1* - 3 years	\$ 5,00 0
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Possession of 1 g – less than 4 g (solid substance) or 1 ml - less than 4 ml (liquid substance)	Felony	1* - 8 years	\$ 5,000
Possession of 4 g - less than 28 g (solid substance)	Felony	1* - 15 years	\$ 5,000
or 4 ml - less than 28 ml (liquid substance)			
Manufacturing, distributing, selling, or possessing with the intent to distribute	Felony	5* - 40 years	\$ 5,000

*Mandatory Minimum Sentence

Subsequent offenses carry stricter penalties.

Paraphernalia

Possession or sale of paraphernalia	misdemeanor	1 year	\$ 1,000
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Second and third offenses carry additional penalties and fines.

Forfeiture

Vehicles and other property may be seized.

Engaging Minors

Hire, solicit, engage, or use an individual under 17 years for manufacturing, distributing, or dispensing marijuana, on behalf of the solicitor.	Felony	5* - 20 years	\$ 20,000
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*Mandatory Minimum Sentence

Penalty Details

Possession for Personal Use

Possession of one ounce or less of marijuana is a misdemeanor punishable by up to one year imprisonment and/or a fine up to \$1,000, or public works for up to 12 months.

Possession of over an ounce is a felony punishable by a minimum of one year and maximum of 10 years imprisonment.

Possession with Intent to Distribute

Possession with intent to distribute 10 pounds or less of marijuana is a felony punishable by a minimum of one and maximum of 10 years imprisonment. Possession of over 10 pounds but less than 2,000 pounds is punishable by a minimum of five years and maximum of 30 years imprisonment and a fine of \$100,000. Possession of 2,000 pounds or more but less than 10,000 pounds is punishable by a minimum of seven years and maximum of 30 years imprisonment and a fine of \$250,000. Possession of 10,000 pounds or more is punishable by a minimum of 15 years and maximum of 30 years imprisonment and a fine of \$1,000,000.

Possession with intent to distribute within 1,000 feet of school grounds, a park, or a housing project, or in a drug free zone is a felony punishable by up to 20 years imprisonment and/or a fine up to \$20,000 for a first offense. A second or subsequent offense is punishable by a minimum of 5 years and maximum of 40 years imprisonment and/or a fine up to \$40,000. It is an affirmative defense that the conduct took place entirely within a private residence, no one 17 years old or younger was present, and the conduct was not committed for financial gain.

- O.C.G.A. § 16-13-2(b)
- O.C.G.A. § 16-13-30(j)
- O.C.G.A. § 16-13-31(c), (h)
- O.C.G.A. § 16-13-32.4-32.6

Sale/Delivery

Sale or delivery of 10 pounds or less of marijuana is a felony punishable by a minimum of one and maximum of 10 years imprisonment. Sale or delivery of over 10 pounds but less than 2,000 pounds is punishable by a minimum of five years and maximum of 30 years imprisonment and a fine of \$100,000. Sale or delivery of 2,000 pounds or more but less than 10,000 pounds is punishable by a minimum of seven years and maximum of 30 years imprisonment and a fine of \$250,000. Sale or delivery of 10,000 pounds or more is punishable by a minimum of 15 years and maximum of 30 years imprisonment and a fine of \$1,000,000.

Sale or delivery within 1,000 feet of school grounds, a park, or a housing project, or in a drug free zone is a felony punishable by up to 20 years imprisonment and/or a fine up to \$20,000 for a first offense. A second or subsequent offense is punishable by a minimum of 5 years and maximum of 40 years imprisonment and/or a fine up to \$40,000. It is an affirmative defense that the conduct took place entirely within a private residence, no one 17 years old or younger was present, and the conduct was not committed for financial gain.

- O.C.G.A. § 16-13-30(j)
- O.C.G.A. § 16-13-31(c), (h)
- O.C.G.A. § 16-13-32.4-32.6

Cultivation

Cultivation of 10 pounds or less of marijuana is a felony punishable by a minimum of one and maximum of 10 years imprisonment. Cultivation of over 10 pounds but less than 2,000 pounds is punishable by a minimum of five years and maximum of 30 years imprisonment and a fine of \$100,000. Cultivation of 2,000 pounds or more but less than 10,000 pounds is punishable by a minimum of seven years and maximum of 30 years imprisonment and a fine of \$250,000. Cultivation of 10,000 pounds or more is punishable by a minimum of 15 years and maximum of 30 years imprisonment and a fine of \$1,000,000.

Cultivation within 1,000 feet of school grounds, a park, or a housing project, or in a drug free zone is a felony punishable by up to 20 years imprisonment and/or a fine up to \$20,000 for a first offense. A second or subsequent offense is punishable by a minimum of five years and maximum of 40 years imprisonment and/or a fine up to \$40,000. It is an affirmative defense that the conduct took place entirely within a private residence, no one 17 years old or younger was present, and the conduct was not committed for financial gain.

- O.C.G.A. § 16-13-30(j)
- O.C.G.A. § 16-13-31(c), (h)
- O.C.G.A. § 16-13-32.4-32.6

Hash & Concentrates

Possessing less than one gram of a solid substance, less than one milliliter of a liquid substance or placed onto a secondary medium with a combined weight of less than one gram is a felony, punishable by imprisonment of not less than one year nor more than three years. Possessing one gram but less than four grams of a solid substance, one milliliter but less than four milliliters of a liquid substance or if placed onto a secondary medium with a combined weight of one gram but less than four grams is a felony, punishable by imprisonment of not less than one year nor more than eight years. Possessing four grams but less than 28 grams of a solid substance, four milliliters but less than 28 milliliters of a liquid substance, or if placed onto a secondary medium with a combined weight of four grams but less than 28 grams is a felony punishable by imprisonment of not less than one year nor more than 15 years.

Manufacturing, distributing, selling, or possessing hashish or concentrates with the intent to distribute is a felony, which is punishable by imprisonment for not less than five years nor more than 30 years. Upon conviction of a second or subsequent offense, the violator shall be imprisoned for not less than 10 years nor more than 40 years or life imprisonment.

Manufacturing, distributing, or possessing with intent to deliver hashish or concentrates within 1,000 ft. of a school, housing project, public park, or commercial drug-free zone is a felony, punishable by imprisonment for not more than 20 years or a fine of not more than \$20,000.00, or both. Subsequent offenses bring enhanced penalties.

- O.C.G.A. § 16-13-30(c)(d)

Paraphernalia

Possession of paraphernalia is a misdemeanor punishable by up to one year imprisonment and/or a fine up to \$1,000.

- O.C.G.A. § 16-13-32.2

Forfeiture

Vehicles and other property may be seized for controlled substance violations.

- O.C.G.A. § 16-13-49

Engaging Minors

Hire, solicit, engage, or use an individual under 17 years for manufacturing, distributing, or dispensing, on behalf of the solicitor, any controlled substance, counterfeit substance, or marijuana is a felony punishable by a minimum of five years and maximum of 20 years imprisonment and/or a fine up to \$20,000.

- O.C.G.A. § 16-13-30(k)

Georgia Laws and Penalties

- Conditional Release
- Drugged Driving
- Local Decriminalization
- Low THC
- Mandatory Minimum Sentence
- Tax Stamps

Offense	Penalty	Incarcera tion	Max. Fine
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Possession

Personal Use			
1 oz or less	Misdemeanor	1 year	\$ 1,000
More than 1 oz	Felony	1* - 10 years	\$ 5,000

With intent to distribute

10 lbs or less	Felony	1* - 10 years	\$ 5,00 0
10 - 2000 lbs	Felony	5* - 30 years	\$ 100, 000
2000 - 10,000 lbs	Felony	7* - 30 years	\$ 250, 000
More than 10,000 lbs	Felony	15* - 30 years	\$ 1,00 0,000
Within 1,000 feet of school grounds, a park, or a housing project, or in a drug free zone	Felony	5* - 40 years	\$ 40,0 00

*Mandatory Minimum Sentence

Sale or Delivery

10 lbs or less	Felony	1* - 10 years	\$ 5,000
10 - 2000 lbs	Felony	5* - 30 years	\$ 100,000
2000 - 10,000 lbs	Felony	7* - 30 years	\$ 250,000
More than 10,000 lbs	Felony	15* - 30 years	\$ 1,000,000
Within 1,000 feet of school grounds, a park, or a housing project, or in a drug free zone	Felony	5* - 40 years	\$ 40,000

*Mandatory Minimum Sentence

Cultivation

10 lbs or less	Felony	1* - 10 years	\$ 5,000
10 - 2000 lbs	Felony	5* - 30 years	\$ 100,000
2000 - 10,000 lbs	Felony	7* - 30 years	\$ 250,000
More than 10,000 lbs	Felony	15* - 30 years	\$ 1,000,000
Within 1,000 feet of school grounds, a park, or a housing project, or in a drug free zone	Felony	5* - 40 years	\$ 40,000

*Mandatory Minimum Sentence

Hash & Concentrates

Possession of less than 1 g (solid substance) or less than 1 ml (liquid substance)	Felony	1* - 3 years	\$ 5,000
Possession of 1 g – less than 4 g (solid substance) or 1 ml - less than 4 ml (liquid substance)	Felony	1* - 8 years	\$ 5,000
Possession of 4 g - less than 28 g (solid substance) or 4 ml - less than 28 ml (liquid substance)	Felony	1* - 15 years	\$ 5,000
Manufacturing, distributing, selling, or possessing with the intent to distribute	Felony	5* - 40 years	\$ 5,000

*Mandatory Minimum Sentence

Subsequent offenses carry stricter penalties.

Paraphernalia

Possession or sale of paraphernalia	misdemeanor	1 year	\$ 1,000
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Second and third offenses carry additional penalties and fines.

Forfeiture

Vehicles and other property may be seized.

Engaging Minors

Hire, solicit, engage, or use an individual under 17 years for manufacturing, distributing, or dispensing marijuana, on behalf of the solicitor.	Felony	5* - 20 years	\$ 20,000
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*Mandatory Minimum Sentence

Penalty Details

Possession for Personal Use

Possession of one ounce or less of marijuana is a misdemeanor punishable by up to one year imprisonment and/or a fine up to \$1,000, or public works for up to 12 months.

Possession of over an ounce is a felony punishable by a minimum of one year and maximum of 10 years imprisonment.

Possession with Intent to Distribute

Possession with intent to distribute 10 pounds or less of marijuana is a felony punishable by a minimum of one and maximum of 10 years imprisonment. Possession of over 10 pounds but less than 2,000 pounds is punishable by a minimum of five years and maximum of 30 years imprisonment and a fine of \$100,000. Possession of 2,000 pounds or more but less than 10,000 pounds is punishable by a minimum of seven years and maximum of 30 years imprisonment and a fine of \$250,000. Possession of 10,000 pounds or more is punishable by a minimum of 15 years and maximum of 30 years imprisonment and a fine of \$1,000,000.

Possession with intent to distribute within 1,000 feet of school grounds, a park, or a housing project, or in a drug free zone is a felony punishable by up to 20 years imprisonment and/or a fine up to \$20,000 for a first offense. A second or subsequent offense is punishable by a minimum of 5 years and maximum of 40 years imprisonment and/or a fine up to \$40,000. It is an affirmative defense that the conduct took place entirely within a private residence, no one 17 years old or younger was present, and the conduct was not committed for financial gain.

- O.C.G.A. § 16-13-2(b)
- O.C.G.A. § 16-13-30(j)
- O.C.G.A. § 16-13-31(c), (h)
- O.C.G.A. § 16-13-32.4-32.6

Sale/Delivery

Sale or delivery of 10 pounds or less of marijuana is a felony punishable by a minimum of one and maximum of 10 years imprisonment. Sale or delivery of over 10 pounds but less than 2,000 pounds is punishable by a minimum of five years and maximum of 30 years imprisonment and a fine of \$100,000. Sale or delivery of 2,000 pounds or more but less than 10,000 pounds is punishable by a minimum of seven years and maximum of 30 years imprisonment and a fine of \$250,000. Sale or delivery of 10,000 pounds or more is punishable by a minimum of 15 years and maximum of 30 years imprisonment and a fine of \$1,000,000.

Sale or delivery within 1,000 feet of school grounds, a park, or a housing project, or in a drug free zone is a felony punishable by up to 20 years imprisonment and/or a fine up to \$20,000 for a first offense. A second or subsequent offense is punishable by a minimum of 5 years and maximum of 40 years imprisonment and/or a fine up to \$40,000. It is an affirmative defense that the conduct took place entirely within a private residence, no one 17 years old or younger was present, and the conduct was not committed for financial gain.

- O.C.G.A. § 16-13-30(j)
- O.C.G.A. § 16-13-31(c), (h)
- O.C.G.A. § 16-13-32.4-32.6

Cultivation

Cultivation of 10 pounds or less of marijuana is a felony punishable by a minimum of one and maximum of 10 years imprisonment. Cultivation of over 10 pounds but less than 2,000 pounds is punishable by a minimum of five years and maximum of 30 years imprisonment and a fine of \$100,000. Cultivation of 2,000 pounds or more but less than 10,000 pounds is punishable by a minimum of seven years and maximum of 30 years imprisonment and a fine of \$250,000. Cultivation of 10,000 pounds or more is punishable by a minimum of 15 years and maximum of 30 years imprisonment and a fine of \$1,000,000.

Cultivation within 1,000 feet of school grounds, a park, or a housing project, or in a drug free zone is a felony punishable by up to 20 years imprisonment and/or a fine up to \$20,000 for a first offense. A second or subsequent offense is punishable by a minimum of five years and maximum of 40 years imprisonment and/or a fine up to \$40,000. It is an affirmative defense that the conduct took place entirely within a private residence, no one 17 years old or younger was present, and the conduct was not committed for financial gain.

- O.C.G.A. § 16-13-30(j)
- O.C.G.A. § 16-13-31(c), (h)
- O.C.G.A. § 16-13-32.4-32.6

Hash & Concentrates

Possessing less than one gram of a solid substance, less than one milliliter of a liquid substance or placed onto a secondary medium with a combined weight of less than one gram is a felony, punishable by imprisonment of not less than one year nor more than three years. Possessing one gram but less than four grams of a solid substance, one milliliter but less than four milliliters of a liquid substance or if placed onto a secondary medium with a combined weight of one gram but less than four grams is a felony, punishable by imprisonment of not less than one year nor more than eight years. Possessing four grams but less than 28 grams of a solid substance, four milliliters but less than 28 milliliters of a liquid substance, or if placed onto a secondary medium with a combined weight of four

grams but less than 28 grams is a felony punishable by imprisonment of not less than one year nor more than 15 years.

Manufacturing, distributing, selling, or possessing hashish or concentrates with the intent to distribute is a felony, which is punishable by imprisonment for not less than five years nor more than 30 years. Upon conviction of a second or subsequent offense, the violator shall be imprisoned for not less than 10 years nor more than 40 years or life imprisonment.

Manufacturing, distributing, or possessing with intent to deliver hashish or concentrates within 1,000 ft. of a school, housing project, public park, or commercial drug-free zone is a felony, punishable by imprisonment for not more than 20 years or a fine of not more than \$20,000.00, or both. Subsequent offenses bring enhanced penalties.

- O.C.G.A. § 16-13-30(c)(d)

Paraphernalia

Possession of paraphernalia is a misdemeanor punishable by up to one year imprisonment and/or a fine up to \$1,000.

- O.C.G.A. § 16-13-32.2

Forfeiture

Vehicles and other property may be seized for controlled substance violations.

- O.C.G.A. § 16-13-49

Engaging Minors

Hire, solicit, engage, or use an individual under 17 years for manufacturing, distributing, or dispensing, on behalf of the solicitor, any controlled substance, counterfeit substance, or marijuana is a felony punishable by a minimum of five years and maximum of 20 years imprisonment and/or a fine up to \$20,000.

- O.C.G.A. § 16-13-30(k)

Hawaii Laws and Penalties

- Conditional Release
- Decriminalization
- Drugged Driving
- Medical Marijuana

Offense	Penalty	Incarceration	Max. Fine

Possession

Personal Use			
Up to 3 grams	Violation	None	\$ 130

More than 3 grams - less than 1 oz	Petty Misdemeanor	30 days	\$ 1,000
1 oz - 1 lb	Misdemeanor	1 year	\$ 2,000
1 lb or more	Felony	5 years	\$ 10,000

Commercial Promotion

1 - 2 lbs	Felony	5 years	\$ 10,000
2 - less than 25 lbs	Felony	10 years	\$ 25,000
25 lbs or more	Felony	20 years	\$ 50,000

Within 750 feet of school grounds or a park, or on or within 10 feet of a parked school vehicle	Felony	5 years	\$ 10,000
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Sale or Delivery

Less than 1 oz	Misdemeanor	1 year	\$ 2,000
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1 oz - 1 lb	Felony	5 years	\$ 10,000
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1 - less than 5 lbs	Felony	10 years	\$ 25,000
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5 lbs or more	Felony	20 years	\$ 50,000
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Within 750 feet of school grounds or a park, or on or within 10 feet of a parked school vehicle	Felony	5 years	\$ 10,000
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Cultivation

25 - 50 plants	Felony	5 years	\$ 10,000
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50 - less than 100 plants	Felony	10 years	\$ 25,000
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100 plants or more	Felony	20 years	\$ 50,000
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Less than 25 plants on another's property	Felony	10 years	\$ 25,000
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25 plants or more on another's property	Felony	20 years	\$ 50,000
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In a structure where a minor under 16 years is present carries additional penalty

Paraphernalia

Use, possession or sale of paraphernalia	Violation	None	\$ 500
Advertising in publication to promote sale	Felony	5 years	\$ 10,000
Delivery to a minor at least 3 years junior	Felony	10 years	\$ 25,000

Forfeiture

Vehicles and other property may be seized.

Hash & Concentrates

Possession

Less than 1/8 oz	Misdemeanor	1 year	\$ 2,000
1/8 - less than 1 oz	Felony	10 years	\$ 25,000
1 oz or more	Felony	20 years	\$ 50,000

Distribution

Less than 1/8 oz	Felony	10 years	\$ 25,000
1/8 oz or more	Felony	20 years	\$ 50,000
Any amount to a minor	Felony	20 years	\$ 50,000

Miscellaneous

Promoting through a minor	Felony	10 years	\$ 25,0 00
Within school grounds, school vehicles, or a public park	Felony	20 years	\$ 50,0 00

Discovery of marijuana in a vehicle may result in each occupant being charged with possession.

Penalty Details

Possession for Personal Use

Possession of three grams or less of marijuana is a violation punishable by a fine of \$130.

HI's Measure 1383 became law on July 9, 2019 absent the Governor's signature. The law took effect on January 11, 2020.

Possession of more than three grams but less than one ounce of marijuana is a petty misdemeanor punishable by up to 30 days imprisonment and/or a fine of \$1,000.

Possession of one ounce or more but less than one pound is a misdemeanor punishable by up to one year imprisonment and/or a \$2,000 fine. Possession of one pound or more, of marijuana is a felony punishable by up to five years imprisonment and/or a fine of up to \$10,000.

Discovery of marijuana in a vehicle may result in each occupant being charged with possession unless the marijuana was found on an occupant's person or was in a compartment accessible only by occupants of that seat.

- Hawaii Rev. Stat. § 712-1249
- Hawaii Rev. Stat. § 712-1248
- Hawaii Rev. Stat. § 712-1247

Possession with Intent to Distribute

Possession of one pound or more but less than two pounds is a felony punishable by up to five years in prison and/or \$10,000 fine. Possession of two pounds or more but less than 25 pounds is a felony punishable by up to 10 years in prison and/or \$25,000 fine. Possession of 25 pounds or more is a felony punishable by 20 years in prison and/or \$50,000 fine.

Possession with intent to distribute any amount of marijuana within 750 feet of school grounds or a park, or on or within 10 feet of a parked school vehicle is a class C felony punishable by up to five years in prison and/or \$10,000 fine.

- Hawaii Rev. Stat. § 712-1247
- Hawaii Rev. Stat. § 712-1249.5
- Hawaii Rev. Stat. § 712-1249.4
- Hawaii Rev. Stat. § 712-1249.6

Sale/Delivery

Distribution of less than one ounce of marijuana is a misdemeanor punishable by up to one year imprisonment and/or a \$2,000 fine. Distribution of one ounce or more but less than one pound is a felony punishable by up to five years in prison and/or \$10,000 fine.

Distribution of one pound or more but less than five pounds is a felony punishable by 10 years in prison and a \$25,000 fine. Distribution of five pounds or more of marijuana is a felony punishable by 20 years in prison and a \$50,000 fine.

Distribution any amount of marijuana within 750 feet of school grounds or a park, or on or within 10 feet of a parked school vehicle is a class C felony punishable by up to five years in prison and/or \$10,000 fine.

- Hawaii Rev. Stat. § 712-1247
- Hawaii Rev. Stat. § 712-1249.5
- Hawaii Rev. Stat. § 712-1249.4
- Hawaii Rev. Stat. § 712-1249.6

Cultivation

Cultivation of 25 or more but less than 50 marijuana plants is a felony punishable by up to five years in prison and/or \$10,000 fine. Cultivation of 50 or more but less than 100 plants is a felony punishable by 10 years in prison and/or \$25,000 fine. Cultivation of 100 or more marijuana plants is a felony punishable by 20 years in prison and/or \$50,000 fine.

Cultivation of less than 25 marijuana plants on another's property without their permission is a felony punishable by 10 years in prison and/or \$25,000 fine. Cultivation of 25 or more plants on another's property without their permission is a felony punishable by 20 years in prison and/or \$50,000 fine.

Cultivation in a structure where the individual knows a person under the age of 16 years old is present results in an additional two years imprisonment on top of the sentence for cultivation. However, if the cultivation occurred in a structure where an individual 18 years

old or younger was present and the cultivation causes substantial bodily injury to the minor, then the additional imprisonment will be a term of five years.

- Hawaii Rev. Stat. § 712-1247
- Hawaii Rev. Stat. § 712-1249.5
- Hawaii Rev. Stat. § 712-1249.4

Hash & Concentrates

Possession of less than 1/8 ounce of marijuana concentrates is a misdemeanor punishable by one year incarceration and a maximum fine of \$2,000.

Possession of more than 1/8 ounce of concentrates, but less than one ounce is a felony punishable by 10 years incarceration and a maximum fine of \$25,000.

Possession of one ounce or more is a felony punishable by 20 years incarceration and a maximum fine of \$50,000.

Paraphernalia

Use or possession of paraphernalia is a violation punishable by maximum fine of \$500.

Delivery of paraphernalia by a person 18 years or older to a minor at least three years their junior is a felony punishable by up to 10 years imprisonment and/or a \$25,000 fine.

Advertising in publication to promote sale is a felony punishable by up to five years in prison and/or a \$10,000 fine.

- Hawaii Rev. Stat. § 329-43.5(a)-(b)
- Hawaii Rev. Stat. § 329-43.5(c)
- Hawaii Rev. Stat. § 329-43.5(d)

Idaho Laws and Penalties

- Drugged Driving
- Mandatory Minimum Sentence
- Tax Stamps

Offense	Penalty	Incarcerat ion	Max. Fine
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Possession

Personal Use			
3 oz or less	Misdeme anor	1 year	\$ 1,000
3 oz - less than 1 lb	Felony	5 years	\$ 10,000

With intent to distribute

1 - less than 5 lbs or 25 - less than 50 plants	Felony	1 year*	\$ 50,000
5 - less than 25 lbs or 50 - less than 100 plants	Felony	3 years*	\$ 50,000
25 lbs or more or 100 plants or more	Felony	5 years*	\$ 50,000
Where a person under the age of 18 is present	Felony	5 years	\$ 5,000

* Mandatory minimum sentence

Possession of 1 lb or more, or 25 or more plants is considered trafficking.

Sale or Delivery

Up to 1 lb or up to 24 plants	Felony	5 years	\$ 15,000
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1 - less than 5 lbs or 25 - less than 50 plants	Felony	1 year*	\$ 50,000
5 - less than 25 lbs or 50 - less than 100 plants	Felony	3 years*	\$ 50,000
25 lbs or more or 100 plants or more	Felony	5 years*	\$ 50,000
Where a person under the age of 18 is present	Felony	5 years	\$ 50,000

* Mandatory minimum sentence

Cultivation

Up to 1 lb or up to 24 plants	Felony	5 years	\$ 15,000
1 - less than 5 lbs or 25 - less than 50 plants	Felony	1 year*	\$ 50,000

5 - less than 25 lbs or 50 - less than 100 plants	Felony	3 years*	\$ 50,000
25 lbs or more or 100 plants or more	Felony	5 years*	\$ 50,000
Where a person under the age of 18 is present	Felony	5 years	\$ 50,000

* Mandatory minimum sentence

Possession of 1 lb or more, or 25 or more plants is considered trafficking.

Hash & Concentrates

Penalties for hashish are the same as for marijuana. Please see the marijuana penalties section for further details.

Paraphernalia

Use or possession of paraphernalia	Misdemeanor	1 year	\$ 1,000
Manufacture or sale of paraphernalia	Felony	9 years	\$ 30,000

Forfeiture

Vehicles and other property may be seized.

Miscellaneous

Use or intoxication in public	Misdemeanor	6 months	\$ 1,000
Presence at location where marijuana is cultivated or stored	Misdemeanor	90 days	\$ 300
Maintaining a structure used for selling or storing marijuana	Misdemeanor	1 year	\$ 25,000

Penalty Details

Possession for Personal Use

Possession of three ounces or less of marijuana is a misdemeanor punishable by up to one year imprisonment and/or a fine up to \$1,000. If the quantity possessed is more than three ounces but less than one pound, it is a felony punishable by up to five years imprisonment and/or a fine up to \$10,000.

- Idaho Code Ann. § 37-2732(c)(3), (e)

Possession with Intent to Distribute

Possession with intent to distribute up to one pound or up to 24 plants of marijuana is a felony punishable by up to five years imprisonment and/or a fine up to \$15,000.

Possession of one pound or more, or 25 or more plants, is considered trafficking in marijuana and is a felony. If the amount possessed is one pound or more but less than five pounds, or 25 plants or more but less than 50 plants, the offender receives a mandatory minimum fixed term of one year imprisonment and a minimum fine of \$5,000 and up to \$50,000.

Possession of five pounds or more but less than 25 pounds, or 50 plants or more but less than 100 plants of marijuana receives a mandatory minimum fixed term of three years imprisonment and a minimum fine of \$10,000 and up to \$50,000.

Possession of 25 pounds or more, or 100 plants or more of marijuana receives a mandatory minimum fixed term of five years imprisonment and a minimum fine of \$15,000 and up to \$50,000. The maximum number of years of imprisonment for trafficking shall be 15 years and the maximum fine shall be \$50,000.

- Idaho Code Ann. § 37-2732(c)(3), (e)
- Idaho Code Ann. § 37-2732B(a)(1)(A), (B), (C)
- Idaho Code Ann. § 37-2732B(a)(1)(A)

Sale/Delivery

Delivery of up to one pound or up to 24 plants of marijuana is a felony punishable by up to five years imprisonment and/or a fine up to \$15,000. Delivery or import into Idaho of one pound, or more or 25 plants or more, is considered trafficking in marijuana and is a felony punishable by up to 15 years imprisonment and a fine up to \$50,000.

If the amount delivered or imported was one pound or more but less than five pounds, or 25 plants or more but less than 50 plants, the offender receives a mandatory minimum fixed term of one year imprisonment and a minimum fine of \$5,000 and up to \$50,000.

Delivery or import into Idaho of five pounds or more but less than 25 pounds, or 50 plants or more but less than 100 plants of marijuana receives a mandatory minimum fixed term of three years imprisonment and a minimum fine of \$10,000 and up to \$50,000.

Delivery or import into Idaho of 25 pounds or more, or 100 plants or more of marijuana receives a mandatory minimum fixed term of five years imprisonment and a minimum fine of \$15,000 and up to \$50,000. The maximum number of years of imprisonment for trafficking shall be 15 years and the maximum fine shall be \$50,000.

Delivery on premises where a person under the age of 18 is present is a felony punishable by up to five years imprisonment and/or a fine up to \$5,000.

- Idaho Code Ann. § 37-2732(a)(1)(A)
- Idaho Code Ann. § 37-2732B(a)(1)(A), (B), (C)
- Idaho Code Ann. § 37-2737A

Cultivation

Cultivation of up to one pound or up to 24 plants of marijuana is a felony punishable by up to 5 years imprisonment and/or a fine up to \$15,000. Cultivation of one pound or more, or 25 plants or more, is considered trafficking in marijuana, a felony punishable by up to 15 years imprisonment and a fine up to \$50,000.

If the amount cultivated was one pound or more but less than 5 pounds, or 25 plants or more but less than 50 plants, the offender receives a mandatory minimum fixed term of one year imprisonment and a minimum fine of \$5,000 and up to \$50,000.

Cultivation of five pounds or more but less than 25 pounds, or 50 plants or more but less than 100 plants, of marijuana receives a mandatory minimum fixed term of three years imprisonment and a minimum fine of \$10,000 and up to \$50,000.

Cultivation of 25 pounds or more, or 100 plants or more of marijuana receives a mandatory minimum fixed term of five years imprisonment and a minimum fine of \$5,000 and up to \$50,000. The maximum number of years of imprisonment for trafficking shall be 15 years and the maximum fine shall be \$50,000.

Cultivation on premises where a person under the age of 18 is present is a felony punishable by up to 5 years imprisonment and/or a fine up to \$5,000.

- Idaho Code Ann. § 37-2732(a)(1)(A)
- Idaho Code Ann. § 37-2732B(a)(1)(A), (B), (C)
- Idaho Code Ann. § 37-2737A

Hash & Concentrates

Hashish is classified as a Schedule I drug in Idaho. The Definitions section of the statute includes Hashish and Marijuana Concentrates when it defines Marijuana as the plant and every derivative preparation of it. The Penalties section reinforces this interpretation by explicitly including, as Marijuana, any extract or preparation of cannabis which contains tetrahydrocannabinol. The statute never explicitly refers to Hashish or Marijuana Concentrates as being separate from Marijuana. Therefore, the penalties for hashish and THC concentrates should be the same as for marijuana. Please see the above marijuana section for further information.

- Idaho Code Ann. § 37-2701(u)

Paraphernalia

Use or possession of paraphernalia is a misdemeanor punishable by up to one year imprisonment and/or a fine up to \$1,000.

Manufacture or sale of drug paraphernalia is a felony punishable by up to 9 years imprisonment and/or a fine up to \$30,000.

- Idaho Code Ann. § 37-2734A
- Idaho Code Ann. § 37-2734B

Forfeiture

Vehicles and other property may be seized for violations of the Idaho Uniform Controlled Substances Act.

- Idaho Code Ann. §§ 37-2801, 37-2744, 37-2744A

Miscellaneous

Use or intoxication in public

Using or being under the influence of marijuana on public property or on private property open to the public is a misdemeanor punishable by up to six months imprisonment and/or a fine up to \$1,000.

Presence at location where marijuana is cultivated or stored

Presence at or on the premises where marijuana is cultivated or held for distribution, transportation, delivery, or use is a misdemeanor punishable by up to 90 days imprisonment and/or a fine up to \$300.

Knowingly maintaining a structure used for drug offenses

It is a misdemeanor punishable by up to one year imprisonment and/or a fine up to \$25,000 to maintain a structure (including vehicles and houses) that the owner knows is used for selling, storing, or using marijuana.

- Idaho Code Ann. § 37-2732C
- Idaho Code Ann. § 37-2732(d)

- Idaho Code Ann. § 73-2733(a)(5), (b)

Illinois Laws and Penalties

- Conditional Release
- Drugged Driving
- Legalization
- Medical Marijuana

Offense	Penalty	Incarceration	Max. Fine
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Possession

30 g or less*	No Penalty	None	\$ 0
More than 30 - 100 g (first offense)*	Misdemeanor or	1 year	\$ 2,500
More than 30 - 100 g (subsequent offense)*	Felony	1 - 3 years	\$ 25,000
More than 100 - 500 g	Felony	1 - 3 years	\$ 25,000

More than 500 - 2000 g	Felony	2 - 5 years	\$ 25,000
More than 2000 - 5000 g	Felony	3 - 7 years	\$ 25,000
More than 5000 g	Felony	4 - 15 years	\$ 25,000

* Illinois resident -- non-residents may possess up to 15 grams.

Sale or Trafficking

2.5 g or less	Misdemeanor or	6 months	\$ 1,500
More than 2.5 - 10 g	Misdemeanor or	1 year	\$ 2,500
More than 10 - 30 g	Felony	1 - 3 years	\$ 25,000
More than 30 - 500 g	Felony	2 - 5 years	\$ 50,000

More than 500 - 2000 g	Felony	3 - 7 years	\$ 100,000
More than 2000 - 5000 g	Felony	4 - 15 years	\$ 150,000
More than 5000 g	Felony	6** - 30 years	\$ 200,000

** Mandatory minimum sentence

Delivery on school grounds carries increased incarceration and fines

Bringing 2500 grams or more of marijuana into the State of Illinois is trafficking and brings a mandatory minimum sentence of twice the minimum sentence as sale of marijuana.

Cultivation

5 plants or less for registered medical cannabis patient	No penalty	None	\$ 0
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5 plants or less for personal use	Violation	None	\$ 200
More than 5 - 20 plants	Felony	1 - 3 years	\$ 25,000
More than 20 - 50 plants	Felony	2 - 5 years	\$ 25,000
More than 50 - 200 plants	Felony	3 - 7 years	\$ 100,000
More than 200 plants	Felony	4 - 15 years	\$ 100,000

Hash & Concentrates

5 g or less*	No Penalty	None	\$ 0
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Penalties for hashish are the same as for marijuana. Please see the marijuana penalties section for further details.

* Illinois resident -- non-residents may possess up to 2.5 grams.

Paraphernalia

Possession of paraphernalia	Misdemeanor or	1 year	\$ 2,500
Sale of paraphernalia	Felony	1 - 3 years	\$ 25,000
Sale to a minor	Felony	2 - 5 years	\$ 25,000
Sale to a pregnant woman	Felony	3 - 7 years	\$ 25,000

Miscellaneous

Civil Asset Forfeiture - Property is subject to forfeiture.

Penalty Details

*An adult Illinois resident may possess up to 30 grams of cannabis flower, five grams of cannabis concentrate and up to 500 milligrams of THC in a cannabis infused product.

*An adult resident of any other state may possess up to 15 grams of cannabis flower, 2.5 grams of cannabis concentrate and up to 250 grams of THC in a cannabis infused product.

* On June 25, 2019, Gov. J.B. Pritzker signed The Cannabis Regulation and Tax Act (HB1438 SFA2) into law. The law took effect on January 1, 2020.

Possession of more than 30 – 100 grams of marijuana is a Class A misdemeanor for a first offense punishable by a maximum sentence of 1 year in prison and a maximum fine of \$2500. A second or subsequent offense is a Class 4 felony punishable by a minimum sentence of 1 year and a maximum sentence of 3 years as well as a maximum fine of \$25,000.

Possession of 100-500 grams is a Class 4 felony punishable by a minimum sentence of 1 year and a maximum sentence of 3 years as well as a maximum fine of \$25,000.

Possession of more than 500 – 2,000 grams of marijuana is a Class 3 felony, punishable by a minimum sentence of 2 years and a maximum sentence of 5 years, as well as a fine of \$25,000.

Possession of more than 2,000 – 5,000 grams of marijuana is a Class 2 felony, punishable by a minimum jail term of 3 years and a maximum sentence of 7 years, as well as a fine of \$25,000.

Possession of over 5,000 grams of marijuana is a Class 1 felony, punishable by imprisonment of a minimum of 4 years and a maximum of 15 years, as well as a fine of \$25,000.

- 720 Illinois Comp. Stat. 550/1 – /19
- 730 Illinois Comp. Stat. 5/5-4.5-25 – 70
- Illinois HB1438-SFA2

Sale or Trafficking

Selling or possessing with the intent to sell, 2.5 grams or less of marijuana is a misdemeanor, punishable by up to six months imprisonment and a maximum fine of \$1,500.

Selling or possessing with the intent to sell, more than 2.5 – 10 grams of marijuana is a misdemeanor, punishable by a maximum sentence of one year in prison and a maximum fine of \$2,500.

Selling or possessing with the intent to sell, more than 10 – 30 grams of marijuana is a felony, punishable by a minimum sentence of one year and a maximum sentence of three years, as well as a maximum fine of \$25,000.

Selling or possessing with the intent to sell, more than 30 – 500 grams of marijuana is a felony, punishable by a minimum sentence of two years and a maximum sentence of five years, and a maximum fine of \$50,000.

Selling or possessing with the intent to sell, more than 500 – 2,000 grams of marijuana is a felony, punishable by a minimum jail term of three years and a maximum sentence of seven years, and a maximum fine of \$100,000.

Selling or possessing with the intent to sell, more than 2,000 – 5,000 grams of marijuana is a felony, punishable by imprisonment of a minimum of four years and a maximum of 15 years, and a maximum fine of \$150,000.

Selling, manufacturing, or possessing with the intent to sell, more than 5,000 grams of marijuana is a felony, punishable by a mandatory minimum sentence of six years and a maximum sentence of 30 years, and a maximum fine of \$200,000.

Delivery of cannabis on school grounds carries increased incarceration and fines.

- 720 Illinois Comp. Stat. 550/5(a)-(g)
- 730 Illinois Comp. Stat. 550/5.2

Trafficking

Bringing 2,500 grams or more of marijuana into the State of Illinois brings a mandatory minimum sentence of twice the minimum sentence for the sale or manufacture of the same weight of marijuana, a maximum sentence of twice the maximum sentence for the sale of the same weight of marijuana, and a fine equal to twice the fine for distributing the same weight of marijuana.

- 720 Illinois Comp. Stat. 550/5.1

Cultivation

*A registered medical cannabis patient may cultivate up to five plants that are five inches or taller.

*An adult who is not a registered medical cannabis patient that cultivates less than five plants is guilty of a civil violation punishable by a maximum fine of \$200.

* On June 25, 2019, Gov. J.B. Pritzker signed The Cannabis Regulation and Tax Act (HB1438 SFA2) into law. The law took effect on January 1, 2020.

Possessing more than five and up to 20 plants is a felony, punishable by a minimum sentence of one year and a maximum sentence of three years, as well as a fine of \$25,000.

Possessing more than 20 and up to 50 plants is a felony, punishable by a minimum sentence of two years and a maximum sentence of five years, as well as a fine of \$25,000.

Possessing more than 50 and up to 200 plants is a felony, which is punishable by a minimum jail term of three years and a maximum sentence of seven years, along with a maximum fine of \$100,000

Possessing more than 200 marijuana plants is a felony, punishable by imprisonment of a minimum of four years and a maximum of 15 years, as well as a maximum fine of \$100,000.

- 720 Illinois Comp. Stat. 550/8(a), (b), (c), (d), (e)
- Illinois HB1438-SFA2

Hash & Concentrates

*An adult Illinois resident may possess up to five grams of cannabis concentrate.

*An adult resident of any other state may possess up to 2.5 grams of cannabis concentrate.

* On June 25, 2019, Gov. J.B. Pritzker signed The Cannabis Regulation and Tax Act (HB1438 SFA2) into law. The law took effect on January 1, 2020.

- 720 Illinois Comp. Stat. 550/3(a)
- Illinois HB1438-SFA2 Section 10-10

Paraphernalia

Possession of paraphernalia is a misdemeanor, punishable by up to one year in prison, as well as a minimum fine of \$750 and a maximum fine of \$2,500.

Sale of paraphernalia is a felony, punishable by a minimum sentence of one year and a maximum sentence of three years, as well as a minimum fine of \$1,000 for each sale and a maximum fine of \$25,000.

Sale of paraphernalia to a minor is a felony, punishable by a minimum sentence of two years and a maximum sentence of five years, as well as a minimum fine of \$1,000 and a maximum fine of \$25,000.

Sale of paraphernalia to an obviously pregnant woman is a felony, punishable by a minimum jail term of three years and a maximum sentence of seven years, as well as a minimum fine of \$1,000.

- 720 Illinois Comp. Stat. 600/3.5(a)
- 730 Illinois Comp. Stat. 600/3.5(a), (b)

Indiana Laws and Penalties

[Conditional Release](#)

[Drugged Driving](#)

[Legalized CBD](#)

[Low THC](#)

[Tax Stamps](#)

Offense	Penalty	Incarceration	Max. Fine
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Possession

CBD products with less than 0.3% THC	None	None	\$ 0
Any amount	Misdemeanor	180 days	\$ 1,000
Less than 30 g and prior drug offense	Misdemeanor	1 year	\$ 5,000
30 g or more and prior drug offense	Felony	6 months - 2 1/2 years	\$ 10,000

CBD products containing less than 0.3 percent THC are exempt from the criminal code. See Penalty Details.

Conditional discharge may be available for first-time offenders.

Sale or Cultivation

CBD products with less than 0.3% THC	None	None	\$ 0
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Less than 30 g	Misdemeanor	1 year	\$ 5,000
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30 g - less than 10 lbs	Felony	6 months - 2 1/2 years	\$ 10,000
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10 lbs or more	Felony	1 - 6 years	\$ 10,000
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To a minor	Felony	1 - 6 years	\$ 10,000
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CBD products containing less than 0.3 percent THC are exempt from the criminal code. See Penalty Details.

Prior drug offense carries a greater penalty. See details section for more information.

Hash & Concentrates

Possession

5 g or more	Felony	6 months - 2 1/2 years	\$ 10,00 0
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Manufacture

Less than 5 g	Misdemeanor	1 year	\$ 5,000
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5 g – less than 300 g	Felony	6 months - 2 1/2 years	\$ 10,00 0
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300 g or more	Felony	1 - 6 years	\$ 10,00 0
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Prior drug offense carries a greater penalty. See details section for more information.

Paraphernalia

Possession, Dealing or Manufacture	Infraction	N/A	\$ 10,000
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Possession, Dealing or Manufacture (subsequent conviction)	Felony	6 months - 2 1/2 years	\$ 10,000
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Miscellaneous

Presence where knowledge of drug activity occurs	Misdemeanor	6 months	\$ 1,000
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Possession, sale, or distribution conviction will result in a driver's license suspension.

Penalty Details

NOTE: Indiana law explicitly exempts CBD (cannabidiol) products containing less than 0.3 percent THC from the state’s criminal definition of marijuana, making them legal to possess and sell in accordance with applicable licensing laws.

- SB 52

Possession for Personal Use

Possession of marijuana is a misdemeanor punishable by not more than 180 days and a possible fine of not more than \$1,000. Possession of less than 30 grams and a prior drug offense is a misdemeanor punishable by up to one year imprisonment and a fine of not more than \$5,000. Possession of at least 30 grams of marijuana with a prior conviction for a drug offense is a felony punishable by six months to 2 ½ years imprisonment, and a fine of not more than \$10,000. Possession with intent to manufacture, finance the manufacture of, deliver, or, finance the delivery of shall follow the violations listed under “Sale or Cultivation.” Conditional discharge may be available for first-time offenders.

- § 35-48-4-11(a), (b), (c) of the Indiana Code
- § 35-48-4-12 of the Indiana Code

Sale/Cultivation

The sale of less than 30 grams is a misdemeanor punishable by a maximum sentence of one year imprisonment and a maximum fine of \$5,000. A subsequent offense is a felony punishable by six months – 2 ½ years imprisonment and a maximum fine of \$10,000.

The sale of 30 grams to less than 10 pounds is a felony punishable by six months – 2 ½ years imprisonment and a maximum fine of \$10,000.

The sale of 10 pounds or more is a felony punishable by 1 – 6 years imprisonment and a maximum fine of \$10,000.

The sale of any amount to a minor is a felony punishable by 1 – 6 years imprisonment and a maximum fine of \$10,000.

CBD products containing less than 0.3 percent THC are exempt from the criminal code.

Prior drug offense carries a greater penalty.

- § 35-48-4-10(a), (c), (d) of the Indiana Code
- § 35-48-4-10 of the Indiana Code
- SB 52

Hash & Concentrates

Possession of more than five grams of hashish or concentrate with a prior conviction for a drug offense is a felony punishable by six months to 2 ½ years imprisonment and a maximum fine of \$10,000.

- § 35-48-4-11(c) of the Indiana Code

Manufacture or sale of less than five grams of hash oil, or hashish is a misdemeanor punishable by a maximum sentence of one year imprisonment and a maximum fine of \$5,000. A subsequent offense is a felony punishable by six months to 2 ½ years imprisonment and a maximum fine of \$10,000.

If the amount is at least five grams but less than 300 grams, the offense is a felony punishable by six months to 2 ½ years imprisonment and a maximum fine of \$10,000. A subsequent offense if a person has a prior drug dealing offense is a felony punishable by 1 – 6 years imprisonment and a maximum fine of \$10,000.

If the amount involved is at least 300 grams the offense is a felony punishable by a fixed term of imprisonment of 1 – 6 years and a fine of not more than \$10,000.

Prior drug offense carries a greater penalty.

- § 35-48-4-10(a), (c), (d) of the Indiana Code
- § 35-48-4-10 of the Indiana Code

Paraphernalia

Possession, dealing, or manufacture of paraphernalia is an infraction punishable by up to a \$10,000 fine. A Subsequent conviction is a felony punishable by six months – 2 ½ years imprisonment and a maximum fine of \$10,000.

- §§ 35-48-4-8.1, 8.3, 8.5 of the Indiana Code

Miscellaneous

Presence “where knowledge of drug activity occurs” is a misdemeanor punishable by a maximum sentence of six months imprisonment and a maximum fine of \$1,000.

Iowa Laws and Penalties

Conditional Release
Drugged Driving
Low THC
Mandatory Minimum Sentence
Tax Stamps

Offense	Penalty	Incarceration	Max. Fine
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Possession

Any amount (first offense)	Misdemeanor	6 months	\$ 1,000
Any amount (second offense)	Misdemeanor	1 year	\$ 2,560
Any amount (third offense)	Misdemeanor	2 years	\$ 8,540

Offenders who are chronic abusers of marijuana may be sent to rehab.

Cultivation or Distribution

50 kg or less	Felony	5 years	\$ 7,500
More than 50 - 100 kg	Felony	10 years	\$ 50,000
More than 100 - 1000 kg	Felony	25 years	\$ 100,000
More than 1000 kg	Felony	50 years	\$ 1,000,000
Involving a minor	Felony	5* - 25 years	\$ 100,000
To a minor within 1000 feet of a park, elementary or middle school, or school bus	Felony	10 years*	\$ 100,000

* Mandatory minimum sentence

Distribution includes possession with intent to distribute

Hash & Concentrates

Penalties for hashish are the same as for marijuana except in one circumstance. Please see the marijuana penalties section for further details.

Paraphernalia

Possession, distribution, or manufacture of paraphernalia	Misdemeanor	6 months	\$ 1,000
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Miscellaneous

Sponsoring, promoting, or assisting in a gathering where marijuana will be used, distributed, or possessed	Misdemeanor	1 year	\$ 2,560
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Possession with intent to sell large amounts can lead to an automatic driver's license suspension.

Penalty Details

Marijuana is a schedule I hallucinogenic substance under the Iowa Controlled Substances Act.

- Iowa Code § 124.204(4)

Possession for Personal Use

For first offenders, possession of any amount of marijuana is a misdemeanor and is punishable by a fine of up to \$1,000 and/or up to six months of imprisonment. Second offenders are subject to a maximum fine of \$2,560 and/or up to one year of imprisonment. Third offenses are considered aggravated misdemeanors and are punishable by a maximum fine of \$8,540 and/or up to two years of imprisonment.

Offenders who are chronic abusers of marijuana may be sent to rehab.

- Iowa Code § 124.401(5)(b)
- Iowa Code § 124.409

Cultivation or Distribution

Distribution of marijuana includes possessing marijuana with the intent to distribute it.

Distribution or cultivation of 50 kilograms of marijuana or less is a felony punishable by a maximum fine of \$7,500 and up to five years of imprisonment. Distribution or cultivation of more than 50 and up to 100 kilograms of marijuana is a felony and is punishable by a maximum fine of \$50,000 and up to 10 years of imprisonment. Distribution or cultivation of more than 100 and up to 1,000 kilograms of marijuana is a felony and is punishable by a maximum fine of \$100,000 and up to 25 years of imprisonment. Distribution or cultivation of more than 1,000 kilograms of marijuana is a felony and is punishable by a maximum fine of \$1,000,000 and up to 50 years of imprisonment.

If a person over the age of 18 distributes marijuana to someone under the age of 18 this constitutes a felony punishable by a maximum fine of \$100,000 and up to 25 years of imprisonment, in addition a mandatory minimum term of five years will apply. If the sale to a minor occurs within 1,000 feet of a park, elementary school, middle school, or marked school bus a mandatory minimum term of 10 years will apply.

- Iowa Code § 124.401(1)(d)
- Iowa Code § 124.401(1)(c)(6)
- Iowa Code § 124.401(1)(b)(6)
- Iowa Code § 124.401(1)(a)(6)
- Iowa Code § 124.406

Hash & Concentrates

Iowa classifies Marijuana and Tetrahydrocannabinols separately as hallucinogenic substances in Schedule 1 of the Iowa Controlled Substances Schedule. For the purposes of criminal justice, plant Marijuana and all Tetrahydrocannabinol derivatives thereof, including hashish and marijuana concentrates, are defined as Marijuana and punished equally in all but one circumstance. The only circumstance where plant-form Marijuana is treated differently is for a charge of delivery or possession with intent to deliver one half ounce or less without remuneration. In that circumstance, plant-form marijuana is punished

equivalent to the penalties for simple possession, whereas delivery, or possession with intent to deliver an equivalent amount of hashish, hash oil, or other derivatives are punished in accordance with the regular penalties for distribution.

- Iowa Code § 124.410

Paraphernalia

Possession, distribution, or manufacture of marijuana paraphernalia is misdemeanor and is punishable by a fine of up to \$1,000 and/or up to six months imprisonment.

- Iowa Code § 124.414

Miscellaneous

Sponsoring, promoting, or assisting in the sponsorship or promotion of a gathering with the knowledge that marijuana will be used, distributed, or possessed at that event is a misdemeanor punishable by a maximum fine of \$2,560 and/or up to one year of imprisonment.

Possession with intent to sell large amounts of marijuana can lead to an automatic driver's license suspension.

Kansas Laws and Penalties

[Conditional Release](#)

[Drugged Driving](#)

[Legalized CBD](#)

Low THC
Mandatory Minimum Sentence
Tax Stamps

Offense	Penalty	Incarceration	Max. Fine
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Possession

CBD products with 0% THC	None	None	\$ 0
Any amount	Misdemeanor	6 months	\$ 1,000

With Intent to Distribute

450 g or more	Felony	10 months probation – 42 months*	\$ 100,000
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CBD products containing zero percent THC are exempt from the criminal code. See Penalty Details.

* Sentence determined by category and severity drug severity level

Sale or Distribution

CBD products with 0% THC	None	None	\$ 0
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Less than 25 g	Felony	14 months probation – 51 months*	\$ 300,0 00
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25 – less than 450 g	Felony	46 – 83 months	\$ 300,0 00
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450 g – less than 30 kg	Felony	92 – 144 months	\$ 500,0 00
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30 kg or more	Felony	138 – 204 months	\$ 500,0 00
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Within 1000 feet of a school zone	Felony	4** - 7 years	\$ 300,0 00
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CBD products containing zero percent THC are exempt from the criminal code. See Penalty Details.

* Sentence determined by category and severity drug severity level

** Mandatory minimum sentence

Cultivation

More than 4 – less than 50 plants	Felony	46 – 83 months	\$ 300,000
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50 – less than 100 plants	Felony	92 – 144 months	\$ 500,000
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100 plants or more	Felony	138 – 204 months	\$ 500,000
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Hash & Concentrates

Penalties for hashish are the same as for marijuana. Please see the marijuana penalties section for further details.

Paraphernalia

Store, Ingest	Misdemeanor	1 year	\$ 2,500
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Paraphernalia to cultivate less than 5 plants	Misdemeanor	1 year	\$ 2,500
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Paraphernalia to cultivate 5 plants or more	Felony	5 months probation – 17 months	\$ 100,000
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Sale	Misdemeanor	1 year	\$ 2,500
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Sale to a minor or within 1,000 ft of a school	Felony	5 months probation – 17 months	\$ 100,000
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Miscellaneous

Kansas has a marijuana tax stamp law enacted.

Penalty Details

Possession

Possession of marijuana is a misdemeanor punishable by a maximum of six months imprisonment and a maximum fine of \$1,000 for a first time offense. A second offense is a misdemeanor. There is a rebuttable presumption of intent to distribute if possession is 450 grams or more, which is a felony punishable by a fine not to exceed \$100,000 and a term of imprisonment ranging from 10 months probation – 42 months imprisonment.

A subsequent conviction is a felony punishable by imprisonment for 10 months probation – 42 months imprisonment and a maximum fine of \$100,000.

- HB 2462
- 21-5705 of the Kansas Code
- Rebuttable presumption (e)(1)

NOTE: Kansas law explicitly exempts CBD (cannabidiol) products containing zero percent THC from the state's criminal definition of marijuana, making them legal to possess and sell in accordance with applicable licensing laws. No possession limits are specified in the law.

- SB 282

Sale or Distribution

Sale of less than 25 grams is a drug severityfelony punishable by 14 months probation – 51 months imprisonment and a fine not to exceed \$300,000.

Distribution of 25 – less than 450 grams is a felony punishable by 46 – 83 months imprisonment and a fine not to exceed \$300,000.

Sale of 450 – less than 30 kilograms is a felony punishable by 92 – 144 months imprisonment and a fine not to exceed \$500,000.

Sale of 30 kilograms or more is a felony punishable by 138 – 204 months imprisonment and a fine not to exceed \$500,000.

Sale within 1,000 feet of a school zone will increase a level.

- § 21-5705(d)(2)(A), (B), (C), (D) of the Kansas Code
- § 21-5705(d)(5) of the Kansas Code

NOTE: Kansas law explicitly exempts CBD (cannabidiol) products containing zero percent THC from the state’s criminal definition of marijuana, making them legal to possess and sell in accordance with applicable licensing laws. No possession limits are specified in the law.

- SB 282

Cultivation

Cultivation of more than four to less than 50 plants is a felony punishable by 46 – 83 months imprisonment and a fine not to exceed \$300,000.

Cultivation of 50 to less than 100 plants is felony punishable by 92 – 144 months imprisonment and a fine not to exceed \$500,000.

Cultivation of 100 or more plants is a felony punishable by 138 – 204 months imprisonment and a fine not to exceed \$500,000

- § 21-5705(d)(7)(A), (B), (C) of the Kansas Code

Hash & Concentrates

Hashish and marijuana concentrates are classified as cannabinoids and are Schedule I controlled substances. The penalties for hashish and marijuana concentrates are the same as those for marijuana.

- § 65-4101(aa) of the Kansas Code
- § 65-4105(h)(1)) of the Kansas Code

Paraphernalia

Paraphernalia used to store, ingest, or cultivate less than five marijuana plants is a misdemeanor punishable by a maximum of one year imprisonment and a fine not to exceed \$2,500.

Paraphernalia used to cultivate five marijuana plants or more is a felony punishable by five months probation and up to 17 months imprisonment and a fine not to exceed \$100,000.

Sale of paraphernalia is a misdemeanor punishable by a maximum of one year imprisonment and a fine not to exceed \$2,500.

Sale to a minor or on or within 1,000 feet of any school property is a felony punishable by five months probation and up to 17 months imprisonment and a fine not to exceed \$100,000

- § 21-5709(e)(2)(B), (A) of the Kansas Code
- § 21-5709(e)(4)(B), (A) of the Kansas Code

Miscellaneous

Kansas has a marijuana tax stamp law enacted. Those who possess marijuana are legally required to affix state-issued stamps to the contraband. Failure to do so may result in a fine and/or a criminal sanction.

- § 79-5204 of the Kansas Code

Kentucky Laws and Penalties

[Conditional Release](#)

[Drugged Driving](#)

[Local Decriminalization](#)

[Mandatory Minimum Sentence](#)

[Low THC](#)

Tax Stamps

Offense	Penalty	Incarceration	Max. Fine

Possession

Less than 8 oz	Misdemeanor or	45 days	\$ 250

Sale or Trafficking

Less than 8 oz (first offense)	Misdemeanor or	1 year	\$ 500
Less than 8 oz (subsequent offense)	Felony	1* - 5 years	\$ 10,000
8 oz - 5 lbs (first offense)	Felony	1* - 5 years	\$ 10,000

8 oz - 5 lbs (subsequent offense)	Felony	5* - 10 years	\$ 10,000
5 lbs or more (first offense)	Felony	5* - 10 years	\$ 10,000
5 lbs or more (subsequent offense)	Felony	10* - 20 years	\$ 10,000
To a minor (first offense)	Felony	5* - 10 years	\$ 10,000
To a minor (subsequent offense)	Felony	10* - 20 years	\$ 10,000
Within 1000 yards of a school or park	Felony	1* - 5 years	\$ 10,000

* Mandatory Minimum Sentence

Cultivation

Less than 5 plants (first offense)	Misdemeanor or	1 year	\$ 500
Less than 5 plants (subsequent offense)	Felony	1 - 5 years	\$ 10,000
5 plants or more (first offense)	Felony	1 - 5 years	\$ 10,000
5 plants or more (subsequent offense)	Felony	5 - 10 years	\$ 10,000

Hash & Concentrates

Penalties for hashish are the same as for marijuana. Please see the marijuana penalties section for further details.

Paraphernalia

Possession of paraphernalia	Misdemeanor or	1 year	\$ 500
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Penalty Details

Possession

Possession of up to eight ounces of marijuana is a misdemeanor, which is punishable by a maximum sentence of 45 days imprisonment and a maximum fine of \$250.

Possession of eight ounces or more of marijuana shall be prima facie evidence that the person possessed the marijuana with the intent to sell or transfer it. See Sale or Trafficking for penalties

- KRS § 218A.1422
- KRS § 218A.1421(5)

Sale or Trafficking

The sale or trafficking of less than eight ounces is a misdemeanor for a first offense which is punishable by a maximum sentence of one year imprisonment and a maximum fine of \$500. A second or subsequent offense for trafficking or selling less than eight ounces of marijuana is a felony, punishable by a mandatory minimum sentence of one year and up to five years imprisonment and a fine of not more than \$10,000.

The sale or trafficking of eight ounces to less than 5 pounds is a felony which is punishable by a mandatory minimum sentence of one year and up to five years imprisonment and a fine of not more than \$10,000. A second or subsequent violation of this section is a felony, punishable by a mandatory minimum sentence of five years and up to 10 years imprisonment and a fine of not more than \$10,000.

The sale or trafficking of five pounds or more is a felony which is punishable for a first offense by a mandatory minimum sentence of five years and up to 10 years imprisonment and a fine of not more than \$10,000. For a second or subsequent violation of this section, the offender will be guilty of a felony, which is punishable by a mandatory minimum sentence of 10 years and up to 20 years imprisonment and a fine of not more than \$10,000.

The sale to a minor is a felony which is punishable by a mandatory minimum sentence of five years and up to 10 years imprisonment and a fine of not more \$10,000. A subsequent conviction for the sale to a minor is a felony which is punishable by a mandatory minimum sentence of 10 years and up to 20 years imprisonment and a fine of not more \$10,000. The sale within 1,000 yards of a school or park is a felony which is punishable by mandatory minimum sentence of one year and up to five years imprisonment and a fine of not more \$10,000.

- KRS § 218A.1421(2, (3), (4)
- KRS § 218A.1401
- KRS § 218A.1411

Cultivation

Cultivation of fewer than five plants is a misdemeanor for a first offense, which is punishable by a maximum sentence of 12 months imprisonment and a maximum fine of \$500. For a second or subsequent offense, the offender will be charged with a felony, which is punishable by one to five years imprisonment and a maximum fine of \$10,000.

Cultivation of five plants or more is a felony for a first offense, which is punishable by one to five years imprisonment and a maximum fine of \$10,000. A second or subsequent offense is a felony which is punishable by five to 10 years imprisonment and a maximum fine of \$10,000.

- [KRS § 218A.1423\(3\), \(2\)](#)

Hash & Concentrates

Hashish is listed as Schedule I hallucinogenic substance, but is punished exactly the same as marijuana infractions. See the penalties for marijuana above for further details on specific penalties.

- [KRS § 218A.010\(28\)](#)

Paraphernalia

Possession of paraphernalia is a misdemeanor which is punishable by a maximum sentence of one year imprisonment and a maximum fine of \$500.

- [KRS § 218A.500\(8\)](#)

Louisiana Laws and Penalties

[Decriminalization](#)

[Drugged Driving](#)

[Expungement](#)

[Local Decriminalization](#)

[Mandatory Minimum Sentence](#)

[Medical Marijuana](#)

[Tax Stamps](#)

Offense	Penalty	Incarceration	Max. Fine
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Possession

14 g or less	Misdemeanor	No possibility of jail time	\$ 100
More than 14 g (1st offense)	Misdemeanor	6 months	\$ 500
More than 14 g (2nd offense)		6 months	\$ 1,000
More than 14 g (3rd offense)		2 years	\$ 2,500
More than 14 g (4th offense)		8 years	\$ 5,000

First and second offenders may be eligible for probation.

Distribution or Cultivation of Marijuana

Less than 2.5 lbs (1st offense)	1* - 10 years	\$ 50,000
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More than 2.5 lbs (1st offense)	1* - 20 years	\$ 50,000
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Person over 25 to a minor	10* - 30 years
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To a minor at least 3 years junior	5* - 30 years
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Includes possession with intent to distribute

* Mandatory minimum sentence

Hash & Concentrates

Penalties for hashish are the same as for marijuana. Please see the marijuana penalties section for further details.

Miscellaneous

Possession, distribution, or cultivation of marijuana within 2000 feet of a drug free zone is punishable by 1.5 times the maximum sentence.

Conviction of any crime involving controlled substances results in denial of driving privileges for not less than 30 days but not more than 1 year.

Possession of marijuana-related paraphernalia is not an offense punishable by jail time. First-time offenders face a \$100 fine. Second-time offenders face a maximum \$500 fine.

Penalty Details

Possession for Personal Use

For first and subsequent offenders, possession of 14 grams or less of marijuana is a misdemeanor punishable by a fine of no more than \$100 and no possibility of incarceration.

For first offenders, possession of more than 14 grams of marijuana is punishable by a fine of up to \$500 and/or up to six months of imprisonment.

All second convictions regarding more than 14 grams of marijuana is punishable by a fine of \$1,000 and/or up to six months of imprisonment.

All third convictions regarding more than 14 grams of marijuana is punishable by a fine of up to \$2,500 and/or up to two years of imprisonment.

All fourth convictions regarding more than 14 grams of marijuana is punishable by a fine of up to \$5,000 and/or up to eight years of imprisonment.

- Louisiana Rev. Stat. § 966(C)(2)(a)(i)
- Louisiana Rev. Stat. § 966(C)(2)(a)(iii)(b)
- Louisiana Rev. Stat. § 966(C)(2)(a)(iii)(d)
- Louisiana Rev. Stat. § 966(C)(2)(a)(iii)(e)(i)
- Louisiana Rev. Stat. § 966(C)(2)(a)(iii)(f)(i)

Distribution or Cultivation of Marijuana

Possession of 2.5 lbs or more is a manufacture/distribution violation.

For first offenders, distribution or cultivation of less than 2.5 pounds of marijuana is punishable by a mandatory minimum sentence of one year and up to 10 years of imprisonment and a maximum fine of \$50,000. Possessing more than 2.5 pounds is punishable by a mandatory minimum sentence of one year and up to 20 years of imprisonment and a maximum fine of \$50,000.

For second/subsequent offenses, the term of imprisonment and fine authorized is doubled.

Distribution of any amount of marijuana by a person over 25 years old to a minor is punishable by a mandatory minimum sentence of 10 years and up to 30 years of imprisonment. Distribution to a minor at least three years junior is punishable by a mandatory minimum sentence of five years and up to 30 years of imprisonment.

- Louisiana Rev. Stat. § 966(B)(a), (b)
- Louisiana Rev. Stat. § 982(A)
- Louisiana Rev. Stat. § 981(A), (B)
- Louisiana Rev. Stat. § 966(D)(1), (A)

Hash & Concentrates

Louisiana classifies both plant-form Marijuana and Tetrahydrocannabinols, including Hashish and Marijuana Concentrates, in schedule I of the Louisiana Controlled Substances Schedule. For the purposes of criminal justice, the statute defines Marijuana as including tetrahydrocannabinols and derivatives thereof. The penalties for offenses involving tetrahydrocannabinols and derivatives thereof have the same penalties as for plant-form Marijuana.

Miscellaneous

Violation in a Drug Free Zone

Possession, distribution, or cultivation of marijuana within 2,000 feet of a drug free zone is punishable by 1.5 times the maximum sentence allowed for the underlying offense. A drug

free zone includes: Elementary schools, high schools, colleges or universities, playgrounds, drug treatment facilities, religious buildings, public housing, and child care centers.

Driver’s license privileges

Whenever any person who has attained the age of 19 is convicted of any crime, offense, violation, or infraction involving the possession, use, or abuse of one or more controlled dangerous substances, the court... shall issue an order of denial of driving privileges for not less than 30 days but not more than one year.

Maine Laws and Penalties

- Drugged Driving
- Legalization
- Mandatory Minimum Sentence
- Medical Marijuana

Offense	Penalty	Incarceration	Max. Fine

Possession

2.5 oz or less	No penalty	None	\$ 0

More than 2.5 - 8 oz	Crime	6 months	\$ 1,000
More than 8 oz - 1 lb	Crime	1 year	\$ 2,000
More than 1 - 20 lbs	Crime	5 years	\$ 5,000
More than 20 lbs	Crime	10 years	\$ 20,000

Public use of marijuana is a civil infraction punishable by a \$100 fine.

Possession of a "usable amount" with proof of a physician's recommendation is not punishable.

Sale or Distribution

Adult sharing with no remuneration up to 2.5 oz	No penalty	None	\$ 0
1 lb or less	Crime	1 year	\$ 2,000
More than 1 – less than 20 lbs	Crime	5 years	\$ 5,000
Aggravated sale or distribution of more than 1 – less than 20 lbs	Crime	10 years, with 2 years MMS*	\$ 20,000
20 lbs or more	Crime	10 years	\$ 20,000
Aggravated sale or distribution of 20 lbs or more	Crime	30 years, with 4 years MMS*	\$ 50,000

* Mandatory Minimum Sentence (MMS). See Penalty Details for more information.

Cultivation

3 mature plants or less; up to 12 immature plants	No penalty	None	\$ 0
5 plants or fewer	Crime	6 months	\$ 1,000
More than 5 - less than 100 plants	Crime	1 year	\$ 2,000
100 - less than 500 plants	Crime	5 years	\$ 5,000
Aggravated cultivation of 100 - less than 500 plants	Crime	10 years, with 2 years MMS*	\$ 20,000
500 plants or more	Crime	10 years	\$ 20,000

Aggravated cultivation of 500 plants or more	Crime	30 years, with 4 years MMS*	\$ 50,000
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* Mandatory Minimum Sentence (MMS). See Penalty Details for more information.

Hash & Concentrates

Up to 5 g	No penalty	None	\$ 0
More than 5 g	Crime	1 year	\$ 2,000
Sale or distrubution	Crime	5 years	\$ 5,000
Aggravated sale or distrubution	Crime	10 years, with 2 years MMS*	\$ 20,000

* Mandatory Minimum Sentence (MMS). See Penalty Details for more information.

Paraphernalia

Possession of paraphernalia	No penalty	None	\$ 0
Sale of paraphernalia	Crime	6 months	\$ 1,000
Sale to a minor younger than 16 years of age	Crime	1 year	\$ 2,000

Miscellaneous

Driver's license restriction will be imposed for aggravated furnishing any amount of pot or hash.

Penalty Details

Possession

An adult may possess up to 2.5 ounces of marijuana or up to 2.5 ounces of marijuana and marijuana concentrate including no more than 5 grams of marijuana concentrate.

An adult may cultivate up to 3 flowering marijuana plants, 12 immature plants and unlimited seedlings. An adult may possess all of the marijuana produced by the plants.

An adult may only consume marijuana in a private residence or on private property. Public use of marijuana is a civil infraction punishable by a \$100 fine. Possession of a “usable amount” of marijuana with proof of a physician’s recommendation is not punishable.

Possession of between 2.5-8 oz. is a crime punishable by a maximum sentence of six months imprisonment and a maximum fine of \$1,000.

Possession of between 8-16 oz. is a crime punishable by a maximum sentence of one year imprisonment and a maximum fine of \$2,000.

Possession of between one to 20 pounds is a crime punishable by a maximum sentence of five years imprisonment and a maximum fine of \$5,000.

Possession of over 20 pounds is a crime punishable by a maximum sentence of 10 years imprisonment and a maximum fine of \$20,000.

- Maine Revised Statutes § 1501(1)(B)
- Maine Revised Statutes § 1107-A(1)(F)
- Maine Revised Statutes § 1501(2)(B)-(C)

Sale or Distribution

Adult sharing with no remuneration up to 2.5 ounces, five grams of concentrate, or six immature plants carries no penalty, no jail time, and no fine.

The sale of one pound or less is a crime punishable by a maximum sentence of one year imprisonment and a maximum fine of \$2,000.

The sale of more than one to less than 20 pound is a crime punishable by a maximum sentence of five years imprisonment and a maximum fine of \$5,000.

Sale of more than one to less than 20 pounds to a minor or within 1,000 feet of a school or school bus or combined with a prior conviction for a similar crime, use of a firearm or use of a minor is a crime punishable by a maximum sentence of 10 years imprisonment with a two year mandatory minimum term of imprisonment and a maximum fine of \$10,000.

The sale of 20 pounds or more is a crime punishable by a maximum of 10 years imprisonment and a maximum fine of \$20,000.

Sale of 20 pounds or more to a minor or within 1,000 feet of a school or school bus or combined with a prior conviction for a similar crime, use of a firearm or use of a minor is a crime punishable by a maximum sentence of 30 years imprisonment with a four year mandatory minimum term of imprisonment and a \$50,000 fine.

- Maine Revised Statutes § 1501(1)(C)-(D)
- Maine Revised Statutes § 1103(3)(A)
- Maine Revised Statutes § 1103(1-A)(E)
- Maine Revised Statutes § 1105-A(1)(4)

- Maine Revised Statutes § 1103(1-A)(C)
- Maine Revised Statutes § § 1105-A(1)(2)

Cultivation

An adult may cultivate up to three flowering marijuana plants, 12 immature plants and unlimited seedlings. An adult may possess all of the marijuana produced by the plants with no penalty, no jail time, and no fine.

Cultivation of five plants or fewer is a crime punishable by a maximum sentence of six months imprisonment and a maximum fine of \$1,000.

Cultivation of more than five plants to 99 plants is a crime punishable by a maximum sentence of one year imprisonment and a maximum fine of \$2,000.

Cultivation of 100 to 499 plants is a crime punishable by a maximum sentence of five years imprisonment and a maximum fine of \$5,000.

Cultivation of 100-499 plants is a crime punishable by a maximum sentence of five years imprisonment and a maximum fine of \$5,000 if the cultivation is within 1000 feet of a school or school bus or combined with a prior conviction for a similar crime, use of a firearm or use of a minor is a crime subject to a maximum sentence of 10 years imprisonment with a two year mandatory minimum term of imprisonment and a \$20,000 fine.

Cultivation of 500 or more plants is a crime punishable by a maximum sentence of 10 years imprisonment and a maximum fine of \$20,000.

Cultivation of 500 or more plants within 1000 feet of a school or school bus combined with a prior conviction for a similar crime, use of a firearm or use of a minor is a Class A crime

subject to a maximum sentence of 30 years imprisonment with a four year mandatory minimum term of imprisonment and a \$50,000 fine.

- Maine Revised Statutes § 1502(1)
- Maine Revised Statutes § 1117(1)(b)(4), (3), (2), (1)
- Maine Revised Statutes § 1105-D(1)

Hash & Concentrates

The definition of Marijuana in the Maine criminal statute is written explicitly not to cover Hashish or Marijuana Concentrates. The statute defines Hashish separately as the resin extracted from the Cannabis plant including any derivative, mixture, or compound of the resin, effectively including all Concentrates. Hashish is classified in Schedule X of the Maine Controlled Substances Schedule.

The Marijuana Legalization Act defines marijuana concentrate as the resin extracted from the cannabis plant including any derivative, mixture or compound including hashish.

Possession of up to five grams of marijuana concentrate is legal with no penalty, no incarceration and no fine. Use of marijuana in public will result in a \$100 civil infraction.

Possession of more than five grams of marijuana concentrate is a crime punishable by a maximum sentence of one year imprisonment and a maximum fine of \$2,000.

Selling any amount of Hashish is a crime, subject to five years incarceration and a fine of no more than \$5000.

Using a minor child to sell any amount of Hashish is a crime, subject to 10 years incarceration with a two year mandatory minimum term of imprisonment and a fine of no more than \$20,000.

Selling any amount of Hashish when you have at least one prior conviction for a similar drug crime is a crime, subject to 10 years incarceration with a two year mandatory minimum term of imprisonment and a fine of no more than \$20,000.

Use or possession of a firearm when selling any amount of Hashish is a crime, subject to 10 years incarceration with a two year mandatory minimum term of imprisonment and a fine of no more than \$20,000.

Selling any amount of Hashish while within 1000 feet from a school or other designated safe zone is a crime, subject to 10 years incarceration with a two year mandatory minimum term of imprisonment and a fine of no more than \$20,000.

- Maine Revised Statutes § 1501(1)(B)
- Maine Revised Statutes § 1107-A(1)(D)
- Maine Revised Statutes § 1103(1-A)(B)
- Maine Revised Statutes § 1105-A(1)(3)

Paraphernalia

An adult may possess marijuana paraphernalia with no penalty, no jail time, and no fine.

The sale of paraphernalia is a person at least 16 years old is crime misdemeanor punishable by a maximum sentence of six months imprisonment and a maximum fine of \$1,000.

The sale of paraphernalia to a person less than 16 years old is a crime misdemeanor punishable by a maximum sentence of one year imprisonment and a maximum fine of \$2,000.

- Maine Revised Statutes § 1501(1)(A)
- Maine Revised Statutes § 1111-A(4-A)(A)(1), (2)

Miscellaneous

Will impose a license restriction for the aggravated trafficking of over 1 pound of marijuana if a vehicle is used in doing so. Aggravated is met by using a minor in the trafficking, or having a prior drug record in Maine or another state (but the amount of pot must be over 1 pound) or possession of a firearm at the time of the offense. They will also deprive of a license for aggravated furnishing any amount of pot or hash, aggravation based on the same as above.

Maryland Laws and Penalties

[Decriminalization](#)

[Drugged Driving](#)

[Expungement](#)

[Legalization](#)

[Mandatory Minimum Sentence](#)

[Medical Marijuana](#)

Offense	Penalty	Incarceration	Max. Fine		

Possession

Personal Use

Up to 1.5 oz (Personal Use)	No penalty	None	\$0		
1.5 oz to 2.5 oz	Civil Offense	None	\$250		
Adult Sharing (Up to 1.5 oz)*	No penalty	None	\$0		
Public Consumption (first offense)	Civil Offense	None	\$250		
50 lbs or more	Felony	5 years*	\$100,000		

Increased fines for subsequent offenders

*See Penalty Details section for more information

With intent to distribute

Less than 50 lbs	Felony	5 years	\$ 15,000
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50 lbs or more†	Felony	5 years*	\$ 15,000
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More than 50 lbs (drug kingpin)	Felony	20* - 40 years	\$ 1,000,000
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In a school vehicle, or in, on, or within 1000 feet of an elementary or secondary school	Felony	20 years	\$ 20,000
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Subsequent violation	Felony	5* - 40 years	\$ 40,000
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Involving a minor	Felony	20 years	\$ 20,000
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* Mandatory minimum sentence

† Subsequent offense carries a mandatory minimum sentence of 2 years

Trafficking

More than 5 - less than 45 kg	Felony	10 years	\$ 10,000
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45 kg or more	Felony	25 years	\$ 50,000
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In possession of a firearm while trafficking	Felony	5* - 20 years	N/A
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* Mandatory minimum sentence

Cultivation

Up to 2 plants per household	No penalty	None	\$0		
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More than 2 plants per household	Misdemeanor	3 years	\$5,000		
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See Possession section for details.

Hash & Concentrates

Up to 12 grams of concentrated cannabis or an amount of cannabis products containing THC that does not exceed 750mg	No penalty	None	\$0		
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12 g - 20 g or an amount of cannabis products containing THC that contains more than 750mg but does not exceed 1,250mg (first offense)	Civil Offense	None	\$250		
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12 g - 20 g or an amount of cannabis products containing THC that contains more than 750mg but does not exceed 1,250mg (second offense)	Civil Offense	None	\$0			
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Penalties for hashish are the same as for marijuana. Please see the marijuana penalties section for further details.

Paraphernalia

Possession of drug paraphernalia for cannabis consumption	None	None	\$0			
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Subsequent violation	Misdemeanor	2 years	\$ 2,000			
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Selling to a minor who is at least 3 years younger	Misdemeanor	8 years	\$ 15,000			
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**Last
Updated
July 1,
2023**

Penalty Details

Penalty Details

Possession for Personal Use

In Maryland marijuana is listed as a Schedule I controlled hallucinogenic substance. Simple possession (possession without the intent to distribute) of less than 1.5 ounces in Maryland is a no penalty (personal use).

Possession of between 1.5 ounces and 2.5 ounces is a civil offense with a fine not exceeding \$250 for first-time offenders.

Possession of between 2.5 ounces and less than 50 pounds of marijuana is a misdemeanor with a punishment of up to one year imprisonment and a fine not exceeding \$1,000.

Possession of 50 pounds or more of marijuana carries a punishment of a minimum of 5 years imprisonment and a fine not exceeding \$100,000.

Public consumption of cannabis carries a civil fine of up to \$250 for a first offense and \$500 for a second or subsequent offense.

“Adult sharing” of 1.5 ounces of cannabis, 12 grams of concentrated cannabis, or cannabis products containing THC in amounts up to 750mg between persons who are 21 years of age or older without remuneration is permitted. “Adult sharing” does not include instances in which marijuana is given away contemporaneously with another reciprocal transaction between the same parties; a gift of marijuana is offered or advertised in conjunction with an offer for the sale of goods or services; or a gift of marijuana is contingent upon a separate reciprocal transaction for goods or services.

See

- MD. Code Ann. §5-402(d)(vii)
- MD. Code Ann. §5-601
- MD. Code Ann. §5-612
- MD Code Ann. § 5-101(a)
- MD. Code Ann. § 5-601(c)(2)
- MD. Code Ann. § 5-601.1
- MD. Code Ann. § 5-601(C)(2)

Possession With Intent to Distribute

Possession with intent to distribute less than 50 pounds of marijuana in Maryland is a felony with a punishment of up to 5 years imprisonment and a fine not exceeding \$15,000.

See

- MD. Code Ann. §5-607(a)

If a person is found to be in possession of 50 pounds or more of marijuana (acts in proceeding 90 days can be aggregated), then the punishment for this felony is imprisonment of not less than 5 years and a fine not exceeding \$100,000.

See

- MD. Code Ann. §§5-612 (a)-(c).

Possessing marijuana with the intent to distribute in a school vehicle, or in, on, or within 1,000 feet of real property owned by or leased to an elementary school or secondary school, is a felony and is punishable by, for a first violation, imprisonment not exceeding 20 years and a fine not exceeding \$20,000, and for each subsequent violation, imprisonment not less than 5 years and not exceeding 40 years and a fine not exceeding \$40,000. These penalties are in addition to any other conviction.

See

- MD. Code Ann. § 5-627

If an offender has previously been convicted of possession with intent to distribute, then there is a mandatory minimum sentence of 2 years.

See

- MD. Code Ann. §5-607(b)(1)

If an individual is found to be a “drug kingpin” (an organizer, supervisor, financier, or manager who acts as a co-conspirator in a conspiracy to manufacture, distribute, dispense, transport in, or bring into the State a controlled dangerous substance), and dealt with 50 pounds or more of marijuana, then they are guilty of a felony and subject to imprisonment for not less than 20 years and not exceeding 40 years without the possibility of parole and a fine not exceeding \$1,000,000.

See

- MD. Code Ann. §5-613. (Does not merge. §5-613(d).)

If an adult uses or solicits a minor in a conspiracy to distribute, deliver or manufacture marijuana, then the adult is guilty of a felony and is subject to imprisonment not exceeding 20 years or a fine not exceeding \$20,000.

See

- MD. Code Ann. §5-628

Cultivation

Cultivation of up to two plants per household is legal in Maryland. If unrelated persons live together in one residence, the maximum number of plants that may be contained within the household must not exceed 2 plants. Plants must remain out of public view and be kept in such a place where persons under the age of 21 can access the plants. A person who

violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

- MD. Code Ann. § 5-601.2
- MD. Code Ann. § 5-601.2(G)

Trafficking

If a person brings 45 kilograms or more of marijuana into the state of Maryland, then they are guilty of a felony and are subject to imprisonment not exceeding 25 years and a fine not exceeding \$50,000.

If a person is guilty of trafficking more than 5 kilograms but less than 45 kilograms, they are guilty of a felony and subject to imprisonment not exceeding 10 years and a fine not exceeding \$10,000, or both.

See

- MD. Code Ann. §5-614(a)

If a person brings less than 45 kilograms of marijuana into the state, but more than 5 kilograms, then said person is guilty of a felony and subject to imprisonment not exceeding 10 years and a fine not exceeding \$10,000.

See

- MD. Code Ann. §5-614(b)

If a person is in possession of a firearm at the time they are arrested for trafficking marijuana into MD, then said person is guilty of a felony and may be punished with, for a first violation, imprisonment for not less than 5 years and not exceeding 20 years, and for each subsequent violation, imprisonment for not less than 10 years and not exceeding 20 years.

See

- MD. Code Ann. §5-621(c)(1)

Hash & Concentrates

In Maryland, hashish and marijuana concentrates are punished at the same level as plant-form marijuana and are Schedule I controlled hallucinogenic substances. See the Maryland marijuana penalty section for further details.

Possession of less than 12 grams of concentrated cannabis or an amount of cannabis products containing up to 750 mg of THC is considered an amount for personal use. Possession of between 12 grams and 20 grams or a product containing more than 750mg but less than 1,250mg of THC is a civil offense with a fine not exceeding \$250 for first-time offenders.

See

- MD. Code Ann. §5-101(q)
- MD. Code Ann. §5-402(d)(vii)
- MD. Code Ann. §5-402(d)(xii)
- MD. Code Ann. § 5-601(c)(2)

- MD. Code Ann. § 5-601.1
- *Hignut v. State*, 17 Md.App. 399 (Md. Spec. App. 1973)
- *Ertwine v. State*, 18 Md.App. 619, 308 A.2d 414 (Md. Spec. App. 1973)

Paraphernalia

Under Maryland law, paraphernalia no longer includes products designed for use with Cannabis.

See

- MD. Code Ann. §5-101

If an adult delivers drug paraphernalia to a minor who is at least 3 years younger than the person, the person is guilty of a separate misdemeanor and on conviction is subject to imprisonment not exceeding 8 years and a fine not exceeding \$15,000.

See

- MD. Code Ann. § 5-619(d)(4).

Advertising the distribution of paraphernalia is a misdemeanor and can be punished, for a first violation, with a fine not exceeding \$500, and for each subsequent violation, with imprisonment for not exceeding 2 years and a fine not exceeding \$2,000.

See

- MD. Code Ann. §5-619(e)(1)

Mandatory Minimum

Maryland has a mandatory minimum sentences for:

1. Repeat offenders who have previously been convicted of possession with intent to distribute within 1,000 ft. of a school on 2 or more occasions (5 years).
2. Any offender convicted of possessing 50 pounds or more of marijuana, including any acts of possession within the last 90 days (5 years).
3. Any offender convicted of being a “drug kingpin” who dealt in more than 50 pounds of marijuana (20 years).
4. Any offender who is in possession of a firearm at the time they are arrested for trafficking marijuana into MD (10 years)

See

- MD. Code Ann. §§5-612 (a)-(c)
- MD. Code Ann. § 5-627
- MD. Code Ann. §5-613
- MD. Code Ann. §5-621(c)(1)

Miscellaneous

Medical Necessity Defense

“In a prosecution for the use or possession of marijuana, the defendant may introduce and the court shall consider as a mitigating factor any evidence of medical necessity.

(ii) Notwithstanding paragraph (2) of this subsection, if the court finds that the person used or possessed marijuana because of medical necessity, on conviction of a violation of this section, the maximum penalty that the court may impose on the person is a fine not exceeding \$100.”

Even with the defense, the crime is still a misdemeanor. Additional fines/penalties are applicable if use is in public or more than one ounce is in possession at one time.

See

- MD. Code Ann. §§5-601(c)(3)(i)-(iii)

For more information concerning Maryland’s marijuana laws, please visit [NORML’s Maryland Medical Marijuana](#) page.

Massachusetts Laws and Penalties

[Conditional Release](#)

[Drugged Driving](#)

[Expungement](#)

[Legalization](#)

[Mandatory Minimum Sentence](#)

[Medical Marijuana](#)

Offense	Penalty	Incarceration	Max. Fine
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Possession

Personal Use			
Up to 1 oz	No Penalty	None	\$ 0
Up to 10 oz in the home**	No Penalty	None	\$ 0
More than 1 oz (first offense)	Misdemeanor	6 months	\$ 500
More than 1 oz (subsequent offense)	Misdemeanor	2 years	\$ 2,000

****The law provides different limits for marijuana possessed in the home.**

With intent to distribute

Less than 50 lbs (first offense)	Not Classified	0 - 2 years	\$ 5,000
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Less than 50 lbs (subsequent offense)	Not Classified	1 - 2.5 years	\$ 10,000
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50 - less than 100 lbs	Felony	1* - 15 years	\$ 10,000
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100 - less than 2000 lbs	Felony	2* - 15 years	\$ 25,000
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2000 - less than 10,000 lbs	Felony	3.5* - 15 years	\$ 50,000
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10,000 lbs or more	Felony	8* - 15 years	\$ 200,000
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Within 300 feet of a school, or within 100 feet of a public park	Felony	2* - 15 years	\$ 10,000
Causing or inducing someone under 18 years to commit offenses	Felony	5* - 15 years	\$ 100,000

* Mandatory minimum sentence

Cultivation

Up to 6 plants	No Penalty	None	\$ 0
Plants visible from public place	Civil Penalty	None	\$300

Distribution

Less than 50 lbs (first offense)	Not Classified	0 - 2 years	\$ 5,000
Less than 50 lbs (subsequent offense)	Not Classified	1 - 2.5 years	\$ 10,000
50 - less than 100 lbs	Felony	1* - 15 years	\$ 10,000
100 - less than 2000 lbs	Felony	2* - 15 years	\$ 25,000
2000 - less than 10,000 lbs	Felony	3.5* - 15 years	\$ 50,000
10,000 lbs or more	Felony	8* - 15 years	\$ 200,000
Within 300 feet of a school, or within 100 feet of a public park	Felony	2* - 15 years	\$ 10,000

Causing or inducing someone under 18 years to commit offenses	Felony	5* - 15 years	\$ 100,000
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* Mandatory minimum sentence

Hash & Concentrates

Possession of up to 5 g	No Penalty	None	\$ 0
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Possession of 5 g to 1 oz	Civil Offense	N/A	\$ 100
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Possession of more than 1 oz	N/A	1 year	\$ 1,000
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Manufacture or distribution	N/A	2.5 - 5 years	\$ 5,000
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Manufacture or distribution to a minor	N/A	2 - 15 years	\$ 25,000
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Using a minor to manufacture or distribute	N/A	5* - 15 years	\$ 100,000
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* Mandatory minimum sentence

Paraphernalia

Selling, possessing, or purchasing paraphernalia	No Penalty	None	\$ 0
Selling to someone under 18 years of age	Felony	3 - 5 years	\$ 5,000

Forfeiture

Marijuana, vehicles, and money are subject to forfeiture.

Miscellaneous

Conspiracy to commit any marijuana related offense is punishable by up to the maximum punishment.

Possession of 1 oz or less cannot result in the suspension of driving privileges.

**Updated
May 11,
2023**

Penalty Details

Marijuana is a class D controlled substance under the Massachusetts Controlled Substances Act.

- **Mass. Gen. Laws. ch. 94C, § 31** [Web Search](#)

Possession for Personal Use

An adult may possess up to one ounce of marijuana; up to 5 grams of marijuana may be marijuana concentrate.

Within a primary residence, an adult may possess up to 10 ounces of marijuana and any marijuana produced by marijuana plants cultivated on the premises.

An adult who possesses more than one ounce of marijuana or marijuana products must secure the products with a lock.

- Mass. Gen. Laws. ch. 94G, § 7 [Web Search](#)
- Mass. Gen. Laws. ch. 94G § 13(b) [Web Search](#)

Possession of more than one ounce of marijuana is punishable by a fine of \$500 and/or imprisonment of up to 6 months. However, first offenders of the controlled substances act will be placed on probation and all official records relating to the conviction will be sealed upon successful completion of probation. Subsequent offenses may result in a fine of \$2000 and/or imprisonment of up to 2 years. Individuals previously convicted of felonies under the controlled substances act who are arrested with over an ounce of marijuana may be subject to a fine of \$2000 and/or up to 2 years of imprisonment.

- Mass. Gen. Laws. ch. 94C, § 34 [Web Search](#)

Possession with Intent to Distribute

For first offenders, possessing less than 50 pounds of marijuana with the intent to manufacture, distribute, dispense or cultivate is punishable by a fine of \$500-\$5,000 and/or imprisonment of up to 2 years. Subsequent offenses are punishable by a fine of \$1,000-\$10,000 and/or imprisonment of 1-2.5 years.

- Mass. Gen. Laws, ch. 94C, § 32C [Web Search](#)

Possessing 50 – less than 100 pounds of marijuana with intent to distribute is a felony punishable by a fine of \$500-\$10000 and imprisonment for 2.5-15 years. There is a mandatory minimum sentence of 1 year for this offense.

Possessing 100 – less than 2000 pounds of marijuana with intent to distribute is a felony punishable by a fine of \$2,500-\$25,000 and imprisonment for 2-15 years. There is a mandatory minimum term of 2 years imprisonment.

Possessing 2,000 – less than 10,000 pounds of marijuana with intent to distribute is a felony punishable by a fine of \$5,000-\$50,000 and imprisonment for 3 ½ – 15 years. There is a mandatory minimum term of 3 ½ years imprisonment.

Possessing 10,000 pounds or more of marijuana with intent to distribute is a felony punishable by a fine of \$20,000-\$200,000 and imprisonment of 8-15 years. There is a mandatory minimum term of 8 years of imprisonment for this offense.

- Mass. Gen. Laws. ch. 94C, § 32E [Web Search](#)

If any of the above offenses are committed within 300 feet of a school and if the violation occurs between 5:00 a.m. and midnight, whether or not in session, or within 100 feet of a public park that offense is punishable by a fine of \$1,000-\$10,000 and imprisonment for 2 – 15 years. This offense has a mandatory minimum term of 2 years of imprisonment.

- Mass. Gen. Laws. ch. 94C, § 32J [Web Search](#)

Causing or inducing someone under 18 to commit any of the above offenses is punishable by a fine of \$1,000-\$100,000 and imprisonment for 5 – 15 years. This offense has a mandatory minimum term of 5 years of imprisonment.

- Mass. Gen. Laws. ch. 94C, § 32K [Web Search](#)

Cultivation

An adult may grow six marijuana plants at the adult's primary residence with a limit of a total of twelve plants at the residence.

An adult may not grow marijuana plants where the plants "are visible from a public place."

A violation of this section is punishable as a civil offense with a penalty not to exceed \$300 and forfeiture of the marijuana.

- Mass. Gen. Laws. ch. 94G, § 7 [Web Search](#)
- Mass. Gen. Laws. ch. 94G, § 13 [Web Search](#)

Distribution

For first offenders, selling less than 50 pounds of marijuana is punishable by a fine of \$500-\$5,000 and/or imprisonment of up to 2 years. Subsequent offenses are punishable by a fine of \$1,000-\$10,000 and/or imprisonment for 1 – 2.5 years.

- Mass. Gen. Laws. ch. 94C, § 32C [Web Search](#)

Selling or cultivating 50 – less than 100 pounds of marijuana is a felony punishable by a fine of \$500-\$10,000 and imprisonment for 1 – 15 years. There is a mandatory minimum term of 1 year for this offense.

Selling or cultivating 100 – less than 2000 pounds of marijuana is a felony punishable by a fine of \$2,500-\$25,000 and imprisonment for 2 – 15 years. There is a mandatory minimum term of 2 years imprisonment.

Selling or cultivating 2,000 – less than 10,000 pounds of marijuana with is a felony punishable by a fine of \$5,000-\$50,000 and is punishable by imprisonment for 3 ½ – 15 years. There is a mandatory minimum term of 3 ½ years imprisonment.

Selling or cultivating 10,000 pounds or more of marijuana with intent to distribute is a felony punishable by a fine of \$20,000-\$200,000 and imprisonment for 8 – 15 years. There is a mandatory minimum term of 8 years imprisonment.

- Mass. Gen. Laws. ch. 94C, § 32E [Web Search](#)

If any of these offenses are committed within 300 feet of a school and if the violation occurs between 5:00 a.m. and midnight, whether or not in session, or within 100 feet of a public park, that offense is punishable by a fine of \$1,000-\$10,000 and imprisonment for 2 – 15 years. This offense has a mandatory minimum term of 2 years imprisonment.

- Mass. Gen. Laws. ch. 94C, § 32J [Web Search](#)

Causing or inducing someone under 18 to commit any of the above offenses is punishable by a fine of \$1,000-\$100,000 and imprisonment for 5-15 years. This offense has a mandatory minimum term of 5 years of imprisonment.

- Mass. Gen. Laws. ch. 94C, § 32K [Web Search](#)

Hash & Concentrates

An adult may possess up to five grams of marijuana concentrate.

- Mass. Gen. Laws. ch. 94G, § 7 [Web Search](#)

Massachusetts statute defines Marihuana as including the resin extracted from the Cannabis plant and any derivatives or compounds thereof. The statute also defines Tetrahydrocannabinol separately as any compound that contains Tetrahydrocannabinol that is not itself Marihuana. The Massachusetts Controlled Substances Schedule classifies Marihuana as a Class D drug whereas Tetrahydrocannabinol as a Class C drug. Case law indicates that Hashish and Concentrates are meant to be prosecuted as Tetrahydrocannabinol, using the penalties for Class C drugs.

Massachusetts defines marijuana products to include concentrates, edible products, beverages, topical products, ointments, oils and tinctures.

- Mass. Gen. Laws. ch. 94C, §1 [Web Search](#)
- Mass. Gen. Laws. ch. 94C, §31 [Web Search](#)
- *Commonwealth v. Weeks*, 431 N.E.2d 586 (Mass. App. Ct. 1982). [Web Search](#)
- Mass. Gen. Laws. ch. 94G, §5 [Web Search](#)

The Massachusetts decriminalization law explicitly reduced penalties for the possession of less than one ounce of either Tetrahydrocannabinols or Marijuana, though it does not modify any other penalties relating to Hashish.

Possession of five grams or less of marijuana concentrates is legal in Massachusetts.

- Mass. Gen. Laws ch. 94G §7(a)(1)

Possession of more than five grams but less than two ounces is subject to a \$100 civil penalty. Possession of any amount of Hashish greater than two ounces is subject to no more than one year's imprisonment and a fine of no greater than \$1000. Diversionary probation is available for first time offenders.

- Mass. Gen Laws. ch. 94C §34, 34L

Manufacture, distribution, dispensing, or possession with intent to manufacture, distribute, or dispense Hashish is punishable by up to five years imprisonment in a state prison or two and one half years in a jail or house of correction, as well as a fine of between \$500 – \$5000.

Engaging in any of the above conduct when one has at least one prior conviction for a similar drug crime is punishable by up to ten years in a state prison or two and one half years in a jail or house of correction, as well as a fine of between \$1,000 – \$10,000. This crime is subject to a mandatory minimum of two years imprisonment.

- Mass. Gen. Laws ch 94C §32B [Web Search](#)

The manufacture, distribution, dispensing, or possession with intent to manufacture, distribute, or dispense Hashish to a minor under eighteen years is punishable by up to fifteen years imprisonment in a state prison or two and one half years in a jail or house of correction, as well as a fine of between \$1,000 – \$25,000. There is a mandatory minimum sentence of two years imprisonment.

- Mass Gen Laws. ch. 94C § 32F [Web Search](#)

If a police officer finds a child under seventeen years old in a place where Hashish, or what the officer reasonable believes is Hashish, is present, the police officer may lawfully take the child into protective custody for a period not to exceed four hours.

- Mass Gen Laws. ch. 94C § 36 [Web Search](#)

Using or inducing a minor to manufacture, dispense, distribute, or possess with intent to manufacture, dispense, or distribute Hashish is punishable by up to fifteen years imprisonment in the state prison and a fine of no more than \$100,000. This offense carries a mandatory minimum sentence of five years.

- Mass Gen. Laws ch. 94C §32K [Web Search](#)

Paraphernalia

An adult may buy and use marijuana paraphernalia.

- Mass Gen. Laws ch. 94G §8 [Web Search](#)

Selling marijuana paraphernalia to someone under 18 years of age is a felony and is punishable by a fine of \$1,000-\$5,000 and/or 3-5 years of imprisonment.

- Mass. Gen. Laws. ch. 94C, § 32I(b) [Web Search](#)

Forfeiture

All marijuana is subject to forfeiture, even in amounts under an ounce which is decriminalized in the state.

- Mass. Gen. Laws. ch. 94C, § 47(a)(1) [Web Search](#)

Vehicles are subject to forfeiture if they are used to distribute marijuana or possess marijuana that a person intends to distribute.

- Mass. Gen. Laws. ch. 94C, § 47(a)(3) [Web Search](#)

All money or proceeds that can be traced to a sale of marijuana are subject to forfeiture.

- Mass. Gen. Laws. ch. 94C, § 47(a)(5) [Web Search](#)

Miscellaneous

Conspiracy

Conspiring with another person to commit any marijuana related offense is punishable by up to the maximum punishment for the crime which was the object of the conspiracy.

- Mass. Gen. Laws. ch. 94C, § 40 [Web Search](#)

Driving Under the Influence

Failure to pass a sobriety test can result in a fine and/or imprisonment. Massachusetts does not test for THC in blood, urine, or hair when deciding if an individual has been driving while intoxicated.

Driver's License Suspension

Simple possession of one ounce or less of pot cannot result in the suspension of driving privileges.

- Mass. Gen. Laws. ch. 94C, § 32L [Web Search](#)

Last Updated May 11, 2023

Michigan Laws and Penalties

[Conditional Release](#)

[Drugged Driving](#)

[Expungement](#)

[Legalization](#)

[Medical Marijuana](#)

Offense	Penalty	Incarceration	Max. Fine

Possession for Personal Use

Up to 2.5 oz	No Penalty	None	\$ 0
Up to 10 oz in the home	No Penalty	None	\$ 0
More than 2.5 oz up to 5 oz (first offense)	Civil Infraction	None	\$ 500
More than 5 oz (first offense)	Misdemea nor	None	\$ 500

Sale or Distribution

Distribution of less than 2.5 oz without remuneration	No Penalty	None	\$ 0
Distribution of less than 5 oz without remuneration	Civil Infraction	None	\$ 500
Sale of less than 5 kg	Felony	4 years	\$ 20,000

Sale of 5 kg - 45 kg	Felony	7 years	\$ 500,000

45 kg or more	Felony	15 years	\$ 10,000,000
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<h2>Cultivation</h2> <p>*A term of imprisonment may be imposed if "the violation was habitual, willfull, and for a commercial purpose or the violation involved violence."</p>			

Less than 12 plants for personal use	No Penalty	None	\$ 0
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13 - 24 plants for personal use	Misdemeanor	None	\$ 500

Under 20 plants not for personal use	Felony	4 years	\$20,000
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20-200 plants not for personal use	Felony	7 years	\$500,000

More than 200 plants	Felony	15 years	\$10,000,000
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Hash & Concentrates

Penalties for hashish are the same as for marijuana. Please see the marijuana penalties section for further details.

Possession of up to 15 g	No Penalty	None	\$ 0
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Distribution of up to 15 g without remuneration	No Penalty	None	\$ 0
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Paraphernalia

Sale of paraphernalia	No Penalty	None	\$ 0
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Miscellaneous

In Ann Arbor

N/A

N/A

\$ 100

Any conviction will result in a driver's license suspension for 6 months.

**Updated May
11, 2023**

Penalty Details

Possession

Under Michigan law marijuana is listed as a Schedule I controlled substance.

An adult may possess up to 2.5 ounces of marijuana; up to 15 grams of marijuana may be marijuana concentrate.

Within a residence, an adult may possess up to 10 ounces of marijuana and any marijuana produced by marijuana cultivated on the premises.

An adult who possesses more than 2.5 ounces of marijuana within a residence must store the excess amount in a secure container. Possession of more than 2.5 ounces of marijuana and up to 5.0 ounces of marijuana is a civil infraction punishable by a maximum fine of \$500 and forfeiture of the marijuana for a first offense.

Possession of more than 5.0 ounces of marijuana is a misdemeanor. No term of imprisonment will be imposed unless the possession involved violence or was “habitual, willful and for a commercial purpose.”

Possession in or within 1,000 feet of a park is either a felony or a misdemeanor, based on the judge’s discretion, and is punishable by a maximum of 2 years imprisonment and a maximum fine of \$2,000.

- Michigan Code Section 333.7212 [Web Search](#)
- Michigan Code Section 333.27955, Sec. 5.1 (a) [Web Search](#)
- Michigan Code Section 333.27955, No. 1, Sec. 5.1 (b) [Web Search](#)
- Michigan Code Section 333.2754, No. 1, Sec. 4.1 (i) [Web Search](#)
- Michigan Code Section 333.27965, Sec 15.2(a) [Web Search](#)
- Michigan Code Section 333.27955, No. 1, Sec 15.4 [Web Search](#)
- Michigan Code Section 333.7410a [Web Search](#)
- Michigan Code Section 333.7411 [Web Search](#)

Sale or Distribution

An adult may transfer up to 2.5 ounces of marijuana to another adult as long as there is no remuneration and the transfer is not advertised or promoted to the public. Distribution of less than 5 ounces without remuneration is a civil infraction with no incarceration possible and a maximum \$500 fine.

The sale of less than 5 kilograms is a felony punishable by a maximum sentence of 4 years imprisonment and a maximum fine of \$20,000.

The sale of 5 kilograms – 45 kilograms is a felony, which is punishable by a maximum sentence of 7 years imprisonment and a maximum fine of \$500,000.

The sale of 45 kilograms or more is a felony, which is punishable by a maximum sentence of 15 years imprisonment and a maximum fine of \$10,000,000.

- Michigan Code Section 333.27955, Sec. 5.1 (d) [Web Search](#)
- Michigan Code Section 333.7401(2)(d) [Web Search](#)
- Michigan Code Section 333.7410 [Web Search](#)

Cultivation

An adult may grow up to 12 marijuana plants at the adult's residence for personal use.

An adult may not grow marijuana plants "if the plants are visible from a public place" or if the plants are growing outside of a secure area. A violation of this section is punishable as a civil offense with a fine not to exceed \$100 and forfeiture of the marijuana.

The cultivation of up to 24 plants for personal use is a civil infraction with no incarceration and maximum \$500 fine.

The cultivation of 25 – 200 plants is a felony with a term of imprisonment up to seven years. The cultivation of more than 200 plants is also a felony with a term of imprisonment up to 15 years.

- Michigan Code Section 333.7401, Sec. 7401(2)(d)(i),(ii),(iii)
- Michigan Code Section 333.27965, Sec. 15.1

- Michigan Code Section 333.7401

Hash & Concentrates

In Michigan, marijuana and hashish are punished in the same manner. The statutory definition of “marihuana” includes “all parts of the plant *Cannabis sativa* L., growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin.” Hashish, hashish oil, and extracts clearly fall under this definition. Please see the marijuana penalties section for further details on Michigan’s criminal sanction on cannabis.

An adult may possess up to 15 grams of marijuana concentrate.

An adult may transfer up to 15 grams of marijuana concentrate to another adult as long as there is no remuneration and the transfer is not advertised or promoted to the public.

- Michigan Code § 333.7106 [Web Search](#)
- *People v. Campbell*, 72 Mich App. 411 249 N.W.2d 870 (1977). [Web Search](#)
- Michigan Code Section 333.27955, Sec. 5.1(a) [Web Search](#)
- Michigan Code Section 333.27955, Sec. 5.1(b) [Web Search](#)

Paraphernalia

An adult may buy and use marijuana paraphernalia and may sell marijuana paraphernalia to another adult..

- Michigan Code Section 333.27955, Sec. 5.2 [Web Search](#)

Miscellaneous

Any conviction will result in a driver's license suspension for 6 months.

- Michigan Code § 257.319e [Web Search](#)

Ann Arbor

In Ann Arbor, the penalty for being caught with marijuana is a \$25 fine for the first offense, \$50 for the second, and \$100 for the third offense. Marijuana is not decriminalized on the University of Michigan's campus.

Last Updated May 11, 2023

Minnesota Laws and Penalties

[Conditional Release](#)

[Expungement](#)

[Medical Marijuana](#)

[Legalization](#)

[Tax Stamps](#)

Offense	Penalty	Incarceration	Max. Fine

Possession

2 oz or less in public

No Penalty

N/A

N/A

2 lbs or less in private

No Penalty

N/A

N/A

More than 2 oz less than 4 oz

Petty Misdemeanor

N/A

\$300

4 oz - 1 lb

Possession in
Third Degree

90 days

\$1,000

1 lb - 2 lbs

Possession in
Second Degree

1 year

\$3,000

2 lbs - 10 kg

Possession in First
Degree

5 years

\$10,000

* There is a possible drug education course requirement.

Sale

2 oz or less without remuneration	No Penalty	N/A	N/A
8g of concentrate with no remuneration	No Penalty	N/A	N/A
800 mg edible products with no remuneration	No Penalty	N/A	N/A
Sale of up to 2 oz	Petty Misdemeanor	N/A	\$300
Sale of over 2 oz	Cannabis Sale in Third Degree	90 days	\$1,000
Importing 100 kg or more or using a minor to import	Felony	35 years	\$1,250,000
To a minor	Felony	20 years	\$250,000

Within a school zone or other specified areas	Felony	15 years	\$100,000
5 – less than 25 kg in a school zone	Felony	25 years	\$500,000

Cultivation

Up to 8 plants (4 mature)	No Penalty	N/A	N/A
More than 8 plants (4 mature) but less than 16 plants	Civil Penalty	N/A	\$ 500/plant
More than 16 plants but less than 23	Cultivation of Cannabis in the Second Degree	1 Year	\$ 3,000
23 or more plants	Cultivation of Cannabis in the First Degree	5 Years	\$ 10,000

Hash & Concentrates

Possession of up to 8g concentrate	No Penalty	N/A	N/A
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Possessio of up to 800 mg in edible form	No Penalty	N/A	N/A
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Sale of up to 8g concentrate or 800 mg infused into edible product	Petty Misdemeaor	N/A	\$300
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Sale of over 8g concentrate or 800 mg infused in edible products	Cannabis Sale in Third Degree	90 days	\$1,000
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See Penalty Details for edible cannabis products

Paraphernalia

Possession of paraphernalia	No Penalty	N/A	N/A
Sale/Advertise	No Penalty	N/A	N/A
Sale to a minor	Misdemeanor	1 year	\$3,000

Miscellaneous

Conviction for possession or sale while driving may result in a 30 day driver's license suspension.

Updated
May 30,
2023

Penalty Details

Possession for Personal Use

The Minnesota statute lists Marijuana as a Schedule 1 controlled substance.

Possession of 2 oz or less in public or 2 lbs in private is legal in Minnesota.

- §342.09 of Minnesota Statute

Possession of more than 2 oz but not more than 4 oz of cannabis concentrate is cannabis possession in the fourth degree. This is punishable as a petty misdemeanor, with a fine of up to \$300.

- §152.0263 of the Minnesota Statutes

Possession of more than 4 oz but not more than 1 lb of cannabis concentrate is cannabis possession in the third degree. This is punishable by not more than 90 days imprisonment and/or a \$1,000 fine.

- §152.0263 of the Minnesota Statutes

Possession of more than 1 lb but not more than 2 lbs of cannabis concentrate is cannabis possession in the second degree. This is punishable by not more than 1 years imprisonment and/or a \$3,000 fine.

- §152.0263 of the Minnesota Statutes

Possession of more than 2 lbs but not more than 10 kg of cannabis concentrate is cannabis possession in the first degree. This is punishable by not more than 5 years imprisonment and/or a \$10,000 fine.

- §152.0263 of the Minnesota Statutes

Possession of more than 10 kg but less than 25 kg of cannabis flower is a controlled substance crime in the third degree

- **§152.022 of the Minnesota Statutes**

Possession of more than 25 kg but less than 50 kg of cannabis flower is a controlled substance crime in the second degree

- **§152.023 of the Minnesota Statutes**

Possession of 50 kg or more of cannabis flower is a controlled substance crime in the first degree

- **§152.021 of the Minnesota Statutes**

*** A conditional discharge is possible for first time offenders.**

*** There is a possible drug education course requirement.**

- **Section 152.02 of the Minnesota Statutes**
- **Section 152.021 of the Minnesota Statutes**
- **Section 152.022 of the Minnesota Statute**
- **Section 152.023 of the Minnesota Statute**
- **Section 152.024 of the Minnesota Statute**
- **Section 152.025 of the Minnesota Statute**
- **Section 152.027 of the Minnesota Statute**

Sale

Sale for no remuneration by a person over the age of 21 to another person over the age of 21 is not an unlawful sale.

- §152.0264 of the Minnesota Statutes

It is lawful to give up to 2 oz cannabis flower, 8 g cannabis concentrate, or edible products infused with up to 800 mg of cannabis for no remuneration.

- §342.09 of the Minnesota Statutes

Sale of up to 2 oz of cannabis flower is sale of cannabis in the fourth degree. This is punishable as a petty misdemeanor, with a fine of up to \$300.

Sale of over 2 oz of cannabis flower is sale of cannabis in the third degree. This is punishable by not more than 90 days imprisonment and/or a fine up to \$1,000.

- § 152.0264 of the Minnesota Statutes

In addition to the criminal penalties the following civil penalties may also be imposed:

Sale of up to two ounces of cannabis flower is punishable by a \$3,000 fine or three times the retail value of the cannabis flower, whichever is greater.

Sale of more than two ounces but not more than 8 oz of cannabis flower is punishable by a \$10,000 fine or three times the retail value of the cannabis flower, whichever is greater.

Sale of more than 8 ounces but not more than 1 lb of cannabis flower is punishable by a \$25,000 fine or three times the retail value of the cannabis flower, whichever is greater.

Sale of more than 1 lb but not more than 5 lbs of cannabis flower is punishable by a \$50,000 fine or three times the retail value of the cannabis flower, whichever is greater.

Sale of more than 5 lb but not more than 25 lbs of cannabis flower is punishable by a \$100,000 fine or three times the retail value of the cannabis flower, whichever is greater.

Sale to a minor is a felony punishable by a maximum sentence of 20 years imprisonment and a maximum fine of \$250,000.

Distribution within a school zone or other specified areas is a felony punishable by a maximum sentence of 15 years imprisonment and a maximum fine of \$100,000.

Subsequent convictions shall be committed to the commissioner of corrections for 1 – 30 years and a possible fine of not more than \$100,000.

Distribution of 5 kg – less than 25kg within a school zone or other specified areas is a felony punishable by a maximum sentence of 25 years imprisonment and a maximum fine of \$500,000.

Distribution of 25 kg or more within a school zone or other specified areas is a felony punishable by a maximum sentence of 30 years imprisonment and a maximum fine of \$1,000,000. Subsequent convictions shall be committed to the commissioner of corrections for 4 – 40 years and a possible fine of not more than \$1,000,000.

- Section 152.021 of the Minnesota Statutes
- Section 152.022 of the Minnesota Statute
- Section 152.023 of the Minnesota Statute
- Section 152.024 of the Minnesota Statute
- Section 152.025 of the Minnesota Statute
- Section 152.027 of the Minnesota Statute
- Section 152.0261 of the Minnesota Statute

Cultivation

It is lawful to grow up to 8 cannabis plants with a maximum of 4 being mature in Minnesota. Cultivation must take place at the primary residence of an adult 21 years or older. The plants may be grown outdoors. All plants must be in an enclosed, locked space that is not accessible by the public.

- §342.09(2) of the Minnesota Statutes

A civil penalty of up to \$500 for each plant grown in excess of the limit may be assessed when a person grows more than 8 plants or more than four mature plants, without a license to cultivate cannabis issued under this chapter.

- §342.09(6) of the Minnesota Statutes

Growing more than 16 but not more than 23 plants is cultivation of cannabis in the second degree. This is punishable by not more than 1 one year imprisonment and/or a \$3,000 fine.

Growing more than 23 cannabis plants is cultivation of cannabis in the first degree. This is punishable by not more than 5 years imprisonment and/or a \$10,000 fine.

- §152.0265 of the Minnesota Statutes

Hash & Concentrates

The Minnesota statute lists Marijuana and Tetrahydrocannabinol separately in Schedule 1 of the Minnesota controlled substances schedule. Tetrahydrocannabinols are defined as any mixture, compound, or preparation that contains the active THC component of the Cannabis plant or its resinous extractives. Case law refers to Hashish as the resinous form of Marijuana and generally holds that Marijuana and Hashish should be treated equally under the law.

Possession of up to 8 g of cannabis concentrate and up to 800 mg in infused edible products.

The punishments enumerated in the statutes are equal for Marijuana and Tetrahydrocannabinols in all but one instance. The only difference is the decreased penalties for the possession of, or distribution without remuneration of, a small amount of plant-form Marijuana. This provision does not include Tetrahydrocannabinols. The statute specifically excludes the “resinous form” of Marijuana from inclusion in the definition.

Possession of more than 16 g but not more than 80 g of cannabis concentrate is cannabis possession in the third degree. Possession of edible products infused with more than 1,600 mg but not more than 8 g of cannabis is cannabis possession in the first degree. This is punishable by not more than 90 days imprisonment and/or a \$1,000 fine.

- **§152.0263 of the Minnesota Statutes**

Possession of more than 80 g but not more than 160 g of cannabis concentrate is cannabis possession in the second degree. Possession of edible products infused with more than 8 g but not more than 16 g of cannabis is cannabis possession in the second degree. This is punishable by not more than 1 year imprisonment and/or a \$3,000 fine.

- **§152.0263 of the Minnesota Statutes**

Possession of more than 160 g but not more than 2 kg of cannabis concentrate is cannabis possession in the first degree. Possession of edible products infused with more than 16 g but not more than 200 g of cannabis is cannabis possession in the first degree. This is punishable by not more than 5 years imprisonment and/or a \$10,000 fine.

- **§152.0263 of the Minnesota Statutes**

Possession of more than 2 kg but less than 5 kg of cannabis flower is a controlled substance crime in the third degree. Possession of edible products with more than 200 g but less than 500 mg of cannabis is a controlled substance crime in the third degree.

- **§152.023 of the Minnesota Statutes**

Possession of more than 5 kg but less than 10 kg of cannabis concentrate is a controlled substance crime in the second degree. Possession of edible products with more than 500 g but less than 1 kg of cannabis is a controlled substance crime in the second degree.

- **§152.022 of the Minnesota Statutes**

Possession of 10 kg or more of cannabis concentrate or edible products infused with more than 1 kg of cannabis is a controlled substance crime in the first degree.

- §342.08 of Minnesota Statutes
- § 152.02 of the Minnesota Statutes
- § 152.01 of the Minnesota Statutes
- §152.021 of the Minnesota Statutes
- § 152.027 of the Minnesota Statutes
- § 152.025 of the Minnesota Statutes
- Soutor v. State, 342 N.W.2d 175 (Ct. App. Min. 1984)

Sale of up to 8 g of cannabis concentrate or edible products infused with more than 800 mg is sale of cannabis in the fourth degree. This is punishable as a petty misdemeanor, with a fine of up to \$300.

Sale of over 8 g of cannabis concentrate or edible products infused with up to 800 mg is sale of cannabis in the third degree. This is punishable by not more than 90 days imprisonment and/or a fine up to \$1,000.

- § 152.0264 of the Minnesota Statutes

In addition to the criminal penalties the following civil penalties may also be imposed:

Sale of up to 8 g of cannabis concentrate is punishable by a \$3,000 fine or three times the retail value of the cannabis concentrate, whichever is greater.

Sale of more than 8 g but not more than 40 g of cannabis concentrate is punishable by a \$10,000 fine or three times the retail value of the cannabis concentrate, whichever is greater.

Sale of more than 40 g but not more than 80 g of cannabis concentrate is punishable by a \$25,000 fine or three times the retail value of the cannabis concentrate, whichever is greater.

Sale of more than 80 g but not more than 400 g of cannabis concentrate is punishable by a \$50,000 fine or three times the retail value of the cannabis concentrate, whichever is greater.

Sale of more than 400 g but not more than 2 kg of cannabis concentrate is punishable by a \$100,000 fine or three times the retail value of the cannabis concentrate, whichever is greater.

Sale of edible products infused with up to 800 mg is punishable by a \$3,000 fine or three times the retail value of the cannabis flower, whichever is greater.

Sale of edible products infused with more than 800 mg but not more than 4 g is punishable by a \$10,000 fine or three times the retail value of the cannabis flower, whichever is greater.

Sale of edible products infused with more than 4 g but not more than 8 g is punishable by a \$25,000 fine or three times the retail value of the cannabis flower, whichever is greater.

- **§342.09(6)(b) of Minnesota Statute**

Paraphernalia

Possession of paraphernalia is lawful.

- §342.98 of Minnesota Statute

Sale to a minor is a gross misdemeanor punishable by a fine not to exceed \$3,000 and a maximum sentence of imprisonment of up to 1 year.

- Section 152.092 of the Minnesota Statutes

Miscellaneous

When a person is convicted of possession or sale of marijuana, the sentencing court shall determine whether the person unlawfully sold or possessed the controlled substance while driving a motor vehicle. If so, the court shall notify the commissioner of public safety of its determination and order the commissioner to revoke the person's driver's license for 30 days.

- Section 152.0271 of the Minnesota Statutes

Last Updated May 30, 2023

Mississippi Laws and Penalties

[Decriminalization](#)

[Drugged Driving](#)

[Low THC](#)

**Mandatory Minimum Sentence
Medical Marijuana**

	Penalty	Incarceration	Max. Fine
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Possession

30 g or less (first offense)	N/A	N/A	\$ 250
30 g or less (second offense)	Misdemeanor	5* - 60 days	\$ 250
30 - 250 g	Felony	1 - 3 years	\$ 1,000
250 - 500 g	Felony	2* - 8 years	\$ 50,000
500 g - 1 kg	Felony	4* - 16 years	\$ 250,000

1 - 5 kg	Felony	6* - 24 years	\$ 500,000
5 kg or more	Felony	10* - 30 years	\$ 1,000,000
30 g or less in any part of a vehicle besides the trunk	Misdemeanor	90 days	\$ 1,000

* Mandatory minimum sentence

Sale

Up to 30 g	Felony	3 years	\$ 3,000
30 - 250 g	Felony	5 years	\$ 5,000
250 - 500 g	Felony	3 - 10 years	\$ 15,000

500 g or more	Felony	5 - 20 years	\$ 20,000
1 kg or more (trafficking)	Felony	10* - 40 years	\$1,000,000

To a minor or within 1500 feet of a school, church, or other designated area is a felony that carries double incarceration period and fines.

Cultivation

See Possession and Sale sections for details.

Hash & Concentrates

Possession of .1 g or less	Misdemeanor or Felony	1 year	\$ 1,000
Possession of .1 g - 2 g	Felony	3 years	\$ 50,000

Possession of 2 g - 10 g	Felony	8 years	\$ 250,000
Possession of 10 g - 30 g	Felony	3 - 20 years	\$ 500,000
Possession of more than 30 g	Felony	30 years	\$ 1,000,000
Sale, barter, manufacture, transfer, or distribution	N/A	30 years	\$ 1,000,000
Sale of less than 2g	Felony	8 years	\$50,000
Sale of 2 g - 10 g	Felony	3 - 20 years	\$250,000
Sale of 10 g - 30 g	Felony	5 - 30 years	\$500,000
Trafficking (sale of 30 g or more)	Felony	10* - 40 years	\$1,000,000

Aggravated Trafficking (sale of 200 g or more)	Felony	25 years* - life	\$1,000,000
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*Mandatory Minimum Sentence

Paraphernalia

Possession of paraphernalia	Misdemeanor	6 months	\$ 500
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Miscellaneous

Any conviction will result in a 6 months driver's license suspension.

Subsequent convictions will result in double penalties.

	Updated May 11, 2023
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Penalty Details

Possession

A first offense for possession of 30 grams or less is punishable by a fine of \$100-\$250.

A subsequent conviction will result in 5-60 days imprisonment and a fine of up to \$250.

A third conviction will result in 5 days-6 months imprisonment as well as a maximum fine of \$1,000.

- Miss. Ann. Code § 41-29-139 [Web Search](#)

Possession of between 30 and 250 grams is a felony punishable by a maximum of 3 years imprisonment and/or a maximum fine of \$3,000, or by up to one year imprisonment and a maximum fine of \$1000.

- Miss. Ann. Code § 41-29-139(c) (2)(B) [Web Search](#)

Possession of between 250 and 500 grams is a felony punishable by 2-8 years imprisonment and/or a maximum fine of \$50,000.

- Miss. Ann. Code § 41-29-139(c)(2)(B) [Web Search](#)

Possession of between 500 grams and 1 kilogram is a felony punishable by 4-16 years imprisonment and/or a maximum fine of \$250,000.

- Miss. Ann. Code § 41-29-139 (c)(2)(B) [Web Search](#)

Possession of between 1 and 5 kilograms is a felony punishable by between 6 and 24 years in prison and/or a maximum fine of up to \$500,000.

- Miss. Ann. Code § 41-29-139 (c)(2)(B) [Web Search](#)

Possession of 5 kilograms or more is a felony punishable by 10-30 years imprisonment as well as a maximum fine of \$1,000,000.

- Miss. Ann. Code § 41-29-139(c)(2)(B) [Web Search](#)

Sale

Selling up to 30 grams of marijuana is a felony punishable by up to 3 years imprisonment and/ or a maximum fine of \$3,000.

- Miss. Ann. Code § 41-29-139 (b)(2)(A) [Web Search](#)

Selling between 30 grams and 250 grams is a felony punishable by a maximum sentence of 5 years imprisonment and/or a maximum fine of \$5,000.

- Miss. Ann. Code § 41-29-139 (b)(2)(A) [Web Search](#)

Selling between 250 grams and 500 grams is punishable by 3-10 years imprisonment and a maximum fine of \$15,000.

Selling between 500 grams and 1 kilogram is punishable by 5-20 years imprisonment and/or a maximum fine of \$20,000.

- Miss. Ann. Code § 41- 29- 139 (b)(2) [Web Search](#)

Selling more than 1 kilogram is punishable by 10-40 years imprisonment and a maximum fine of \$1,000,000.

- Miss. Ann. Code § 41-29-139 (f) [Web Search](#)

The sale to a minor or within 1,500 feet of a school, church, or other designated area is a felony that carries with it a doubling of the incarceration period and the fine.

- Miss. Ann. Code § 41-29-139 [Web Search](#)

Cultivation

Cultivation in Mississippi will be punished based upon the aggregate weight of the plants found. See the “Possession” and “Sale, Trafficking, or Distribution” sections for further penalty details.

Hash & Concentrates

Under the Mississippi Code, hashish is defined as the resin extracted from the cannabis plant and any preparation, derivative, or mixture of that resin.

- Miss. Ann. Code § 41-29-113 [Web Search](#)

The sale, barter, manufacture, transfer, or distribution of hashish, or possession of hashish with intent to take any of the above actions is subject to up to 30 years imprisonment and a fine of no more than \$1,000,000 and no less than \$5000.

- Miss. Ann. Code § 41-29-139(a)-(b) [Web Search](#)

Trafficking hashish is subject to a mandatory minimum penalty of 30 years imprisonment without the possibility of parole or a reduction in the sentence. It is also subject to a fine no less than \$5000 and no more than \$1,000,000.

- Miss. Ann. Code § 41-29-139(g) [Web Search](#)

Possession of .1 gram or less of hashish is a misdemeanor and is punishable by up to 1 year imprisonment and/or a maximum fine of \$1000.

- Miss. Ann. Code § 41-29-139(c) [Web Search](#)

Possession of between .1g and 2g of hashish is a felony punishable by a maximum of 3 years imprisonment and/or a fine no greater than \$50,000.

- Miss. Ann. Code § 41-29-139(c) [Web Search](#)

Possession of between 2g and 10g of hashish is a felony, punishable by a maximum of 8 years imprisonment and/or a fine no greater than \$250,000.

- Miss. Ann. Code § 41-29-139(c) [Web Search](#)

Possession of between 10g and 30g of hashish is a felony punishable by 3-20 years imprisonment and a fine of no more than \$500,000.

- Miss. Ann. Code § 41-29-139(c) [Web Search](#)

Possession of more than 30g of hashish is a felony punishable by 10-40 years in prison and a fine of no more than \$1,000,000.

- Miss. Ann. Code § 41-29-139(c) [Web Search](#)

Sale or distribution of Hashish by a person over 21 years old to a person under 21 years old doubles the maximum allowable period of incarceration for that offense. The fine for the offense does not change.

- Miss. Ann. Code § 41-29-145 [Web Search](#)

Sale, barter, distribution, transfer, or manufacture of hashish or possession with intent to commit any of the above offenses within 1500 feet of a school building or other designated place or within 1000 feet of the property a school building or other designated place resides on doubles the maximum allowable period of incarceration for that offense.

The fine for the offense can also be doubled in this situation. A subsequent conviction under this statute will lead to the imposition of the maximum allowable fine and incarceration period.

- Miss. Code Ann. § 41-29-142 [Web Search](#)

The maximum period of incarceration and maximum fine for any crime under this section may be doubled for any person who, at the time of their conviction, has a prior conviction for any similar drug crime.

- Miss. Ann. Code § 41-29-147 [Web Search](#)

The use of a gun in the commission of any drug crime or possession of a gun at the time of arrest for a drug crime doubles both the maximum allowable period of incarceration and the maximum fine for any given offense.

- Miss. Ann. Code § 41-29-152 [Web Search](#)

Paraphernalia

Using, or possessing paraphernalia is a misdemeanor, punishable by up to 6 months in jail and a maximum fine of \$500. This does not apply to individuals convicted of possession of 30 grams of marijuana, approximately one ounce or less; in that case the possession punishment would be the only penalty.

- Miss. Ann. Code § 41-29-139 (d)(1) [Web Search](#)

Selling paraphernalia is a misdemeanor, punishable by up to a \$500 fine or up to 6 months in jail. Additionally, selling paraphernalia to a minor is punishable of up to \$1,000 and/or up to one year in jail.

- Miss. Ann. Code § 41-29-139 (d)(2)-(3) [Web Search](#)

It is illegal to advertise the sale of paraphernalia in any print or electronic publication. The penalty for such activity is a fine of up to \$500 and/or 6 months in jail.

- Miss. Ann. Code § 41-29-139(d) (4) [Web Search](#)

Miscellaneous

Any conviction will result in a 6-month driver's license suspension.

- Miss. Ann. Code § 63-1-71(1) [Web Search](#)

Possession of between one and 30 grams kept in a vehicle is punishable of a fine up to \$1,000 and up to 90 days in jail. This applies to areas in the vehicle occupied by drivers or passengers including the utility or glove compartment but does not apply to the trunk.

An automobile will not be subject to a forfeiture for conviction for possession for less than 30 grams of marijuana, for possession of between 1 and 30 grams in a vehicle or possession of more than 30 but less than 250 grams.

- Miss. Ann. Code § 41-29 -153. [Web Search](#)

Last Updated May 11, 2023

Missouri Laws and Penalties

Drugged Driving
Expungement
Legalization
Mandatory Minimum Sentence
Medical Marijuana

Offense	Penalty	Incarceration	Max. Fine

Possession

Up to 3 oz	No penalty	None	\$ 0

Possession of more than 35g, but less than 30kg, has often, historically, been charged as intent to distribute.

Sale, Trafficking, or Distribution

Sale, Distribution

35 g or less	Felony	4 years	\$ 10,000

More than 35 g - 30 kg	Felony	3 - 10 years	\$ 10,000
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To a minor	Felony	3 - 15 years	Twice profit
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Distribution near school, recreational park or public housing	Felony	10 - 30 years, or life	Twice profit
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Trafficking

Possess or bring into the state more than 30 - less than 100 kg	Felony	3 - 10 years	\$ 10,000
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Possess or bring into the state 100 kg or more	Felony	5 - 15 years	Twice profit
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Possess or bring into the state 500 plants or more	Felony	5 - 15 years	Twice profit
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Distribute, manufacture 30 - less than 100 kg	Felony	5 - 15 years	Twice profit
Distribute, manufacture 100 kg or more	Felony	10 - 30 years, or life	Twice profit

Cultivation

35 g or less	Felony	4 years	\$ 10,000
More than 35 g	Felony	3 - 10 years	\$ 10,000
Near a school	Felony	5 - 15 years	Twice profit

Hash & Concentrates

Penalties for hashish are the same as for marijuana. Please see the marijuana penalties section for further details.

Paraphernalia

Possession of paraphernalia (first offense)	Misdemean or	None	\$ 500
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Possession of paraphernalia (second offense)	Misdemean or	1 year	\$ 2,000
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Unlawful manufacture	Misdemean or	1 year	\$ 2,000
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Commercial purposes	Felony	4 years	\$ 10,000
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Miscellaneous

Public Nuisance - keeping or maintaining room or building used for manufacture, storage or sale is a Felony punishable by up to 4 years imprisonment and a \$10,000 fine.

Prior Drug Offender - if found guilty of any felony offense relating to controlled substances, and, if found guilty of Class C, D or E felony, shall be sentenced to one class higher than the offense.

Persistent Drug Offender - if found guilty of two or more felony offenses relating to controlled substances, and, if found guilty of Class C, D or E felony, shall be sentenced two classes higher than the offense. If found guilty of a Class B felony, the offender shall be sentenced to the term of imprisonment for a Class A felony—10 to 30 years, or life.

Abuse and Lose - Possession of controlled substance results in 90-day suspension of driving privilege if under 21. Persons 21 and over will have driving privilege revoked for one year if found in violation of possession or use of controlled substance while operating a motor vehicle.

Penalty Details

Missouri voters decided in favor of **Amendment 3** legalizing the possession, cultivation, and licensed retail sale of cannabis for those ages 21 and older. Changes took effect on December 8, 2022 permitting adults (21+) to possess up to three ounces of cannabis and to home-cultivate up to six flowering plants, six immature plants, and six plants under 14 inches for personal use.

Legislation was **approved** in 2014 to rewrite Missouri's criminal code so that the possession of ten grams or less of cannabis is punishable by a fine only though the offense remains classified as a criminal misdemeanor. These changes took effect on January 1, 2017. The possession of greater quantities of cannabis remains punishable by jail time.

Possession

Possession of up to ten grams for first-time offenders is Class D misdemeanor, punishable by a maximum fine of \$500, but no jail time. A second/subsequent offense is punishable by a sentence of one year imprisonment and a fine of up to \$2,000.

Possession of over 10 grams but less than 35 grams is a Class A misdemeanor which is punishable by a maximum sentence of 1 year imprisonment and a maximum fine of \$2,000.

Possession of 35 grams- 30 kilograms* is a Class D felony which is punishable by up to 7 years imprisonment and a maximum fine of \$10,000.

*Depending on facts, possession of more than 35g, but less than 30kg, has often, historically, been charged as intent to distribute. Same as Distribution penalties below.

- **RSMo § 579.015**

Sale, Distribution

The sale or manufacture of 35 grams or less is a Class E felony which is punishable by up to 4 years imprisonment and a maximum fine of \$10,000.

The sale or manufacture of 35 grams-30 kilograms is a Class C felony which is punishable by a sentence of 3 – 10 years imprisonment and a fine of \$10,000.

Distribution to a minor is a Class C felony punishable by a sentence of 3 – 15 years and a fine of twice profit.

Distribution near school, recreational park or public housing is a Class A felony punishable by a sentence of 10 – 30 years, or life imprisonment and a fine of twice profit.

- [RSMo § 579.020](#)
- [RSMo § 579.030](#)

Trafficking

Possess or bring into state 30 – 100 kilograms is a Class C felony punishable by a sentence of 3 to 10 years and a fine of \$10,000.

Possess or bring into state 100kg or more or 500 plants or more is a Class B felony which is punishable by a sentence of 5 – 15 years imprisonment and a fine of twice profit.

Distribute, manufacture 30 – less than 100 kg is a Class B felony which is punishable by a sentence of 5 – 15 years imprisonment and a fine of twice profit.

Distribute, manufacture 100 kg or more is a Class A felony which is punishable by a sentence of 10 – 30 years, or life imprisonment and a fine of twice profit.

- [RSMo § 579.068](#)

- **RSMo § 579.065**

Cultivation

****Missouri voters decided in favor of **Amendment 3** legalizing the possession, cultivation, and licensed retail sale of cannabis for those ages 21 and older. Beginning on December 8, 2022, adults will be permitted to possess up to three ounces of cannabis and to home-cultivate up to six flowering plants, six immature plants, and six plants under 14 inches for personal use.**

35 grams or less is a Class E felony which is punishable by up to 4 years imprisonment and a maximum fine of \$10,000.

More than 35 grams is a Class C felony which is punishable by a sentence of 3 – 10 years imprisonment and a fine of \$10,000.

Any amount near school Class B Felony punishable by a sentence of 5 to 15 years and a fine of twice profit.

- **RSMo § 579.055**

Hash & Concentrates

The penalties for hashish and concentrates are exactly the same as for marijuana in Missouri.

Paraphernalia

The possession of paraphernalia is a misdemeanor which is punishable by a fine of \$500 for a first offense. A second offense is punishable a maximum sentence of 1 year imprisonment and a maximum fine of \$2,000.

Unlawful manufacture of paraphernalia is a misdemeanor which is punishable by a maximum sentence of 1 year imprisonment and a maximum fine of \$2,000.

For commercial purposes, manufacture of paraphernalia is a felony is punishable by a maximum sentence of 4 years imprisonment and a maximum fine of \$10,000.

- [RSMo § 579.074](#)
- [RSMo § 579.076](#)
- [RSMo § 579.040](#)

Miscellaneous

Public Nuisance – keeping or maintaining room or building used for manufacture, storage or sale is a Felony punishable by up to 4 years imprisonment and a \$10,000 fine.

Prior Drug Offender – if found guilty of any felony offense relating to controlled substances, and, if found guilty of Class C, D or E felony, shall be sentenced to one class higher than the offense.

Persistent Drug Offender – if found guilty of two or more felony offenses relating to controlled substances, and, if found guilty of Class C, D or E felony, shall be sentenced two classes higher than the offense. If found guilty of a Class B felony, the offender shall be sentenced to the term of imprisonment for a Class A felony—10 to 30 years, or life.

Abuse and Lose – Possession of controlled substance results in 90-day suspension of driving privilege if under 21. Persons 21 and over will have driving privilege revoked for one year if found in violation of possession or use of controlled substance while operating a motor vehicle.

- [RSMo § 579.074](#)
- [RSMo § 579.076](#)
- [RSMo § 579.040](#)

Montana Laws and Penalties

[Conditional Release](#)

[Legalization](#)

[Drugged Driving](#)

[Mandatory Minimum Sentence](#)

[Medical Marijuana](#)

Offense	Penalty	Incarceration	Max. Fine

Possession

Personal Use

1 oz or less	No penalty	None	\$ 0
1 - 2 oz (1st offense)	Civil infraction	None	\$ 200
1 - 2 oz (2nd offense)	Civil infraction	None	\$ 300
More than 2 oz	Felony	5 years	\$ 45,000

With intent to distribute

1 - 2 oz	Civil infraction	None	\$ 200
More than 2 oz	Felony	20 years	\$ 50,000

Sale or Delivery

Transfer of up to 1 oz without compensation	No Penalty	None	\$ 0
More than 2 oz with or without compensation	Felony	25 years	\$ 50,000
From an adult to a minor	Felony	2 years*	\$ 50,000
Within 1000 feet of school grounds	Felony	3 years* - life	\$ 50,000

* Mandatory minimum sentence

Cultivation

Up to 2 mature plants and/or 2 seedlings per adult	No penalty	None	\$ 0
More than 2 mature plants up to 1 lb or 30 plants	Felony	5 years	\$ 5,000

More than 1 lb or more than 30 plants	Felony	25 years	\$ 50,000
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Second or subsequent offense is punishable by twice the term of imprisonment and twice the authorized fine.

Hash & Concentrates

Possession of 8 grams of concentrated marijuana / 800 mg in edible form	No Penalty	None	\$ 0
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Possession of 8 - 16 g concentrated marijuana (first offense)	Civil Infraction	None	\$ 200
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Possession of 8 - 16 g concentrated marijuana (second offense)	Civil Infraction	None	\$ 300
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Possession of more than 16 g concentrated marijuana	Felony	5 years	\$ 50,000
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Transfer of up to 8 grams of concentrated marijuana / 800 mg in edible form	No Penalty	None	\$ 0
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Penalties for the sale or possession with the intent to sell hashish are the same as for marijuana. Please see the marijuana penalties section for further details.

Paraphernalia

To a person under 18 who is at least 3 years younger	Misdemeanor	1 year	\$ 1,000
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Civil Asset Forfeiture

Vehicles and other property may be seized.

Miscellaneous

Use or possession of property subject to criminal forfeiture	Felony	10 years	N/A
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Continuing criminal enterprise results is a felony punishable by double or triple fine and imprisonment.

Possession of marijuana on a train results in additional penalties.

Storing marijuana results in additional fines.

Anyone convicted of a misdemeanor must attend a mandatory drug education course.

Imprisonment for felonies may be eligible for suspended or deferred imposition, which may include commitment to a drug treatment facility, community service, or driver's license revocations.

Updated
May 12,
2023

Penalty Details

Marijuana is a Schedule I hallucinogenic substance under the Controlled Substances Chapter of the Montana Code Annotated. It is also considered a dangerous drug.

- Montana Code Ann. § 50-32-101
- Montana Code Ann. § 50-32-222(4)(t)

Possession for Personal Use

Voters in Montana passed **Initiative 190**, which allows for the use, production and sale of marijuana by adults. Voters additionally passed **Constitutional Initiative 118**, which limits marijuana use to those ages 21 or older. Lawmakers then enacted **HB 701**, which amends several provisions in Initiative 90, including reducing the amount of cannabis plants that may be legally grown by an adult from four to two. As amended, those age 21 and older may legally grow no more than two plants and two seedlings at one time. A household with more than one adult may grow a maximum of four plants and/or four seedlings.

Possession of more than 1 ounce of marijuana but less than 2 ounces of marijuana is a civil infraction punishable at the person's choice either by a fine of up to \$200 or the completion of 4 hours of community service. A second offense is a civil infraction punishable at the person's choice either by a fine of up to \$300 or the completion of 6

hours of community service. Possession of more than 2 ounces of marijuana is a felony punishable by up to 5 years in prison and/or up to 45,000.

- [Initiative 190](#)
- [House Bill 701](#)
- Montana Code Ann. § 45-9-102

Possession with Intent to Distribute

Possession of more than 1 ounce of marijuana but less than 2 ounces of marijuana with intent to distribute is a civil infraction punishable at the person's choice either by a fine of up to \$200 or the completion of 4 hours of community service. A second offense is a civil infraction punishable at the person's choice either by a fine of up to \$300 or the completion of 6 hours of community service.

Possession of more than two ounces of marijuana with intent to distribute is a felony punishable by up to 20 years imprisonment and/or a fine up to \$50,000.

- [Initiative 190](#)
- Montana Code Ann. § 45-9-103(3)

Sale/Delivery

Distribution of more than two ounces of marijuana, with or without compensation, is punishable by a mandatory minimum of 1 year and a maximum sentence of life imprisonment and/or a fine up to \$50,000.

- Montana Code Ann. § 45-9-101(4)

Distribution of any amount, with or without compensation, from an adult to a minor is punishable by a mandatory minimum of 2 years imprisonment and/or a fine up to \$50,000. Penalties significantly increase for repeat offenses.

- Montana Code Ann. § 45-9-101(5)

Distribution of any amount, with or without compensation, within 1,000 feet of school grounds is a felony punishable by a minimum of 3 years and maximum of life imprisonment and a fine up to \$50,000. It is an affirmative defense to this charge if the distribution occurred within the confines of a private residence and no one under the age of 18 was present in the residence.

- Montana Code Ann. § 45-9-109

Cultivation

Lawmakers in May enacted **HB 701**, which amends several provisions in Initiative 90, including reducing the amount of cannabis plants that may be legally grown by an adult from four to two. As amended, those age 21 and older may legally grow no more than two plants and two seedlings at one time. A household with more than one adult may grow a maximum of four plants and/or four seedlings. Consistent with I-90, adults are still permitted to possess up to one ounce of cannabis.

Cultivation of more than 4 plants and up to 1 pound or 30 plants of marijuana is a felony punishable by up to 10 years imprisonment and/or a fine up to \$50,000. Cultivation of more than 1 pound or 30 plants is a felony punishable by a minimum of 2 years to a

maximum of life imprisonment and a fine up to \$50,000. A second or subsequent offense for cultivation of marijuana is punishable by twice the term of imprisonment and twice the authorized fine for the first offense.

- Montana Code Ann. § 45-9-110

Hash & Concentrates

Montana lists both Marijuana and Tetrahydrocannabinols in Schedule I of the Montana Controlled Substances Schedule. The statute defines Marijuana as all plant material of the genus Cannabis containing THC. Tetrahydrocannabinols are defined as substances contained in the resinous extractives of Cannabis, not requiring any plant matter be present.

- Montana Code Ann. §50-32-101
- Montana Code Ann. §50-32-222

The penalties for the sale of any amount of Marijuana and Tetrahydrocannabinols are equal.

- Montana code Ann. §45-9-101(4)

The penalties for possession of Tetrahydrocannabinols are differentiated by weight:

Possession of up to 8 grams of Tetrahydrocannabinols or 800mg in edible form is legal in Montana.

- **Montana Code Ann. §16-12-106(1)(a)**

For the first offense, possession of more than 8 grams but less than 16 grams of Tetrahydrocannabinol is a civil infraction punishable by a fine of \$200. A second offense is punishable by a fine of \$300.

- **Montana Code Ann. §16-12-106(7)(a),(b)**

Possession of any amount of Tetrahydrocannabinol greater than 16 grams is a felony punishable by up to 5 years in a state prison as well as a fine not to exceed \$50,000.

- **Montana Code Ann. §45-9-102(2), (5)**

The penalties for possession with intent to distribute any amount of Tetrahydrocannabinol are equal to those for the possession with intent to distribute any amount of Marijuana. Transfer of up to 8 grams of marijuana concentrates or 800mg in edible form is allowed.

- **Montana Code Ann. §45-9-103**
- **Montana Code Ann. §16-12-106(1)(b)**

Distribution of Tetrahydrocannabinol within 1000 feet of the real property of a school, whether public or private, elementary or secondary, is a felony punishable by up to life imprisonment, with a 3 year mandatory minimum and a fine not to exceed \$50000.

- **Montana Code Ann. §45-9-109**

Paraphernalia

Possession, manufacture, or delivery of paraphernalia is legal in Montana. However, if the delivery was from a person aged 18 or older to a person under the age of 18 who is at least 3 years younger, then the offense is a misdemeanor punishable by up to 1 year imprisonment and/or a fine up to \$1,000.

- Montana Code Ann. § 45-10-103 to 105

Sentencing

Imprisonment for felonies involving dangerous drugs may be eligible for suspended or deferred imposition. Conditions of this suspension or deferral may include commitment to a drug treatment facility for up to 1 year, up to 2,000 hours community service in a drug education or treatment facility, driver's license revocations (6 months for first offense, 1 year for a second offense, and 3 years for a third or subsequent offense), among others.

- Montana Code Ann. § 45-9-202

Those convicted of a first-time possession of 60 grams or less offense are presumed to be eligible for deferred imposition of a sentence of imprisonment. For suspended or deferred sentencing of a first time possession offense of under 60 grams, the minimum fine of \$100 must be imposed as a condition.

- Montana Code Ann. § 45-9-102

Forfeiture

Vehicles and other property may be seized for controlled substance violations. However, a vehicle may not be seized if it was used or intended for use for transported 60 grams of marijuana or less. Within 45 days of seizure of the property, the seizing agency must file a forfeiture proceeding. The court will then issue a summons and notice to all those with interest in the property. Those with an interest must file an answer within 20 days after the service of the summons, or the property is forfeited to the state.

- Montana Code Ann. §§ 44-12-102 to 103
- Montana Code Ann. §§ 44-12-201 to 203
- Montana Code Ann. § 45-9-206

Miscellaneous

Carrying dangerous drugs on a train

Possession of marijuana on a train is an offense that is punishable by the same penalties of and in addition to the possession itself.

- Montana Code Ann. § 45-9-127

Mandatory fine for possession and storage of dangerous drugs

Every person found to have possessed or stored marijuana shall be fined, in addition to other fines, an amount which is 35% of the market value of the marijuana.

- Montana Code Ann. § 45-9-130

Mandatory drug education course

Anyone who is convicted of drug offense characterized as a misdemeanor must attend a dangerous drug information course.

- [Montana Code Ann. § 45-9-208](#)

Suspended or deferred imposition

Imprisonment for felonies involving dangerous drugs may be eligible for suspended or deferred imposition. Conditions of this suspension or deferral may include commitment to a drug treatment facility for up to 1 year, up to 2,000 hours community service in a drug education or treatment facility, driver's license revocations (6 months for first offense, 1 year for a second offense, and 3 years for a third or subsequent offense), among others.

- [Montana Code Ann. § 45-9-202](#)

Last Updated May 12, 2023

Nebraska Laws and Penalties

[Conditional Release](#)

[Decriminalization](#)

[Drugged Driving](#)

[Mandatory Minimum Sentence](#)

[Tax Stamps](#)

Offense	Penalty	Incarceration	Max. Fine

Possession

1 oz or less (first offense)	Infraction	N/A	\$ 300
1 oz or less (second offense)	Misdemeanor	5 days	\$ 500
1 oz or less (third offense)	Misdemeanor	7 days	\$ 500
More than 1 oz - 1 lb	Misdemeanor	3 months	\$ 500
More than 1 lb	Felony	2 years	\$ 10,000

Sale/Manufacture

Any amount	Felony	Up to 20 years	\$ 25,000
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To a minor within 1000 feet of a school or between 100-1000 feet of other designated areas (first offense)	Felony	1* - 50 years	N/A
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Subsequent offense	Felony	3 years* - life	N/A
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* Mandatory minimum sentence

Cultivation

See Sale/Manufacture section for penalty details.

Hash & Concentrates

Possession of less than 1 oz (first offense)	Civil Infraction	N/A	\$ 300
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Selling, manufacturing, or possessing with the intent to distribute	Felony	Up to 20 years	\$ 25,000
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Paraphernalia

Possession of paraphernalia (first offense)	Infraction	N/A	\$ 100
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Sale	Misdemeanor	6 months	\$ 1,000
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Sale to a minor	Misdemeanor	1 year	\$ 1,000
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Advertise	Misdemeanor	3 months	\$ 500
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			Updated May 12, 2023
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Penalty Details

Nebraska law lists Marijuana as a Schedule I controlled substance.

Possession

Possession of 1 ounce or less is an infraction, which is punishable by a maximum fine of \$300. The judge may order the offender to complete a drug education course.

A second conviction for possession of 1 ounce or less is a Class IV misdemeanor punishable by a maximum fine of \$500.

Third and subsequent convictions for possession of 1 ounce or less are a Class IIIA misdemeanor and are punishable by a maximum sentence of 7 days imprisonment and a maximum fine of \$500.

Possession of more than 1 ounce – 1 pound is a class III misdemeanor punishable by a maximum sentence of 3 months imprisonment and a maximum fine of \$500.

Possession of more than 1 pound is a class IV felony which is punishable by a maximum sentence of 2 years imprisonment and a maximum fine of \$10,000.

- § 28-416 of the Nebraska Revised Statutes
- § 28-105 of the Nebraska Revised Statutes

Sale/Manufacture

The sale of any amount is a class III felony, which is punishable by up to 20 years imprisonment as well as a maximum fine of \$25,000.

The sale to a minor within 1,000 feet of a school or between 100-1,000 ft. of other designated areas is a class II felony, which is punishable by a 1 year mandatory minimum sentence and up to 50 years imprisonment.

A second or subsequent violation is a class ID felony punishable by a mandatory minimum sentence of 3 years and up to 50 years imprisonment.

- § 28-416 of the Nebraska Revised Statutes
- § 28-105 of the Nebraska Revised Statutes

Cultivation

Cultivation in Nebraska will be punished based upon the aggregate weight of the plants found. See the “Sale/Manufacture” section for further penalty details.

Hash & Concentrates

Hashish and THC Concentrates are individually named Schedule I controlled substances in Nebraska. Possession of less than one ounce of hash is punishable by a civil infraction carrying a fine of \$300 for the first offense. A second offense is a Class IV misdemeanor, punishable by a maximum of \$500 fine. Third and subsequent offenses are a Class IIIA misdemeanor, punishable by a maximum of 7 days in jail or a \$500 fine Selling, manufacturing, or possessing with the intent to distribute hashish is a Class IIA felony, punishable by a maximum of 20 years imprisonment, and a maximum fine of \$25,000.

- § 28-416 of the Nebraska Revised Statutes
- § 28-416 of the Nebraska Revised Statutes
- § 28-105 of the Nebraska Revised Statutes

Paraphernalia

Possession of paraphernalia is an infraction which is punishable by a maximum fine of \$100.

Each additional conviction is punishable by a fine of \$200-\$500.

Sale of paraphernalia is a Class II misdemeanor, which is punishable by a maximum fine not exceeding \$1,000 and a term of imprisonment not exceeding 6 months.

Sale of paraphernalia to a person under 18 at least 3 years younger is a Class I misdemeanor, which is punishable by a maximum fine not exceeding \$1,000 and a term of imprisonment not exceeding 1 year.

Advertisement of is a Class III misdemeanor, which is punishable by a maximum fine not exceeding \$500 and a term of imprisonment not exceeding 3 months.

- 28-106 of the Nebraska Revised Statutes
- 28-441 of the Nebraska Revised Statutes
- 28-439 of the Nebraska Revised Statutes
- 28-440 of the Nebraska Revised Statutes
- 28-442 of the Nebraska Revised Statutes
- 28-443 of the Nebraska Revised Statutes
- 28-444 of the Nebraska Revised Statutes

Last Updated May 12, 2023

Nevada Laws and Penalties

- Conditional Release
- Drugged Driving
- Expungement
- Legalization
- Mandatory Minimum Sentence
- Medical Marijuana
- Tax Stamps

Offense	Penalty	Incarceration	Max. Fine

Possession

Personal Use			
Up to 2.5 oz	No Penalty	None	\$ 0
More than 2.5 oz	Misdemeanor	N/A	\$ 600

Possession or use in public	Misdemeanor	N/A	\$ 600
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Sale or Delivery

Gifting up to one ounce for no remuneration	No Penalty	None	\$ 0
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Gifting up to 1/8 oz of concentrated marijuana for no remuneration	No Penalty	None	\$ 0
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More than 1 oz - less than 100 lbs (first offense)	Felony	1* - 4 years	\$ 5,000
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More than 1 oz - less than 100 lbs (second offense)	Felony	1* - 5 years	\$ 10,000
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More than 1 oz - less than 100 lbs (subsequent offense)	Felony	3* - 15 years	\$ 20,000
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100 - less than 2000 lbs	Felony	1* - 5 years	\$ 25,00 0
2000 - less than 10,000 lbs	Felony	2* - 10 years	\$ 50,00 0
10,000 lbs or more	Felony	5* - life	\$ 200,0 00
To a minor	Felony	5* - life	\$ 20,00 0

* Mandatory minimum sentence

Cultivation

12 plants or more	Felony	1* - 4 years	\$ 5,000
100 - less than 2000 lbs	Felony	1* - 5 years	\$ 25,00 0

2000 - less than 10,000 lbs	Felony	2* - 10 years	\$ 50,000
10,000 lbs or more	Felony	5* - life	\$ 200,000

* Mandatory minimum sentence

Hash & Concentrates

Up to ¼ oz	No Penalty	None	\$ 0
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Possession of greater quantities incur criminal penalties.

Paraphernalia

Possession or use of paraphernalia by those 21 or older	No Penalty	None	\$ 0
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Sale to a minor who is at least 3 years younger	Felony	1* - 5 years	\$ 10,000
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* Mandatory minimum sentence

Civil Asset Forfeiture

Vehicles and other property may be seized.

Miscellaneous

Knowingly maintaining a structure used for drug offenses	Felony	1* - 6 years	\$ 10,000
100 - 2000 lbs	Civil Penalty	N/A	\$ 350,000
2000 - 10,000 lbs	Civil Penalty	N/A	\$ 700,000

10,000 lbs or more	Civil Penalty	N/A	\$ 1,000, 000
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* **Mandatory minimum sentence**

Penalty Details

Marijuana is a Schedule I hallucinogenic substance under rule by the Nevada State Board of Pharmacy as authorized by the Nevada Uniform Controlled Substances Act.

- Nevada Rev. Stat. § 453.146 [Web Search](#)

Possession for Personal Use

Fifty-five percent of Nevada voters approved Question 2 in November 2016, which permits adults who are not participating in the state's medical cannabis program to legally possess personal use quantities of cannabis (up to one ounce and/or up to 3.5 grams of concentrate). Under the law, adults may also grow up to six marijuana plants, and they may possess all of the harvest from those plants, if they reside 25 miles or more away from an operating marijuana retailer. Public use/display of marijuana is still subject to civil penalties. The law took effect on January 1, 2017.

The possession of greater quantities of marijuana remains subject to criminal penalties.

Possession or use of marijuana in public is a criminal misdemeanor, punishable by a maximum fine of \$600.

As of October 1, 2021, those under the age of 21 who are convicted of possessing one ounce or less of marijuana are guilty of a misdemeanor, punishable by community service.

Upon completion of these terms, the court shall seal the subject's record.

Sale/Delivery

Sale or delivery of less than 100 pounds of marijuana is a category D felony punishable by a minimum of 1 and maximum of 4 years imprisonment and fine up to \$5,000 for the first offense. A second offense is a category C felony punishable by a minimum of 1 and maximum of 5 years imprisonment and fine up to \$10,000. A third or subsequent offense is a category B felony punishable by a minimum of 3 and maximum of 15 years imprisonment and a fine up to \$20,000. Sale or delivery of 100 pounds or more but less than 2,000 pounds of marijuana is a category C felony punishable by a minimum of 1 year and maximum of 5 years imprisonment and a fine up to \$25,000. Sale or delivery of 2,000 pounds or more but less than 10,000 pounds is a category B felony punishable by a minimum of 2 years and maximum of 10 years imprisonment and a fine up to \$50,000. Sale or delivery of 10,000 pounds or more is a category A felony punishable by life with the possibility of parole after a minimum of 5 years has been served, or for a definite term of 15 years with possibility for parole after a minimum of 5 years has been served, and a fine up to \$200,000.

- Nevada Rev. Stat. § 193.130 [Web Search](#)
- Nevada Rev. Stat. § 453.321 [Web Search](#)
- Nevada Rev. Stat. § 453.337 [Web Search](#)
- Nevada Rev. Stat. § 453.339 [Web Search](#)

Selling marijuana to a minor is a category A felony punishable by life with the possibility of parole after a minimum of 5 years has been served, or for a definite term of 15 years with

possibility for parole after a minimum of 5 years has been served, and a fine up to \$20,000. The person may additionally be responsible for paying for the costs of the minor's drug treatment costs.

- Nevada Rev. Stat. § 453.334 [Web Search](#)

Cultivation

Question 2 permits adults who are not participating in the state's medical cannabis program to legally grow up to six marijuana plants, and to possess all of the harvest from those plants, if they reside 25 miles or more away from an operating marijuana retailer. No residence may have more than 12 plants at any one time. The law took effect on January 1, 2017.

Cultivation of 12 plants or more is a category E felony punishable by a minimum of 1 year and maximum of 4 years imprisonment and a fine up to \$5,000.

Cultivation of 100 pounds or more but less than 2,000 pounds of marijuana is a category C felony punishable by a minimum of 1 year and maximum of 5 years imprisonment and a fine up to \$25,000. Cultivation of 2,000 pounds or more but less than 10,000 pounds is a category B felony punishable by a minimum of 2 years and maximum of 10 years imprisonment and a fine up to \$50,000. Cultivation of 10,000 pounds or more is a category A felony punishable by up to life imprisonment and a fine up to \$200,000.

- Nevada Rev. Stat. § 193.130 [Web Search](#)
- Nevada Rev. Stat. § 453.339 [Web Search](#)
- Nevada Rev. Stat. § 453.3393 [Web Search](#)

Hash & Concentrates

Question 2 permits adults who are not participating in the state's medical cannabis program to legally possess up to 3.5 grams of concentrate. Possession of greater quantities is subject to criminal penalties.

- Nevada Rev. Stat. § 453.096 [Web Search](#)

Paraphernalia

Question 2 permits adults to manufacture, possess, use, transport, or purchase marijuana paraphernalia, or to distribute or sell marijuana paraphernalia to a person who is 21 years of age or older.

Sale or delivery of paraphernalia to a minor by an individual aged 18 years or older who is at least 3 years older than the minor is a category C felony punishable by minimum of 1 year and maximum of 5 years imprisonment and a fine up to \$10,000. The offender may also be ordered to pay restitution to the minor for treatment costs.

- Nevada Rev. Stat. § 193.130 [Web Search](#)
- Nevada Rev. Stat. § 193.150 [Web Search](#)
- Nevada Rev. Stat. § 453.560 [Web Search](#)
- Nevada Rev. Stat. § 453.562 [Web Search](#)
- Nevada Rev. Stat. § 453.566 [Web Search](#)

Sentencing

The court may suspend proceedings against persons who are charged with first time possession or use offenses after a finding of guilty and instead impose conditional probation which will include either a drug education or treatment program. Upon successful completion of the terms of the probation, the proceedings against the defendant will be dismissed.

- Nevada Rev. Stat. § 453.3363 [Web Search](#)

First time offenders may be eligible for probation, but probation is generally not allowed for second or subsequent offenses.

- Nevada Rev. Stat. § 453.321(3) [Web Search](#)

Misdemeanor sentences may be replaced in part or whole by community service.

- Nevada Rev. Stat. § 193.150 [Web Search](#)

Forfeiture

Vehicles and other property may be seized for controlled substance violations. The state has 60 days after seizure to file a forfeiture proceeding. They must notify all those who have an interest in the property. A person with an interest in the property must file a response within 20 days of service.

- Nevada Rev. Stat. §§ 179.1164 – 179.1171 [Web Search](#)
- Nevada Rev. Stat. § 453.301 [Web Search](#)

Miscellaneous

Knowingly maintaining a structure used for drug offenses

Opening or maintaining a place for the purpose of selling, giving away, or using marijuana is a category B felony punishable by a minimum of 1 year and maximum of 6 years imprisonment and a fine up to \$10,000. A second offense of this type or a first offense of this type if the offender had a previous drug-related felony is a category B felony punishable by a minimum of 2 years and maximum of 10 years imprisonment and a fine up to \$20,000.

- Nevada Rev. Stat. § 453.316 [Web Search](#)

Controlled substances homicide

If marijuana proximately causes the death of a person, the person who delivered the marijuana to him may be guilty of murder.

- Nevada Rev. Stat. § 453.333 [Web Search](#)

Civil penalties

The state of Nevada is entitled to civil penalties recoverable from certain marijuana offenders. If the amount involved was 100 pounds or more but less than 2,000 pounds, the state is entitled up to \$350,000. If the amount was 2,000 pounds or more but less than 10,000 pounds, the state is entitled up to \$700,000. If the amount was 10,000 pounds or more, the state is entitled to \$1,000,000.

- Nevada Rev. Stat. § 453.5531(1) [Web Search](#)

Driver's license suspension

If a child is adjudicated delinquent for the unlawful act of using, possessing, selling or distributing a controlled substance... the juvenile court shall: (a) if the child possesses a driver's license, issue an order suspending the driver's license of the child for at least 90 days but not more than 2 years.

- Nevada Rev. Stat. § 62E.630 [Web Search](#)

New Hampshire Laws and Penalties

[Decriminalization](#)

[Drugged Driving](#)

[Medical Marijuana](#)

Offense	Penalty	Incarceration	Max. Fine

Possession

Up to 3/4 oz (first or second offense)*	Civil violation	None	\$ 100

Over 3/4 oz	Misdemeanor	1 year	\$ 350
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* See Penalty Details section for more information.

Sale or Possession with Intent to Sell

Less than 1 oz (first offense)	Felony	3 years	\$ 25,000
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1 oz - less than 5 lbs (first offense)	Felony	7 years	\$ 100,000
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5 lbs or more (first offense)	Felony	20 years	\$ 300,000
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Subsequent offense carries a greater sentence and fine. See Penalty Details section for information.

Within 1000 feet of a school zone carries a double sentence and fine.

Cultivation

See Possession and Sale sections for details.

Hash & Concentrates

Possession of 5 g or less (first or second offense)*	Civil violation	None	\$ 100
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Possession of more than 5 g	Misdemeanor	1 year	\$ 350
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Manufacturing, selling, or possessing with intent to sell of less than 5 g	Felony	3 years	\$ 25,000
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Manufacturing, selling, or possessing with intent to sell of 5 g - less than 1 lb	Felony	7 years	\$ 100,000
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Manufacturing, selling, or possessing with intent to sell of 1 lb or more	Felony	20 years	\$ 30,000
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*** See Penalty Details section for information.**

Subsequent offense carries a greater sentence and fine. See Penalty Details section for information.

Paraphernalia

Sale or possession of paraphernalia	Misdemeanor	1 year	\$ 2,000
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Miscellaneous

Persons under 21 years will face a driver's license suspension for 90 days - 1 year.

Persons under 18 years will face a driver's license suspension for 1 - 5 years.

Penalty Details

If a statute uses the term misdemeanor, the prosecutor may charge a person either with a Class A or with a Class B misdemeanor.

Possession

Any person 18 years of age or older who possesses less than $\frac{3}{4}$ of an ounce of marijuana is guilty of a violation and subject to a fine of \$100. This penalty applies to first and second offenses.

Any person 18 years of age or older who possesses less than $\frac{3}{4}$ of an ounce of marijuana and is guilty of a third offense within 3 years of the first offense is guilty of a violation and subject to a fine of \$300.

Any person 18 years of age or older who possesses less than $\frac{3}{4}$ of an ounce of a marijuana and is guilty of a fourth offense within three years of the first offense is guilty of a Class B misdemeanor which is not punishable by imprisonment but is subject to a fine of \$1200.

The same penalties apply to a person over the age of 21 who is guilty of possessing “a personal use amount” of marijuana infused products including edibles, drinks, tinctures and ointments.

Possession of more than $\frac{3}{4}$ ounce is a misdemeanor punishable by a maximum sentence of 1 year imprisonment and a maximum fine of \$350.

- 318B:2-c of the New Hampshire Criminal Code [Web Search](#)
- 318 B:2 of the New Hampshire Criminal Code [Web Search](#)
- 318 B:1 et seq. of the New Hampshire Criminal Code [Web Search](#)

- 318-B:26 of the New Hampshire Criminal Code [Web Search](#)
- 651:2 of the New Hampshire Criminal Code [Web Search](#)

Sale

Includes possession with intent to sell.

The sale of less than 1 ounce for a first offense is a felony punishable by a maximum sentence of 3 years imprisonment and a maximum fine of \$25,000. A Subsequent offense is a felony punishable by a maximum sentence of 6 years imprisonment and a maximum fine of \$50,000.

The sale of more than 1 ounce and less than 5 pounds for a first offense is a felony punishable by a maximum sentence of 7 years imprisonment and a maximum fine of \$100,000. A Subsequent offense is a felony punishable by a maximum sentence of 15 years imprisonment and a maximum fine of \$200,000.

The sale of 5 pounds or more for a first offense is a felony punishable by a maximum sentence of 20 years imprisonment and a maximum fine of \$300,000. A Subsequent offense is a felony punishable by a maximum sentence of 40 years imprisonment and a maximum fine of \$500,000.

Sale within 1,000 feet of a school zone is a felony punishable by a doubling of the sentence and the fine.

- 318 B:2 of the New Hampshire Criminal Code [Web Search](#)
- 318 B:1 et seq. of the New Hampshire Criminal Code [Web Search](#)
- 318-B:26 of the New Hampshire Criminal Code [Web Search](#)

Cultivation

Cultivation in New Hampshire will be punished based upon the aggregate weight of the plants found. See the "Possession" and "Sale" sections for further penalty details.

Hash & Concentrates

Any person 18 years of age or older who possesses less than 5 grams of hashish is guilty of a violation and subject to a fine of \$100. This penalty applies to first and second offenses.

Any person 18 years of age or older who possesses less than 5 grams of hashish and is guilty of a third offense within 3 years of the first offense is guilty of a violation and shall be subject to a fine of \$300.

Any person 18 years of age or older who possesses less than 5 grams of hashish and is guilty of a fourth offense within three years of the first offense is guilty of a Class B misdemeanor which is not punishable by imprisonment but is subject to a fine of up to \$1200.

Possessing 5 grams or more of hashish is a misdemeanor punishable by a fine no greater than \$350 and a term of imprisonment no greater than 1 year.

- 318-B:2-c of the New Hampshire Criminal Code [Web Search](#)
- 318-B:26(II) of the New Hampshire Criminal Code [Web Search](#)
- 651:2 of the New Hampshire Criminal Code [Web Search](#)

The sale of less than 5 grams for a first offense is a felony punishable by a maximum sentence of 3 years imprisonment and a maximum fine of \$25,000. A Subsequent offense is a felony punishable by a maximum sentence of 6 years imprisonment and a maximum fine of \$50,000.

The sale of more than 5 grams and less than 1 pound for a first offense is a felony punishable by a maximum sentence of 7 years imprisonment and a maximum fine of \$100,000. A Subsequent offense is a felony punishable by a maximum sentence of 15 years imprisonment and a maximum fine of \$200,000.

The sale of 1 pound or more for a first offense is a felony punishable by a maximum sentence of 20 years imprisonment and a maximum fine of \$300,000. A Subsequent offense is a felony punishable by a maximum sentence of 30 years imprisonment and a maximum fine of \$500,000.

If any of the offenses occurred with 1,000 feet of a school the fines and terms of imprisonment double.

- 318-B:26 of the New Hampshire Criminal Code [Web Search](#)

Any device or equipment used to manufacture hashish or concentrates is considered drug paraphernalia. Manufacturing, or delivering any such device or equipment is a misdemeanor punishable by a fine no greater than \$2,000 and/or a term of imprisonment no greater than 1 year.

- 318-B1(X-a) of the New Hampshire Criminal Code [Web Search](#)
- 318-B:26(III) of the New Hampshire Criminal Code [Web Search](#)

Paraphernalia

The sale or possession of paraphernalia is a misdemeanor punishable by a maximum sentence of 1 year imprisonment and a maximum fine of \$2,000.

- 318 B:1 et seq. of the New Hampshire Criminal Code [Web Search](#)
- 318 B:2 318 B:1 et seq. of the New Hampshire Criminal Code [Web Search](#)
- 318-B:26 of the New Hampshire Criminal Code [Web Search](#)

Miscellaneous

Any person who negligently stores marijuana-infused products including edibles, drinks, ointments and tinctures when the negligent storage causes possession of marijuana infused products by a person under 18 years of age is guilty of a misdemeanor

- 318: B-2-e of the New Hampshire Criminal Code [Web Search](#)

Any person under 21 years of age who is convicted of sale or possession of controlled drugs may be subject to revocation or denial of a driver's license or privilege to drive for a period between 90 days and 1 year.

- 318 B:2 of the New Hampshire Criminal Code [Web Search](#)

Any person under 18 years of age who is convicted of sale or possession with intent to sell controlled drugs shall be subject to revocation or denial of a driver's license or privilege to drive for a mandatory period of at least one year and a maximum period of up to 5 years.

In the case of denial of an application for a license under this section, the period imposed shall begin on the date the person is eligible by age for the issuance of a license.

- 263:56-b of the New Hampshire Criminal Code [Web Search](#)

New Jersey Laws and Penalties

- Conditional Release
- Drugged Driving
- Expungement
- Legalization
- Mandatory Minimum Sentence
- Medical Marijuana

Offense	Penalty	Incarceration	Max. Fine

Possession

6 oz or less	N/A	None	\$ 0
More than 6 oz	Crime	18 months	\$ 25,000

Within 1000 feet of a school adds 100 hours of community service, as well as an additional fine.

Distribution

Less than 1 oz without remuneration	N/A	None	\$ 0
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Less than 1 oz (first offense)	Written Warning	None	\$ 0
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Less than 1 oz (subsequent offense)	Crime	18 months	\$ 10,000
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more than 1 oz - less than 5 lbs	Crime	3 - 5 years	\$ 25,000
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5 - less than 25 lbs	Crime	5 - 10 years	\$ 150,000
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25 lbs or more	Crime	10* - 20 years	\$ 300,000
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Within 1000 feet of a school or school bus	Crime	3 - 5 years	\$ 150,000
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Includes possession with the intent to distribute

To minors or pregnant women carries a double term of imprisonment and fine.

*** Mandatory minimum sentence**

Cultivation

1 oz - less than 5 lbs (less than 10 plants)	Crime	3 - 5 years	\$ 25,000
5 - less than 25 lbs (10 - less than 50 plants)	Crime	5 - 10 years	\$ 150,000
More than 25 lbs (50 plants or more)	Crime	10* - 20 years	\$ 300,000

*** Mandatory minimum sentence**

Hash & Concentrates

Transferring less than 5 g without remuneration

N/A

None

\$ 0

Possession of 17 g or less

N/A

None

\$ 0

Possession of more than 17 g

Crime

**18
months**

\$ 25,000

**Manufacturing, distributing,
dispensing, or possessing with intent
of less than 5 g (first offense)**

**Written
Warning**

None

\$ 0

**Manufacturing, distributing,
dispensing, or possessing with intent
of less than 5 g (subsequent offense)**

Crime

**18
months**

\$ 25,000

Manufacturing, distributing, dispensing, or possessing with intent of more than 5 g - less than 1 lb	Crime	3* - 5 years	\$ 25,000
Manufacturing, distributing, dispensing, or possessing with intent of 1 lb - less than 5 lbs	Crime	5* - 10 years	\$ 150,000
Manufacturing, distributing, dispensing, or possessing with intent of 5 lbs or more	Crime	10* - 20 years	\$ 300,000
Within 1000 feet of a school or school bus	Crime	3* - 5 years	\$ 150,000

* Mandatory minimum sentence

Paraphernalia

Possession or use of paraphernalia	N/A	None	\$ 0
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Sale of paraphernalia	Crime	18 months	\$ 10,000
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Miscellaneous

Failure to turn over marijuana to a police officer is a misdemeanor. Being under the influence of marijuana is a misdemeanor. Potential punishment is listed below in Penalty Details.

If under 17 year, driving privileges shall be suspended for 6 months - 2 years

Updated
May 12,
2023

Penalty Details

- 24:21-1, et seq. of the New Jersey Criminal Code

Possession

**** Voters in New Jersey passed [Question 1](#), which calls for amending the state constitution in a manner that accommodates for the adult-use possession, production, and sale of marijuana to those age 21 or older. The law took effect on January 1, 2021. Governor Murphy signed legislation to cease marijuana possession arrests and license retail sales into law on February 22, 2021.**

Possession of up to 6 ounces of cannabis by an adult is legal.

Possession of more than 6 ounces of cannabis by an adult is a crime of the fourth degree punishable by 18 months imprisonment and a fine of up to \$25,000.

Possession within 1,000 feet of a school adds a sentence of 100 hours of community service to the sentence, as well a variable (depending on quantity) additional fine.

- **Section 2C:21-7.4 of the New Jersey Statutes Annotated**
- **Section 2C:35-10 of the New Jersey Statutes Annotated**

Distribution or Possession with the Intent to Distribute

Transferring up to 1 ounce of marijuana without remuneration to an adult 21 or over is legal.

Sale or distribution of less than 1 ounce is subject to a written warning for a first offense. Subsequent offenses are a crime in the 4th degree punishable by a maximum sentence of 18 months imprisonment and a maximum fine of \$25,000.

Sale or distribution of more than 1 ounce- less than 5 pounds is a crime in the 3rd degree punishable by a sentence of 3-5 years imprisonment and a maximum fine of \$25,000.

Sale or distribution of 5 pounds – less than 25 pounds is a crime in the 2nd degree punishable by a sentence of 5-10 years imprisonment and a maximum fine of \$150,000.

Sale or distribution of 25 pounds or more is a crime in the 1st degree punishable by a sentence of 10-20 years imprisonment and a maximum fine of \$300,000.*

*** A mandatory minimum sentence (with limited exceptions) shall be imposed.**

Sale within 1,000 feet of school property or a school bus is a crime in the 3rd degree punishable by a sentence of 3-5 years imprisonment and a maximum fine of \$150,000.

If the violation involves less than 1 ounce, a mandatory minimum sentence of either 1/2 or 1/3 of the sentence shall be imposed.

Sale or distribution of less than 1 ounce within 500 feet of certain public property is a crime in the 3rd degree punishable by 3-5 years imprisonment and a maximum fine of \$25,000.

Sale or distribution of more than 1 ounce within 500 feet of certain public property is a felony punishable by 5-10 years imprisonment and a maximum fine of \$150,000.

Sale to minors or pregnant women is a felony which carries with a doubling of the term of imprisonment and the fine.

- **Section 2C:35-10a(b) of the New Jersey Statutes Annotated**
- **Section 2C:35-5 of the New Jersey Statutes Annotated**
- **Section 2C:35-7 of the New Jersey Statutes Annotated**
- **Section 2C:43-3 of the New Jersey Statutes Annotated**

- Section 2C:43-6 of the New Jersey Statutes Annotated

Cultivation

Cultivation of 1 ounce – less than 5 pounds (less than 10 plants) is a crime in the 3rd degree punishable by a sentence of 3-5 years imprisonment and a maximum fine of \$25,000.

Cultivation of 5 pounds – less than 25 pounds (10 – less than 50 plants) is a crime in the 2nd degree punishable by a sentence of 5-10 years imprisonment and a maximum fine of \$150,000.

Cultivation of 25 pounds or more (50 or more plants) is a crime in the 1st degree punishable by a sentence of 10-20 years imprisonment and a maximum fine of \$300,000.*

* A mandatory minimum sentence shall be imposed.

- Section 2C:35-5 of the New Jersey Statutes Annotated
- Section 2C:43-6 of the New Jersey Statutes Annotated

Hash & Concentrates

New Jersey defines hashish as “the resin extracted from any part of the plant Genus Cannabis L. and any compound, manufacture, salt, derivative, mixture, or preparation of such resin.” Hashish is a Schedule I controlled substance.

- Section 24:21-2 of the New Jersey Statutes Annotated

- Section 24:21-5(e) of the New Jersey Statutes Annotated

Possession of up to 17 grams of hashish by an adult is legal. The transfer of less than 5 grams to an adult 21 or over is legal as well.

Possession of more than 17 grams of hashish is a crime of the 4th degree punishable by a maximum term of 18 months imprisonment and a maximum fine of \$10,000.

- Section 2C:35-10 of the New Jersey Statutes Annotated
- Section 2C:43-3 of the New Jersey Statutes Annotated
- Section 2C:43-6 of the New Jersey Statutes Annotated
- Section 2C:43-8 of the New Jersey Statutes Annotated

Manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense less than 5 grams of hashish is subject to a written warning for a first offense.

A subsequent offense of manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense less than 5 grams of hashish is a crime in the 4th degree punishable by a fine no greater than \$10,000 and/or a term of imprisonment no greater than 18 months. If the amount of hashish is more than 5 grams but less than 1 pound, the offense is a crime in the 3rd degree punishable by a fine no greater than \$25,000 and/or a term of imprisonment no less than 3 years and no greater than 5 years. If the amount of hashish involved was 1 pound or greater but less than 5 pounds, the offense is a crime in the second degree punishable by a fine no greater than \$150,000 and/or a term of imprisonment no less than 5 years and no greater than 10 years. If the amount of hashish involved was 5 pounds or greater, the offense is a crime in

the first degree punishable by a fine no greater than \$200,000 and/or a term of imprisonment no less than 10 years and no greater than 20 years.

- Section 2C:35-5 of the New Jersey Statutes Annotated
- Section 2C:43-3 of the New Jersey Statutes Annotated
- Section 2C:43-6 of the New Jersey Statutes Annotated

Manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense hashish within 1,000 feet of a school or school bus stop is a crime in the 3rd degree punishable by a fine no greater than \$150,000 and/or a term of imprisonment no less than a mandatory 3 years and no greater than 5 years.

- Section 2C:35-7 of the New Jersey Statutes Annotated
- Section 2C:43-3 of the New Jersey Statutes Annotated
- Section 2C:43-6 of the New Jersey Statutes Annotated

Paraphernalia

**** Voters in New Jersey passed [Question 1](#), which calls for amending the state constitution in a manner that accommodates for the adult-use possession, production, and sale of marijuana to those age 21 or older. The law took effect on January 1, 2021. Governor Murphy signed legislation to cease marijuana possession arrests and license retail sales into law on February 22, 2021.**

A person over the age of 21 may purchase, possess and use cannabis paraphernalia.

Sale of paraphernalia is a crime in the 4th degree punishable by a maximum sentence 18 months imprisonment and a maximum fine of \$10,000.

Sale of paraphernalia to minors is a crime in the 3rd degree punishable by a sentence of 3-5 years imprisonment and a maximum sentence of \$25,000.

Advertising the sale of any such device or equipment is a crime in the 4th degree punishable by a fine no greater than \$10,000 and/or a term of imprisonment no greater than 18 months.

- **Section 2C:36-2 of the New Jersey Statutes Annotated**
- **Section 2C:36-4 of the New Jersey Statutes Annotated**
- **Section 2C:36-5 of the New Jersey Statutes Annotated**
- **Section 2C:43-3 of the New Jersey Statutes Annotated**
- **Section 2C:43-6 of the New Jersey Statutes Annotated**
- **Section 2C:43-8 of the New Jersey Statutes Annotated**

Miscellaneous

In NJ, failure to turn over marijuana or hashish to a nearby police officer is a misdemeanor. In addition, being under the influence of marijuana or hashish (whether you are driving a car or not), is also a misdemeanor. These offenses can be punished by:

- **Up to six months imprisonment (N.J.S.A. 2C:43-8)**
- **A fine of up to \$1000 (N.J.S.A. 2C:43-3(c))**
- **Loss of Public Housing (N.J.S.A. 2A:18-61.1)**
- **Potential Eviction from leased residential premises (N.J.S.A. 2A:18-61.1)**
- **Loss of driving privileges for not less than six months and up to two years. (2C:35-16)**

- Mandatory loss of driving privileges for two years if the marijuana is in a motor vehicle. (N.J.S.A. 39:4-49.1)
- A term of community service (N.J.S.A. 2C:43-2b(5))
- A mandatory \$75 Safe Neighborhoods Services assessment (N.J.S.A. 2C:43-3.2)
- A mandatory \$50 lab fee (2C:35-20)
- A mandatory \$50 Victims of Crime Compensation Board penalty (2C:43-3.1a(2)(a))
- A mandatory \$500 Drug Enforcement Demand Reduction penalty (N.J.S.A. 2C:35-15(e))
- A period of probation of up to five years (N.J.S.A. 2C:43-2b(2); *State v. Dove*, 202 N.J.Super. 540, (Law Div. Jan 29, 1985)
- Section 2C:35-10(c) of the New Jersey Statutes Annotated
- Section 2C:35-10(b) of the New Jersey Statutes Annotated

Driver's license suspension

Shall suspend, revoke or postpone the driving privileges for a period not less than six months or more than two years of every person convicted of or adjudicated delinquent for not less than 6 months and no more than two years. If less than 17 years old, the suspension shall not run less than six months or more than two years after they turn 17.

- 17. 39:5-30.13 of the New Jersey Statutes Annotated

Last Updated May 12, 2023

New Mexico Laws and Penalties

[Expungement](#)

[Legalization](#)

[Drugged Driving](#)

Medical Marijuana

Offense	Penalty	Incarceration	Max. Fine
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Possession

Up to 2 oz	None	None	\$ 0
More than 2 oz and up to 8 oz	Misdemeanor	1 year	\$ 1,000
8 oz or more	Felony	1.5 years	\$ 5,000

Distribution

Any Amount	Misdemeanor	1 year	\$ 1,000
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To a minor (first offense)	Felony	3 years	\$ 5,000
To a minor (second offense)	Felony	9 years	\$ 10,000
Within a daycare or school	Felony	18 years	\$ 15,000
Includes possession with the intent to distribute			

If no payment, exchange of legally purchased marijuanas is treated as possession only.

Cultivation

Up to 6 mature plants	None	None	\$ 0
More than 6 plants (first offense)	Felony	9 years	\$ 10,000
More than 6 plants (second offense)	Felony	18 years	\$ 15,000

Within a drug-free school zone	Felony	18 years	\$ 15,000
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Hash & Concentrates

Possession up to 16 grams of extract, 800 mg infused edibles	None	None	\$ 0
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Possession of more than 16 grams of extract, 800 mg infused edibles	Misdemeanor	1 year	\$ 1,000
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Distributing or possessing with intent to distribute	Felony	3 years	\$ 5,000
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Subsequent convictions or within 1,000 feet of non-secondary school carries increased incarceration and fines.

Paraphernalia

Possession of paraphernalia	None	None	\$ 0
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Distribution of paraphernalia to a minor	Felony	1.5 years	\$ 5,000
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Miscellaneous

If a person who is 15 years or older is found delinquent of violating the Controlled Substances Act, their license may revoked.

Updated
May 12,
2023

Penalty Details

On April 12, 2021, Governor Michelle Lujan Grisham signed The Cannabis Regulation Act ([HB 2](#)) into law. Adults are legally permitted to purchase and possess up to two ounces of cannabis and/or up to 16 grams of cannabis extract from licensed retailers. The law also permits adults to cultivate up to six mature plants for their own personal use. The personal use provisions took effect on June 29, 2021. Retail sales are anticipated to begin by April 2022.

Separate [legislation](#) signed into law simultaneously facilitates the automatic expungement of past convictions for offenses made legal under this act.

Marijuana is a schedule I(c) hallucinogenic substance under New Mexico's Controlled Substances Act.

- **New Mexico Stat. Ann. § 30-31-6**

Possession for Personal Use

Possession of up to a two ounces of marijuana for adults over 21 years of age is legal under the state law with no fine or incarceration.

Possession of more than two and up to eight ounces of marijuana is a misdemeanor punishable by a fine of \$100-\$1000 and imprisonment for up to one year. Possession of eight ounces or more of marijuana is a fourth degree felony and is punishable by 1.5 years of imprisonment and a fine of up to \$5,000.

- **New Mexico Stat. Ann. § 30-31-23**
- **New Mexico Stat. Ann. § 31-18-15**

Distribution

Distribution of any amount of marijuana is a misdemeanor, punishable by up to one year in prison or a \$1,000 fine.

If no payment is given, exchange of legally purchased marijuana is treated as possession only.

Distribution of marijuana to a minor occurs when a person over the age of 18 distributes marijuana to a person under the age of 18. For first offenders, distribution of marijuana to a minor is a third degree felony and is punishable by 3 years of imprisonment and a fine of \$5,000. Subsequent offenses are punishable as a second degree felony and offenders may be imprisoned for 9 years, a fine of \$10,000 may also be imposed.

Distributing marijuana within a drug-free school zone is a first degree felony and is punishable by 18 years of imprisonment and a fine of \$15,000. There is an exception if the sale occurs in a private residence that is located in a drug-free school zone.

- New Mexico Stat. Ann. §26-2C-28(b)
- New Mexico Stat. Ann. §30-31-20(C)
- New Mexico Stat. Ann. §30-31-21
- New Mexico Stat. Ann. §30-31-22
- New Mexico Stat. Ann. § 31-18-15

Cultivation

On April 12, 2021, Governor Michelle Lujan Grisham signed The Cannabis Regulation Act (**HB 2**) into law. The law permits adults to cultivate up to six mature plants for their own personal use. The personal use provisions took effect on June 29, 2021.

For first offenders cultivation of over six plants of marijuana is a second degree felony and is punishable by 9 years of imprisonment and a fine of \$10,000. Subsequent offenses are considered a first degree felony and are punishable by 18 years of imprisonment and a fine of \$15,000.

Cultivating marijuana within a drug-free school zone is a first degree felony and is punishable by 18 years of imprisonment and a fine of \$15,000.

- New Mexico Stat. Ann. §30-31-20

Hash & Concentrates

On April 12, 2021, Governor Michelle Lujan Grisham signed The Cannabis Regulation Act (**HB 2**) into law. Adults are legally permitted to purchase and possess up to 16 grams of cannabis extract from licensed retailers. The personal use provisions took effect on June 29, 2021.

New Mexico defines hashish as: “the resin extracted from any part of marijuana, whether growing or not, and every compound, manufacture, salt, derivative, mixture or preparation of such resins”. Hashish is a Schedule I controlled substance.

Possessing more than 16 grams of hashish is a misdemeanor punishable by a fine no less than \$500 and no greater than \$1,000 and/or a term of imprisonment no greater than 1 year. Possessing hashish within 1,000 feet of non-secondary school is a fourth degree felony punishable by a fine no greater than \$5,000 and/or a term of imprisonment no greater than 18 months. Drug-free zones do not include private residences, nor vehicles in transit.

Distributing or possessing with intent to distribute hashish is a third degree felony punishable by a fine no greater than \$5,000 and a term of imprisonment no greater than 3 years. Subsequent convictions are second degree felonies punishable by a fine no greater than \$10,000 and a term of imprisonment no greater than 9 years. Distributing or possessing with intent to distribute hashish within 1,000 feet of a non-secondary school is a second degree felony punishable by a fine no greater than \$10,000 and/or a term of

imprisonment no greater than 9 years. Subsequent convictions are first degree felonies punishable by a fine no greater than \$15,000 and/or a term of imprisonment no greater than 18 years.

- New Mexico Stat. Ann. § 30-31-2(L)
- New Mexico Stat. Ann. § 30-31-6(C)(18)
- New Mexico Stat. Ann. § 30-31-22
- New Mexico Stat. Ann. § 30-31-23(D),(F)
- New Mexico Stat. Ann. § 31-18-15

Paraphernalia

Democratic Gov. Michelle Lujan Grisham signed legislation into law decriminalizing the possession of personal use amounts of cannabis. The law took effect on July 1, 2019.

Possession of paraphernalia for the use or cultivation of marijuana is legal. Possession of paraphernalia is only illegal if it is used for a controlled substance, and legally purchased marijuana is no longer a controlled substance in New Mexico.

- New Mexico Stat. Ann. §30-31-25.1

Distribution of marijuana paraphernalia to a minor occurs when a person over the age of 18 distributes marijuana paraphernalia to a person under the age of 18. This offense is a fourth degree felony and is punishable by a fine of \$5,000 and 1.5 years of imprisonment.

- New Mexico Stat. Ann. §30-31-25.1

Miscellaneous

In addition to any other penalty, a child 15 years or older is found delinquent of violating the Controlled Substances Act, their license may revoked.

- New Mexico Stat. Ann. § 32A-2-19(H)

Last Updated May 12, 2023

New York Laws and Penalties

[Decriminalization](#)

[Drugged Driving](#)

[Expungement](#)

[Legalization](#)

[Mandatory Minimum Sentence](#)

[Medical Marijuana](#)

Offense	Penalty	Incarcera tion	Max. Fine

Possession

Less than 3 oz	No penalty	None	\$ 0

3 - 16 oz	Violation	None	\$ 150
16 oz - 5 lb	Misdemeanor	1 year	\$ 1,000
5 - 10 lbs	Felony	4 years	\$ 5,000
More than 10 lbs	Felony	7 years	\$ 10,000

Sale

Without compensation, up to 3 oz of marijuana or 24 g of concentrate	None	None	\$ 0
3 oz or less	Violation	None	\$ 250
3 - 16 oz	Misdemeanor	1 year	\$ 1,000
1 - 5 lbs	Felony	4 years	\$ 5,000

More than 5 lb	Felony	7 years	\$ 10,000
Using a child to assist	Felony	4 years	\$ 5,000
To a minor	Misdemeanor	1 year	\$ 1,000

Cultivation

6 plants (3 mature)	No penalty	None	\$ 0
More than 6 plants	Misdemeanor	1 year	\$ 1,000

Cultivating marijuana is also possessing marijuana under current case law. See penalty details section below.

Hash & Concentrates

Possession of less than 24 g	No penalty	None	\$ 0
Possession of 24 g - 5 oz	Violation	None	\$ 150
Possession of 5 oz - 2 lbs	Misdem eanor	1 year	\$ 1,000
Possession of 2 - 4 lbs	Felony	4 years	\$ 5,000
Possession of over 4 lbs	Felony	7 years	\$ 5,000
Sale of under 24 g	Violation	None	\$ 250
Sale of over 24 g	Misdem eanor	1 year	\$ 1,000

Civil Asset Forfeiture

Property can be seized if convicted of a felony.

Miscellaneous

Mandatory driver's license suspension of 6 months for youthful offenders.

Penalty Details

Marijuana and its synthetic “equivalents” are considered Schedule I hallucinogenic substances under New York Public Health Law. Synthetic equivalents include resinous extracts and derivatives with similar chemical properties.

- New York Pub. Health §3306(d)(13)
- New York Pub. Health §3306(d)(21)

Possession for Personal Use

* On March 31, Governor Andrew Cuomo **signed** The Marijuana Regulation and Taxation Act (MRTA) into law. Provisions in the law legalizing the personal possession of up to three ounces of cannabis flower and/or up to 24 grams of concentrates for those ages 21 and older took immediate effect. The new law also establishes procedures for the automatic review and expungement of the criminal records of those with low-level cannabis convictions. Under the law, the smell of marijuana alone is no longer probable cause for a search by law enforcement. Use of cannabis in public may be subject to civil penalties.

Possession of marijuana in excess of 3 ounces, up to 16 ounces is a violation and is punishable by a fine not to exceed \$150. Possession of marijuana in excess of 1 pound – 5 pounds is a misdemeanor and is punishable by no more than 1 year of imprisonment and a fine not to exceed \$1,000. Possession of marijuana in excess of 5 pounds – 10 pounds is a felony and is punishable by no more than 4 years of imprisonment and a fine not to exceed \$5,000. Possession of marijuana in excess of 10 pounds is a felony and is punishable by no more than 7 years of imprisonment and a fine not to exceed \$5,000.

- New York Pen. Code §222.05
- New York Pen. Code §221
- New York Pen. Code §70
- New York Pen. Code §80

Public Consumption

Public consumption of marijuana through smoking or vaping will be handled as a violation of New York's tobacco control laws.

- New York Pub Health Sec.1399-n

Sale

Without compensation, exchange of up to 3 ounces of marijuana or 24 grams of concentrate carries no penalty, no imprisonment, and no fine.

Sale of marijuana in any amount to a person under 18 years of age is a class D felony and is punishable by up to 7 years of imprisonment and a fine not to exceed \$5,000.

Sale of marijuana in an amount 3 ounces or less is a violation, punishable by a fine up to \$250. Sale of between 3 ounces and one pound is a class A misdemeanor and is punishable by no more than 1 year of imprisonment and a fine not to exceed \$1,000. Sale of marijuana in an amount between 1 pound and 5 pounds is a class E felony and is punishable by up to 4 years of imprisonment and a fine not to exceed \$5,000. Sale of marijuana in an amount greater than 5 pounds is a felony and is punishable by up to 7 years of imprisonment and a fine not to exceed \$5,000. Sale of over 100 pounds of marijuana is a felony punishable by 15 years of imprisonment and a fine of up to \$15,000.

Using a child to assist in the sale of marijuana is a class E felony and is punishable by no more than 4 years of imprisonment and a fine not to exceed \$5,000. This offense includes hiding marijuana on a child or otherwise directing a child to assist in a marijuana sale.

- New York Pen. Code §70
- New York Pen. Code §80
- New York Pen. Code §220.28
- New York Pen. Code §221

Cultivation

* On March 31, Governor Andrew Cuomo **signed** The Marijuana Regulation and Taxation Act (MRTA) into law. Provisions permitting the home-cultivation of up to six cannabis plants per person (3 mature and 3 immature) and/or up to 12 plants per household (6 mature/6 immature) take effect 18 months following the initiation of retail sales (approximately June 2024).

Growing over 6 (12 per household) cannabis plants is a class A misdemeanor and is punishable by up to 1 year of imprisonment and/or a fine of up to \$1000.

***A person who cultivates marijuana in excess of 3 ounces of marijuana is also “possessing” marijuana under current case law. Parmeter v. Feinberg affirms the state’s ability to charge a person with the crime of “cultivation” and “possession” any time a person is caught growing marijuana. This means the more marijuana that a person cultivates the more severe the degree of possession that the state can charge.”**

Hash & Concentrates

*** On March 31, Governor Andrew Cuomo signed The Marijuana Regulation and Taxation Act (MRTA) into law. Provisions in the law legalizing the personal possession of up to 24 grams of concentrates for those ages 21 and older took immediate effect.**

The term ‘Marihuana’ as used in the New York Criminal code is defined as including both plant-form Marihuana and Concentrated Cannabis. Marihuana is listed as a Schedule 1 drug on the New York Controlled Substances Schedule. Concentrated Cannabis is defined as the separated resin of the Cannabis plant, whether purified or raw, or any mixture or preparation containing at least 2.5% THC. Unlike most other states, New York uses the term Tetrahydrocannabinols exclusively to refer to synthetic cannabinoids, not Concentrates. New York does not apply its Marihuana decriminalization law to Concentrated Cannabis. There is no explicit justification for this in the statute, but specific penalties for offenses involving Concentrated Cannabis are separated from those involving plant-form Marihuana and the distinction is noted in caselaw.

Possession of up to 24 grams of concentrated cannabis is legal in New York.

Possession of more than 24 grams but less than 5 ounces of concentrated cannabis is a violation, punishable by a fine up to \$150.

Possession of 5 ounces to 2 pounds of concentrated cannabis is a misdemeanor and punishable by imprisonment of 1 year and a fine of no more than \$1,000. Possession of 2 – 4 pounds of Concentrated Cannabis is a felony, punishable by up to 4 years imprisonment and a fine of no more than \$5,000. Possession of over 4 pounds of concentrated cannabis is a felony punishable by up to 7 years imprisonment and a fine of up to \$5,000.

The presence of any controlled substance in an automobile creates a presumption of knowing possession for all occupants of the vehicle. This principle does not apply if the controlled substance is on the person of one of the passengers and the substance is hidden from the view of other passengers.

The presence of Marihuana (including Concentrated Cannabis) in open view in a room, other than a public place, under circumstances that evince an intent to manufacture, package, or otherwise prepare the Marihuana for sale gives rise to a presumption of knowing possession for all those in close proximity to the Marihuana at the time it is found.

- New York Pen. Code §220.25

Sale of under 24 grams of Concentrated Cannabis is a violation, punishable by a fine up to \$250. Sale of more than 24 grams is a misdemeanor punishable by up to 1 year imprisonment and a fine up to \$1,000.

- New York Pen. Code §222.45
- New York Pen. Code §222.50

Sale of any amount of Concentrated Cannabis on a school bus, on the grounds of a child day care or educational facility, or in a publicly accessible area within 1000 feet of the real property line of such a facility is a class B Felony subject to no more than 25 years imprisonment and a fine not to exceed \$30,000.

- New York Pen. Code §220.44

Sale of any amount of Concentrated Cannabis by a person 21 years old or more to a person 17 years old or younger is a class B Felony subject to no more than 25 years imprisonment and a fine not to exceed \$30,000.

- New York Pen. Code §220.48

Paraphernalia

Possession of marijuana paraphernalia is legal.

- New York Pen. Code §220.05

Forfeiture

If convicted of a felony offense the following may be forfeited, unless the forfeiture would be disproportionate from what the defendant gained from the offense: the proceeds from the offense, instruments used in the offense (including a car).

- New York Pen. Code §480.05

Miscellaneous

Mandatory suspension for a period of six months where the holder is convicted of, or receives a youthful offender or other juvenile adjudication in connection with any crime in violation of the Federal Controlled Substances Act.

- New York Pen. Code § 510(2)(b)(v)

Last Updated May 12, 2023

North Carolina Laws and Penalties

[Conditional Release](#)

[Decriminalization](#)

[Drugged Driving](#)

[Low THC](#)

[Mandatory Minimum Sentence](#)

[Tax Stamps](#)

Offense	Penalty	Incarceration	Max. Fine

Possession

Personal Use

0.5 oz or less	Misdemeanor	N/A	\$ 200
0.5 - 1.5 oz	Misdemeanor	1 - 120 days	Discretionary
More than 1.5 oz - 10 lbs	Felony	3 - 8 months	Discretionary
With intent to distribute			
More than 10 - less than 50 lbs	Felony	25* - 39 months	Discretionary
50 - less than 2000 lbs	Felony	35* - 51 months	Discretionary
2000 - less than 10,000 lbs	Felony	70* - 93 months	Discretionary
10,000 lbs or more	Felony	175* - 222 months	Discretionary

*** Mandatory minimum sentence**

Sale or Delivery

10 lbs or less**	Felony	3- 8 months	Discretionary
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More than 10 - less than 50 lbs	Felony	25* - 39 months	At least \$5,000
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50 - less than 2000 lbs	Felony	35* - 51 months	At least \$25,000
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2000 - less than 10,000 lbs	Felony	70* - 93 months	At least \$50,000
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10,000 lbs or more	Felony	175* - 222 months	At least \$200,000
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To a minor or pregnant women**	Felony	44 - 182 months	Discretionary
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Within 1000 feet of school, child care center, or park grounds**	Felony	15 - 63 months	Discretionary
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* Mandatory minimum sentence

** the transfer of less than five grams of marijuana for no remuneration is not considered delivery

Cultivation

Less than 10 lbs	Felony	3 - 8 months	\$ 1,000
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10 - 50 lbs	Felony	25* - 39 months	At least \$ 5,000
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50 - 2000 lbs	Felony	35* - 51 months	At least \$ 25,000
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2000 - 10,000 lbs	Felony	70* - 93 months	At least \$ 50,000
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10,000 lbs or more	Felony	175* - 222 months	At least \$200,000
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* Mandatory minimum sentence			
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Hash & Concentrates

Possession of less than .05 oz	Misdemeanor	N/A	\$ 200
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Possession of .05 - .15 oz	Misdemeanor	1 - 120 days	Discretionary
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Possession of more than .15 oz	Felony	4 - 6 months	Discretionary
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Possession of any synthetic THC or THC isolated from resin	Felony	4-6 months	Discretionary
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Paraphernalia

Use or possession of paraphernalia for marijuana	N/A	N/A	N/A
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Sale, delivery, or manufacture of paraphernalia	Misdemeanor	1-120 days	Discretionary
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To a minor who is at least 3 years younger	Felony	3 - 8 months	Discretionary
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Civil Asset Forfeiture

Vehicles and other property may be seized.

Miscellaneous

Involving a minor	Felony	8 months - 7 years	N/A
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Possession in a penal institution	Felony	4 - 8 months	N/A
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Discretionary fines are decided on a case-by-case basis by the sitting judge. See below for more details.

Conviction of a felony offense and probation results in driver's license forfeiture.

Last Updated
March 6, 2023

Penalty Details

Marijuana is a Schedule VI substance under the North Carolina Controlled Substances Act.

- North Carolina Gen Stat. § 90-94 [Web Search](#)

Possession for Personal Use

Possession of 0.5 ounces or less of marijuana is a Class 3 misdemeanor and a maximum fine of \$200. Any sentence of imprisonment imposed for this offense must be suspended. Possession of more than 0.5 to 1.5 ounces is a Class 1 misdemeanor punishable by 1 to 45 days imprisonment and a discretionary fine for a first offense, and maximum fine of \$1000. Possession of over 1 and a half ounces but less than or equal to 10 pounds is a Class I felony punishable by 3 to 8 months imprisonment and a discretionary fine for a first offense.

- North Carolina Gen Stat. § 15A-1340.17 [Web Search](#)
- North Carolina Gen Stat. § 15A-1340.23 [Web Search](#)
- North Carolina Gen Stat. § 90-95(d)(4) [Web Search](#)

Possession with Intent to Distribute

Possession with intent to distribute less than 10 pounds of marijuana is a class I felony punishable by 3 to 8 months imprisonment and a discretionary fine for a first offense.

- North Carolina Gen Stat. § 15A-1340.17 [Web Search](#)
- North Carolina Gen Stat. § 90-95(b)(2) [Web Search](#)

Possession of more than 10 pounds but less than 50 pounds is a Class H felony punishable by a minimum of 25 months and maximum of 39 months imprisonment and a fine of at least \$5,000. Possession of 50 pounds or more but less than 2,000 pounds is a Class G felony punishable by a minimum of 35 months and maximum of 51 months imprisonment and a fine of at least \$25,000. Possession of 2,000 pounds or more but less than 10,000 pounds is a Class F felony punishable by a minimum of 70 months and

maximum of 93 months imprisonment and a fine of at least \$50,000. Possession of 10,000 pounds or more of marijuana is a Class D felony punishable by a minimum of 175 months and maximum of 222 months imprisonment and a fine of at least \$200,000.

- North Carolina Gen Stat. § 90-95(h) [Web Search](#)

Sale/Delivery

Delivery of less than 5 grams of marijuana for no compensation is not considered sale or delivery, but may still be prosecuted as possession. Sale of less than 10 pounds of marijuana is a Class H felony punishable by 4 to 25 months imprisonment and a discretionary fine for the first offense. Delivery without compensation of less than 10 pounds is a Class I felony punishable by 3 to 8 months imprisonment and a discretionary fine for a first offense.

- North Carolina Gen Stat. § 15A-1340.17 [Web Search](#)
- North Carolina Gen Stat. § 90-95(a)(2) [Web Search](#)

Sale or delivery of 10 pounds or more but less than 50 pounds is a Class H felony punishable by a minimum of 25 months and maximum of 30 months imprisonment and a fine of at least \$5,000. Sale or delivery of 50 pounds or more but less than 2,000 pounds is a Class G felony punishable by a minimum of 35 months and maximum of 42 months imprisonment and a fine of at least \$25,000. Sale or delivery of 2,000 pounds or more but less than 10,000 pounds is a Class F felony punishable by a minimum of 70 months and maximum of 80 months imprisonment and a fine of at least \$50,000. Sale or delivery of 10,000 pounds or more of marijuana is a Class D felony punishable by a minimum of 175 months and maximum of 219 months imprisonment and a fine of at least \$200,000.

- North Carolina Gen Stat. § 90-95(h) [Web Search](#)

Cultivation

Cultivation of less than 10 pounds of marijuana is a class I felony punishable by 3 to 8 months imprisonment and a discretionary fine for a first offense.

- North Carolina Gen Stat. § 90-95(a)(2) [Web Search](#)

Cultivation of 10 pounds or more but less than 50 pounds is a Class H felony punishable by a minimum of 25 months and maximum of 30 months imprisonment and a fine of at least \$5,000. Cultivation of 50 pounds or more but less than 2,000 pounds is a Class G felony punishable by a minimum of 35 months and maximum of 42 months imprisonment and a fine of at least \$25,000. Cultivation of 2,000 pounds or more but less than 10,000 pounds is a Class F felony punishable by a minimum of 70 months and maximum of 80 months imprisonment and a fine of at least \$50,000. Cultivation of 10,000 pounds or more of marijuana is a Class D felony punishable by a minimum of 175 months and maximum of 219 months imprisonment and a fine of at least \$200,000.

- North Carolina Gen Stat. § 90-95(h) [Web Search](#)

Hash & Concentrates

Possession of an extract of marijuana resin, commonly referred to as hashish, is a crime in North Carolina. Possession of .05 ounces or less (~1.4 grams) is a Class 3 misdemeanor, which is punishable by a \$200 fine and a 1-10 day sentence that must be suspended. Possession of more than .05 ounces (~1.4 grams) but less than .15 ounces (~4.25 grams) is a Class 1 misdemeanor, which is punishable by a fine determined at the

discretion of the court and a 1-45 day sentence. Possession of an amount greater than .15 ounce (~4.25 grams) is a Class I felony which has a presumptive sentence of 3 -12 months and a discretionary fine may also be assessed by the court. The possession of any synthetic tetrahydrocannabinols or tetrahydrocannabinols isolated from marijuana resin is also a Class I felony.

- North Carolina Gen Stat. §90-95(d)(4) [Web Search](#)
- North Carolina Gen Stat. §15A-1340.17(b) [Web Search](#)

Paraphernalia

Use or possession of paraphernalia for the use of marijuana is not unlawful. The sale, delivery, or manufacture of paraphernalia (including for the use of marijuana) is a Class 1 misdemeanor punishable by 1 to 45 days imprisonment and a discretionary fine for a first offense. Delivery of paraphernalia by a person aged 18 years or older to a person under the age of 18 who is at least 3 years younger is a Class I felony, which has a presumptive sentence of 3 -12 months and a discretionary fine may also be assessed by the court.

- North Carolina Gen Stat. § 15A-1340.17 [Web Search](#)
- North Carolina Gen Stat. § 15A-1340.23 [Web Search](#)
- North Carolina Gen Stat. §§ 90-113.22 to 113.23 [Web Search](#)

Sentencing

If a person has a previous controlled substance violation and commits a Class 1 misdemeanor, he will be punished as a Class I felon. If a person has a previous controlled substance violation and commits a Class 2 misdemeanor, he will be guilty of a Class 1 misdemeanor. If a person has a previous controlled substance violation and commits an

offense that requires any sentence of imprisonment be suspended, he is guilty of Class 2 misdemeanor.

- North Carolina Gen Stat. §§ 90-95(e)(3)-(4), (7) [Web Search](#)

First time misdemeanor marijuana proceedings may be suspended and the offender placed on probation. The probation must include drug education, unless certain circumstances apply. Upon successful completion of the terms of probation, the charges will be dismissed and the individual discharged.

- North Carolina Gen Stat. § 90-96 [Web Search](#)

A person convicted of a marijuana possession, cultivation, or sale/delivery offense may be eligible for probation if they are not sentenced to the maximum term of imprisonment allowed for that offense. This may include a requirement to attend treatment. This probation cannot last longer than 5 years.

- North Carolina Gen Stat. § 90-95(f) [Web Search](#)

Forfeiture

Vehicles and other property may be seized for controlled substance violations. Seized property is not subject to be returned to the owner unless he can prove in a forfeiture proceeding that he is the owner and was unaware that it was being used in the violation.

- North Carolina Gen Stat. §§ 90-122 to 112.1 [Web Search](#)

Miscellaneous

Sale or delivery to a minor or pregnant women

Sale or delivery by a person aged 18 years or older to a person between 14-15 years of age or to a pregnant woman of any age is a Class D felony punishable by 38 to 80 months imprisonment and a fine to be set by the discretion of the court for the first offense. Sale or delivery by a person aged 18 years or older to a person 13 years of age or younger is a Class C felony punishable by 44 to 92 months imprisonment and a fine to be set by the discretion of the court for the first offense.

- North Carolina Gen Stat. § 15A-1340.17 [Web Search](#)
- North Carolina Gen Stat. § 90-95(e)(5) [Web Search](#)

Employing a minor in a drug offense

A person aged 18-20 years who uses a minor in the sale, delivery, or cultivation of marijuana is guilty of a Class G felony if the minor is 14-17 years old, punishable by 8 to 16 months imprisonment and a discretionary fine for the first offense, and a Class F felony if the minor is 13 years of age or younger, punishable by 10 to 20 months imprisonment and a discretionary fine for the first offense. A person aged 21 years or older who uses a minor in the sale, delivery, or cultivation of marijuana is guilty of a Class E felony if the minor is 14-17 years old, punishable by 15 to 31 months imprisonment and a fine to be set by the discretion of the court for the first offense, and a Class D felony if the minor is 13 years of age or younger, punishable by 38 to 80 months imprisonment and a fine to be set by the discretion of the court for the first offense. A person aged 21 years or older who uses a minor in a drug offense may be liable for civil damages for drug addiction.

- North Carolina Gen Stat. § 15A-1340.17 [Web Search](#)

- North Carolina Gen Stat. § 90-95.4 [Web Search](#)
- North Carolina Gen Stat. § 90-95.5 [Web Search](#)

Promoting drug sales by a minor

Any person aged 21 years or older who entices, encourages, forces, or supports a minor in selling, delivering, or cultivating marijuana is guilty of a Class D felony punishable by 44 to 182 months imprisonment and a fine to be set by the discretion of the court for the first offense.

- North Carolina Gen Stat. § 15A-1340.17 [Web Search](#)
- North Carolina Gen Stat. § 90-95.6 [Web Search](#)

Participating in a drug violation by a minor

Any person aged 21 years or older who purchases marijuana from a minor 13 years or younger is guilty of a Class G felony punishable by 8 to 16 months imprisonment and a discretionary fine for the first offense.

- N.C. Gen Stat. § 15A-1340.17 [Web Search](#)
- North Carolina Gen Stat. § 90-95.7 [Web Search](#)

Sale or delivery on school grounds

Sale or delivery in or within 1,000 feet of school, child care center, or park grounds is class E felony punishable by 15 to 31 months imprisonment and a fine to be set by the discretion of the court for the first offense. Delivery of less than 5 grams of marijuana for no compensation is not considered delivery, but still may be prosecuted for possession.

- North Carolina Gen Stat. § 15A-1340.17 [Web Search](#)
- North Carolina Gen Stat. §§ 90-95(e)(8), (10) [Web Search](#)

Possession in a penal institution

Possession of any amount of marijuana in a penal institution or local confinement facility is a Class H felony punishable by 4 to 8 months imprisonment and a discretionary fine for the first offense.

- North Carolina Gen Stat. § 15A-1340.17 [Web Search](#)
- North Carolina Gen Stat. § 90-95(e)(9) [Web Search](#)

Reimbursement for undercover marijuana purchases

When a person is convicted of a marijuana offense, the court may order him to reimburse the law enforcement agency for money spent in purchasing marijuana as part of an undercover operation.

- North Carolina Gen Stat. § 90-95.3 [Web Search](#)

Driver's license forfeiture

Any time an individual is convicted of a felony offense and is given probation, they are to have their license forfeited.

- North Carolina Gen Stat. § 15A-1331A [Web Search](#)

Last Updated March 6, 2023

North Dakota Laws and Penalties

- Conditional Release
- Decriminalization
- Drugged Driving
- Medical Marijuana

Offense	Penalty	Incarcerat ion	Max. Fine

Possession

Ingesting any amount	Misdemean or	30 days	\$ 1,500
Less than 1/2 oz	Criminal Infraction	None	\$ 1,000
More than 1/2 oz - 500 g	Misdemean or	30 days	\$ 1,500
More than 500 g	Misdemean or	360 days	\$ 3,000

Sale

Any amount	Felony	5 years	\$ 10,000
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Soliciting, inducing, hiring a minor to sell any amount	Felony	10 years	\$ 20,000
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Any amount within 1000 feet of a school	Felony	10 years	\$ 20,000
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Cultivation

See Possession section for penalty details.

Hash & Concentrates

Ingesting any amount	Misdemeanor	30 days	\$ 1,500
	or		

Less than 2 g	Criminal Infraction	None	\$ 1,000
2 - 6 g	Misdemean or	30 days	\$ 1,500
More than 6 g	Misdemean or	360 days	\$ 3,000
Manufacture or delivery	Felony	10 years	\$ 20,000

Paraphernalia

Possession to ingest or inhale	Criminal Infraction	None	\$ 1,000
Possession to cultivate, plant, compound, process, etc	Misdemean or	360 days	\$ 3,000

Manufacture, delivery or advertisement of paraphernalia	Misdemeanor	360 days	\$ 3,000
To a minor	Felony	5 years	\$ 10,000

Miscellaneous

Any conviction requires the offender to undergo a drug addiction evaluation.

Juveniles may have their driver's license suspended for up to 6 months.

Penalty Details

Possession

Republican Gov. Doug Burgum **signed** legislation into law reducing marijuana possession penalties. The law took effect on August 1, 2019.

Ingesting any amount of marijuana is a misdemeanor punishable by 30 days imprisonment and/or a maximum fine of \$1,500.

Possession of less than 1/2 ounce [14.175 grams] of marijuana is a criminal infraction punishable by a fine of up to \$1,000.

Possession of more than 1/2 ounce but less than 500 grams of marijuana is a misdemeanor which is punishable by a maximum sentence of 30 days imprisonment and a maximum fine of \$1,500.

Possession of more than 500 grams of marijuana is a misdemeanor punishable by a maximum sentence of 360 days imprisonment and a maximum fine of \$3,000.

- N.D. Cent. Code §19-03.1-22.3(2)
- N.D. Cent. Code §12.1-32-01(6)
- N.D. Cent. Code §19-03.1-23(7)(d)(1)(a)
- N.D. Cent. Code §12.1-32-01(7)
- N.D. Cent. Code §19-03.1-23(7)(d)(1)(b)
- N.D. Cent. Code §12.1-32-01(5)

Sale

The sale of any amount of marijuana is a felony punishable by up to 5 years imprisonment and a fine of up to \$10,000.

Soliciting, inducing, hiring a minor to sell any amount of marijuana is a felony punishable by maximum sentence of 10 years imprisonment and a maximum fine of \$20,000.

Sale of any amount of marijuana within 1,000 feet of a school is a felony punishable by maximum sentence of 10 years imprisonment and a maximum fine of \$20,000.

- **N.D. Cent. Code §19-03.1-23(1)(c)**
- **N.D. Cent. Code §12.1-32-01(4)**
- **N.D. Cent. Code §19-03.1-23(4)**
- **N.D. Cent. Code §12.1-32-01(3)**
- **N.D. Cent. Code §19-03.1-23.1(2)(b)**

Cultivation

See the “Possession” section for penalty details.

Hash & Concentrates

Ingesting hashish is a misdemeanor punishable by a maximum sentence of 30 days imprisonment and a maximum fine of \$1,500.

Possession of less than 2 grams of hashish or concentrates is a criminal infraction punishable by a maximum fine of \$1,500.

Possession of 2 to 6 grams of hashish or concentrates is a misdemeanor punishable by a maximum sentence of 30 days imprisonment and a maximum fine of \$1,500.

Possession of more than 6 grams of hashish or concentrates is a misdemeanor punishable by a maximum sentence of 360 days imprisonment and a maximum fine of \$3,000.

Manufacture or delivery of hashish or concentrates is a felony punishable by a maximum sentence of 10 years imprisonment and a maximum fine of \$20,000.

- N.D. Cent. Code §19-03.1-22.3(2)
- N.D. Cent. Code §12.1-32-01(6)
- N.D. Cent. Code §19-03.1-23(7)(d)(2)(a)
- N.D. Cent. Code §12.1-32-01(7)
- N.D. Cent. Code §19-03.1-23(7)(d)(2)(b)
- N.D. Cent. Code §19-03.1-23(7)(d)(2)(c)
- N.D. Cent. Code §12.1-32-01(5)
- N.D. Cent. Code §19-03.1-23(1)(c)
- N.D. Cent. Code §12.1-32-01(4)

Paraphernalia

Possession of paraphernalia to ingest or inhale marijuana is a criminal infraction punishable by a fine of up to \$1,000.

Possession of paraphernalia to cultivate, plant, compound, process, etc is a misdemeanor punishable by a maximum sentence of 360 imprisonment and a maximum fine of \$3,000.

Manufacture, delivery or advertisement of paraphernalia is a misdemeanor punishable by a maximum sentence of 360 days imprisonment and a maximum fine of \$3,000.

Providing paraphernalia to a minor is a felony punishable by a maximum sentence of 5 years imprisonment and a maximum fine of \$10,000.

- N.D. Cent. Code §19-03.4-03(3)
- N.D. Cent. Code §12.1-32-01(5)
- N.D. Cent. Code §12.1-32-01(7)
- N.D. Cent. Code §19-03.4-04

- [N.D. Cent. Code §19-03.4-05](#)
- [N.D. Cent. Code §12.1-32-01\(4\)](#)

Miscellaneous

Any conviction requires the offender to undergo a drug addiction evaluation.

Juveniles may have their driver’s license suspended for up to 6 months.

Ohio Laws and Penalties

- [Conditional Release](#)
- [Legalization](#)
- [Drugged Driving](#)
- [Mandatory Minimum Sentence](#)
- [Medical Marijuana](#)

Offense	Penalty	Incarcera tion	Max. Fine
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Possession

Up to 70 grams of cannabis	No penalty	None	\$0
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>70 - 100 g	Misdeme anor	N/A	\$ 150
100 - 200 g	Misdeme anor	30 days	\$ 250
200 - 1,000 g	Felony	1 year	\$ 2,500
1,000 - 5,000 g	Felony	3 years	\$ 10,000
5,000 - 20,000 g	Felony	3 years	\$ 10,000
20,000 - 40,000 g	Felony	5* - 8 years	\$ 15,000
More than 40,000 g	Felony	8 years*	\$ 15,000

* Mandatory minimum sentence

Sale/Distribution/Trafficking

Up to 2.5 ounces (adults 21+)	No penalty	None	\$0
>2.5 ounces - 200 g	Felony	1 year	\$ 2,500
200 - 1,000 g	Felony	18 months	\$ 5,000
1,000 - 5,000 g	Felony	3 years	\$ 10,000
5,000 - 20,000 g	Felony	3 years	\$ 10,000
20,000 - 40,000 g	Felony	5* - 8 years	\$ 15,000
More than 40,000 g	Felony	8 years*	\$ 20,000

To a minor, within 1000 feet of a school, within 100 feet of a juvenile, or by one who has a previous drug conviction will increase the term of imprisonment and the fine.

* Mandatory minimum sentence

Cultivation

6 plants in a private residence, no more than 12 per household of more than one adult	No penalty	None	\$0
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See possession penalties for cultivation above adult-use limits

Hash & Concentrates

Up to 15g	No penalty	None	\$0
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Possession of >15g -50g	Felony	1 year	\$ 2,500
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Possession of 50g/10g - 250g/50g (solid/liquid)	Felony	3 years	\$ 10,000
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Possession of 250g/50g - 1,000g/200g (solid/liquid)	Felony	3 years	\$ 10,000
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Possession of 1,000g/200g - 2,000g/400g (solid/liquid)	Felony	5* - 8 years	\$ 15,000
Possession of 2,000g/400g (solid/liquid) or more	Felony	8* years	\$ 15,000
Selling less than 10g/2g (solid/liquid)	Felony	1 year	\$ 2,500
Selling 10g/2g - 50g/10g (solid/liquid)	Felony	18 months	\$ 5,000
Selling 50g/10g - 250g/50g (solid/liquid)	Felony	3 years	\$ 10,000
Selling 250g/50g - 1,000g/200g (solid/liquid)	Felony	3 years	\$ 10,000
Selling 1,000g/200g - 2,000g/400g (solid/liquid)	Felony	5* - 8 years	\$ 15,000

Selling 2,000g/400g (solid/liquid) or more	Felony	8* years	\$ 15,000
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Paraphernalia

Sale of paraphernalia	Misdemeanor	90 days	\$ 750
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Miscellaneous

Any drug conviction (including a paraphernalia conviction) may result in a driver's license suspension for a period of 6 months - 5 years.

Updated
May 12,
2023

Penalty Details

Possession

Possession of up to 70 grams is legal for adults 21+.

Possession of over 70 grams and up to 100 grams is a minor misdemeanor.

Possession of 100 – 200 grams is a misdemeanor punishable by a maximum sentence of 30 days imprisonment and a maximum fine of \$250.

Possession of 200 – 1,000 grams is a felony, punishable by up to one year in jail and a maximum fine of \$2,500.**

Possession of 1,000 – 5,000 grams is a third degree felony punishable by 3 years imprisonment and/or a fine of \$5,000 – \$10,000. There is a presumption towards the fine and against imprisonment for this crime.

Possession of 5,000 – 20,000 grams is a third degree felony punishable by 3 years imprisonment and/or a fine of \$5,000 – \$10,000. There is a presumption towards imprisonment for this crime.

Possession of 20,000 – 40,000 grams is a second-degree felony punishable by between 5-8 years of imprisonment, and/or a maximum fine of \$15,000.

Possession of more than 40,000 grams is a second-degree felony punishable by at least 8 years imprisonment and/or a maximum fine of \$20,000.

- Ohio Rev. Code Ann. § 2925.11 (2015)

* A minor misdemeanor does not create a criminal record in Ohio.

Cultivation

Adults may grow up to 6 plants in a private residence, no more than 12 per household of more than one adult.

Penalties for the cultivation of marijuana are identical to the penalties for possessing an equivalent amount, in weight, of marijuana. See the chart above for further guidance.

- Ohio Rev. Code Ann. §2925.04 (2015)

** Ohio provides an affirmative defense for this level of cultivation if the defendant can meet the burden to prove that the marijuana was intended solely for personal use by a preponderance of the evidence. If this defense is successful, the defendant can still be convicted of, or plead guilty to, a misdemeanor violation of illegal cultivation of marihuana.

Sale/Distribution/Trafficking

Gifting of up to 2.5 ounces is legal between adults 21+.

The sale of up to 200 grams is a felony, punishable by a maximum sentence of 12 months imprisonment and/or a maximum fine of \$2,500.

The sale of 200 grams – 1,000 grams is a fourth degree felony, punishable by up to 18 months imprisonment and/or a maximum fine of \$2,500.

The sale of 1,000 – 5,000 grams is a third degree felony punishable by 3 years imprisonment and/or a fine of \$5,000 – \$10,000. There is a presumption towards the fine and against imprisonment for this crime.

The sale of 5,000 – 20,000 grams is a third degree felony punishable by 3 years imprisonment and/or a fine of \$5,000 – \$10,000. There is a presumption towards imprisonment for this crime.

Sale of 20,000 – 40,000 grams is a second-degree felony punishable by between 5-8 years of imprisonment, and/or a maximum fine of \$15,000.

Sale of more than 40,000 grams is a second-degree felony punishable by at least 8 years imprisonment and/or a maximum fine of \$20,000.

The sale of marijuana to a minor, within 1,000 feet of a school, within 100 feet of a juvenile, or by one who has a previous drug conviction is a felony which will increase the length of the term of imprisonment and the fine.

- Ohio Rev. Code Ann. § 2925.03
- Ohio Rev. Code Ann. § 2929.13
- Ohio Rev. Code Ann. § 2929.18
- Ohio Rev. Code Ann. § 2929.22

Hash & Concentrates

Adults may legally possess up to 15 grams of concentrates without penalty.

Possession 50 -250 grams of solid hashish (10 – 50 grams of liquid hashish) is a felony punishable by a fine no greater than \$10,000 and/or a term of imprisonment no greater than 3 years. There is a presumption against imprisonment for this crime.

Possession 250 -1,000 grams of solid hashish (50 – 200 grams of liquid hashish) is a felony punishable by a fine no greater than \$10,000 and/or a term of imprisonment up to 3 years. There is a presumption towards imprisonment for this time.

Possession of 1,000- 2,000 grams of solid hashish (200 – 400 grams of liquid hashish) is a felony in the second degree, punishable by at least 5 years and up to 8 years imprisonment and/ or up to a \$15,000 fine.

Possession of over 2,000 grams of solid hashish (400 grams of liquid hashish) is a felony in the second degree punishable by a fine no greater than \$15,000 and/or a term of imprisonment of 8 years.

- Ohio Rev. Code Ann. §2925.11(C)(7)
- Ohio Rev. Code Ann. §2929.28
- Ohio Rev. Code Ann. §2929.24
- Ohio Rev. Code Ann. §2929.18
- Ohio Rev. Code Ann. §2929.14

Selling less than 10 grams of solid hashish (less than 2 grams of liquid hashish) is a felony punishable by a maximum fine of \$2,500 and/or a term of imprisonment no less than 6 months and no greater than 1 year.

Selling 10 – 50 grams of solid hashish (2 -10 grams) of liquid hashish is a felony punishable by a fine no greater than \$5,000 and/ or a term of imprisonment no less than 6 months and no greater than 18 months.

Selling between 50 – 250 grams of solid hashish (10-50 grams of liquid hashish) is a felony, punishable by a fine no greater than \$10,000 and/or a term of imprisonment no less than 9 months and no greater than 3 years.

Selling between 250 -1,000 grams of solid hashish (50 – 200 grams of liquid hashish) is a felony punishable by a fine no greater than \$10,000 and/or a term of imprisonment up to 3 years. There is a presumption towards imprisonment for this time.

Selling between 1,000 – 2,000 grams of solid hashish (200 – 400 grams of liquid hashish) is a felony punishable by a fine no greater than \$15,000 and a term of imprisonment no less than 5 years and no greater than 8 years.

Selling over 2,000 grams of solid hashish (over 400 grams of liquid hashish) is a felony by a maximum fine of \$15,000 and /or a term of imprisonment of at least 8 years.

- Ohio Rev. Code Ann., §2925.03(C)(7)
- Ohio Rev. Code Ann. §2929.18
- Ohio Rev,Code Ann. §§2929.14

Paraphernalia

The sale of paraphernalia is a misdemeanor punishable by a maximum sentence of 90 days imprisonment and a maximum fine of \$750.

- Ohio Rev. Code Ann. § 2925.14 (2015) [Web Search](#)
- Ohio Rev. Code Ann. § 2929.13 (2015) [Web Search](#)
- Ohio Rev. Code Ann. § 2929.22 (2015) [Web Search](#)

Any device or equipment used to create or manufacture hashish is considered drug paraphernalia. Possession of such equipment is a misdemeanor of the fourth degree punishable by a maximum fine of \$250 and/or maximum 30-day jail sentence. Selling or manufacturing any such device or equipment is a misdemeanor of the second degree punishable by maximum fine of \$750 and/or a maximum 90-day term of imprisonment. If

any such device or equipment was sold to a minor, the offense is a misdemeanor in the first degree punishable by a fine no greater than \$1,000 and/or a term of imprisonment no greater than 180 days. Advertising the sale of such equipment is a misdemeanor, punishable by a fine no greater than \$750 and a term of imprisonment no greater than 90 days.

- Ohio Rev. Code Ann. §2925.14(2) (2015) [Web Search](#)
- Ohio Rev. Code Ann. §2929.18 (2015) [Web Search](#)
- Ohio Rev. Code Ann. §2929.14 (2015) [Web Search](#)

Miscellaneous

Any conviction for possession of a controlled substance is subject to driver's license revocation for no less than 6 months and no more than 5 years.

- Ohio Rev. Code Ann. § 2925.11(E)(2) (2015) [Web Search](#)
- Ohio Rev. Code Ann. § 2925. 14 (2015) [Web Search](#)

Oklahoma Laws and Penalties

[Conditional Release](#)

[Drugged Driving](#)

[Low THC](#)

[Mandatory Minimum Sentence](#)

[Medical Marijuana](#)

[Tax Stamps](#)

Offense	Penalty	Incarceration	Max. Fine
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Possession

Any amount (first offense)	Misdemeanor	1 year	\$ 1,000
Any amount (subsequent offense)*	Misdemeanor	1 year	\$ 1,000

* Effective 07/01/2017

Sale or Distribution

Less than 25 lbs	Felony	2 years - life	\$ 20,000
25 - 1000 lbs	Felony	4 years - life	\$ 100,000

1000 lbs or more	Felony	4 years - life	\$ 500,000
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To a minor carries a double period of incarceration and fine.

Within 2000 feet of schools, public parks, or public housing carries a double period of incarceration and fine, and a mandatory minimum sentence.

Cultivation

See Possession and Sale sections for details.

Hash & Concentrates

Possession	Misdemeanor	1 year	\$ 1,000
Distributing, dispensing, transporting or possession with intent	Felony	2 years - life	\$ 20,000

Converting marijuana into hashish or concentrates	Felony	2 years - life	\$ 50,000
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Paraphernalia

Possession of paraphernalia (first offense)	Misdemeanor	1 year	\$ 1,000
Possession of paraphernalia (second offense)	Misdemeanor	1 year	\$ 5,000
Possession of paraphernalia (third offense)	Misdemeanor	1 year	\$ 10,000

Miscellaneous

Any conviction will lead to a driver's license suspension from 6 months - 3 years.
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Penalty Details

Marijuana is classified as a Schedule I drug. The definition of marijuana excludes the mature stalks of marijuana and any fiber produced from the stalks and oil or cake made from the seeds of such plant, including cannabidiol derived from the seeds of the marihuana plant,

- Okla. Stat. tit. 63 § 2-204 (2016) [Web Search](#)
- Okla. Stat. tit. 63 § 2-101 (2016) [Web Search](#)

Possession

Possession of any amount of marijuana is a misdemeanor with a term of imprisonment of up to one year and a fine of up to 1,000 [conditional release is possible for a first offense].

Beginning on July 1, 2017, a second offense for possession of any amount of marijuana is a misdemeanor with a term of imprisonment of up to one year and a fine of up to 1,000

Possession of marijuana within 1,000 feet of a public or private school or university, public park or in the presence of a child under the age of 12 is a felony. This charge is punishable either by a doubling of the term of imprisonment or fine or both. A person convicted under this section must serve a mandatory minimum sentence of 50% of the sentence received.

A person convicted under this section must also pay a special assessment trauma care fee of \$100.

- Okla. Stat. tit. 63, § 2-402 (2017) [Web Search](#)

Sale or Distribution

The sale of less than 25 pounds is a felony, punishable by incarceration for a period of 2 years-life, as well as a fine of \$20,000.

Selling between 25 and 1,000 pounds. Penalties include a fine of between \$25,000 and \$100,000, between four years and life imprisonment, or both.

Selling 1,000 pounds or more is punishable with a maximum fine of \$500,000, and/or between four years and life imprisonment.

The sale to minors is a felony, which is punishable by doubling the penalty for both the period of incarceration, as well as the fine to be paid.

The sale within 2,000 feet of schools, public parks, or public housing is a felony, punishable by a double penalty for both the period of incarceration as well as the fine to be paid. A conviction carries with it a mandatory minimum sentence of 50% of the imposed sentence.

- Okla. Stat. tit. 63 § 2-401 (2016) [Web Search](#)

Cultivation

Cultivating up to 1,000 plants is a felony, punishable by a maximum \$25,000 fine and between 20 years and life imprisonment. Cultivation of more than 1,000 plants is punishable of a fine up to \$50,000 and between 20 years and life imprisonment.

Cultivation of marijuana by the owner of land is a felony punishable by a term of imprisonment between 2 years and life and a fine up to 50,000.

- Okla. Stat. tit. 63 § 2-401 (2016) [Web Search](#)
- Okla. Stat. tit. 63 § 2-509 (2016) [Web Search](#)

Hash & Concentrates

Hashish or concentrates fall under Oklahoma's definition of marijuana and are Schedule I drugs.

- Okla. Stat. tit. 63 § 2-101 (2016) [Web Search](#)
- Okla. Stat. tit. 63 § 2-204(C)(12) (2016) [Web Search](#)

Converting or attempting to convert marijuana into hashish or concentrates is a felony punishable by a fine no greater than \$50,000 and a term of imprisonment no less than 2 and up to remainder of the offender's life. Subsequent convictions are punishable by a fine no greater than \$100,000 and a term of imprisonment greater than 4 years and up to the remainder of the offender's life.

- Okla. Stat. tit. 63 § 2-509 (2016) [Web Search](#)

Distributing, dispensing, transporting with intent to distribute, possessing with intent to manufacture, distribute, or dispense, hashish or concentrates is a felony punishable by a fine no greater than \$20,000 and a term of imprisonment no less than 2 years and up to the remainder of the offender's life.

- Oklahoma Stat. tit. 63 § 2-401 (2016) [Web Search](#)

Possessing hashish or concentrates is a misdemeanor punishable by a fine no greater than \$1,000 and/or a term of imprisonment no greater than 1 year. A second or subsequent

conviction is punishable by a fine no greater than \$5,000 and/or a term of imprisonment no less than 2 years and no greater than 10 years. If the offense occurred within 1,000 feet of a school, recreation center, public park, or in the presence of a child under 12 years of age, the offense becomes a felony punishable by a fine no greater than \$2,000 and/or a term of imprisonment no greater than 2 years. A second or subsequent conviction for possession of hashish or concentrates within 1,000 feet of a school, recreation center, public park, or in the presence of a child under 12 years of age is punishable by a fine no greater than \$10,000 and/or a term of imprisonment no less than 4 years and no greater than 20 years.

- Okla. Stat. tit. 63 § 2-402(B)(2) (2016) [Web Search](#)
- Okla. Stat. tit. 63 § 2-402 (C) (2016) [Web Search](#)

Any equipment or device used to create hashish or concentrates is considered paraphernalia. Possessing, transporting, using, or manufacturing any such equipment or device is a misdemeanor punishable by a fine no greater than \$1,000 and/or a term of imprisonment no greater than 1 year. A second conviction is punishable by a fine no greater than \$5,000 and/or a term of imprisonment no greater than 1 year. A third conviction is punishable by a fine no greater than \$10,000 and/or a term of imprisonment no greater than 1 year.

- Okla. Stat. tit. 63 § 2-101(36) (2016) [Web Search](#)
- Okla. Stat. tit. 63 § 2-405 (2016) [Web Search](#)

Paraphernalia

A conviction for possession of paraphernalia is a misdemeanor that is punishable by up to one-year imprisonment as well as a \$1,000 fine.

A second paraphernalia conviction is a misdemeanor that is punishable by up to one-year imprisonment as well as a \$5,000 fine.

A third paraphernalia conviction is a misdemeanor that is punishable by up to one-year imprisonment and a \$10,000 fine.

- Okla. Stat. tit. 63 § 2-405 (2016) [Web Search](#)

Forfeiture

Marijuana, vehicles and property can be forfeited.

- Okla. Stat. tit. 63 § 2-503 (2016) [Web Search](#)

Miscellaneous

Any conviction will lead to a driver's license suspension from 6 months to 3 years. Immediately revoke for any conviction of misdemeanor or felony conviction for possessing, distributing, dispensing, manufacturing, trafficking, cultivating or selling a controlled substance.

- Okla. Stat. tit. 47 § 6-205(A)(6) (2016) [Web Search](#)

Oregon Laws and Penalties

[Drugged Driving](#)

[Expungement](#)

[Legalization](#)

Medical Marijuana

Offense	Penalty	Incarceration	Max. Fine
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Possession

In Public			
2 oz or less	No Penalty	None	\$ 0
2 - 4 oz	Violation	None	\$ 1,000
4 - 8 oz	Misdemeanor	6 months	\$ 2,500
8 oz - 8 lbs	N/A	N/A	N/A

More than 8 lbs	Felony	5 years	\$ 125,000
In Private			
8 oz or less	No Penalty	None	\$ 0
8 oz - 1 lb	Violatio n	None	\$ 1,000
1 - 2 lbs	Misdem eanor	6 months	\$ 2,500
2 lbs - 8 lbs	N/A	N/A	N/A
More than 8 lbs	Felony	5 years	\$ 125,000

Manufacture, Delivery, or Distribution

Manufacture

Any amount	Felony	5 years	\$ 125,000
Within 1000 feet of school grounds	Felony	20 years	\$ 375,000

Personal home gardens and licensed production sites exempted.

Delivery

1 oz or less homegrown without compensation	No Penalty	None	\$ 0
More than 1 oz - 16 oz without compensation	Violation	None	\$ 2,000
To a minor	Felony	5 years	\$ 125,000

Within 1000 feet of school grounds	Felony	20 years	\$ 375, 000
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Delivery with or without compensation of 150 g or more is punished more severely.

Cultivation

Up to 4 plants homegrown	No Penalty	None	\$ 0
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More than 4 - 8 plants	Misdemeanor	6 months	\$ 2,50 0
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More than 8 - 12 plants	N/A	N/A	N/A
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More than 12 plants homegrown	Felony	5 years	\$ 125, 000
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Within 1,000 feet of a school (except homegrown or licensed)	Felony	20 years	\$ 375, 000
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Hash & Concentrates

16 oz or less solid infused at home	No Penalty	None	\$ 0
72 oz or less liquid infused at home	No Penalty	None	\$ 0
1 oz or less extract at home	No Penalty	None	\$ 0
0.25 oz or less not purchased from retailer	Misdemeanor	1 year	\$ 6,250
More than 0.25 oz not purchased from retailer	Felony	5 years	\$ 125,000

Note that processing, or extracting is Manufacturing under Oregon law.

Paraphernalia

Sale, delivery, possession with intent to sell	Civil	N/A	\$ 1,00
or deliver, or manufacture with intent sell	Penalty		0
or deliver to a person under age 21			

Civil Asset Forfeiture

Vehicles and other property may be seized.

Miscellaneous

Commercial drug offenses are punished more severely.

A conviction for possession of more than 1 oz, delivery, or cultivation of marijuana can result in an automatic 6 months suspension of driving privileges.

Penalty Details

Cannabis is specifically exempt from schedule I by Oregon's controlled substances statute and regulation.

- [Oregon Statute § 475.005\(6\)\(B\)\(a\)-\(e\)](#)

Possession

In Public

There is no fine or penalty for possession of 2 ounces or less of marijuana in public.

Possession of more than 2 ounces and up to 4 ounces of marijuana is a violation and a fine of \$1,000.

Possession of more than 4 ounces and up to 8 ounces of marijuana is a misdemeanor punishable by up to 6 months in prison and a fine of up to \$2,500.

Possession of over 8 pounds of marijuana is a felony punishable by up to 5 years in prison and a fine of up to \$125,000.

In Private

There is no fine or penalty for possession of up to 8 ounces of useable marijuana.

Possession of more than 8 ounces and up to 1 pound of useable marijuana is a violation punishable by a fine of up to \$1,000.

Possession of more than 1 pound and up to 2 pounds of useable marijuana is a misdemeanor punishable by up to 6 month in prison and a fine of up to \$2,500.

Possession of more than 8 pounds of useable marijuana is felony punishable by up to 5 years in prison and a fine of up to \$125,000.

- Oregon Statute § 475C.337(1)(b)
- Oregon Statute § 475C.337(3)(c)(B)
- Oregon Statute § 161.605(3)
- Oregon Statute § 161.625(d)
- Oregon Statute § 475C.305(2)
- Oregon Statute § 475C.337(1)(c)
- Oregon Statute § 475C.337(3)(a)
- Oregon Statute § 153.018(2)(b)
- Oregon Statute § 161.615(2)
- Oregon Statute § 161.635(b)

Commercial Sale and Regulation

Retail sales of cannabis by state-licensed entities to those over the age of 21 are regulated in this state. Adults may purchase up to two ounces of marijuana per transaction from a licensed retailer. Marijuana sales by unlicensed entities remain subject to criminal penalties as described above.

Manufacture, Delivery, or Distribution

Manufacture

Manufacture of any amount of marijuana is a class C felony punishable by up to 5 years in prison and a fine of up to \$125,000 except for home gardens of 4 plants and licensed production sites and medical marijuana growsites.

Manufacture of marijuana within 1,000 feet of school grounds is a class A felony punishable by up to 20 years in prison and a fine of up to \$375,000, except for home gardens of 4 plants and licensed production sites and medical marijuana growsites.

Delivery

Delivery of 1 ounce or less of “homegrown” marijuana without compensation carries no fine or penalty.

Delivery of more than 1 ounce – 16 ounces of marijuana without compensation is a Class A violation punishable by a fine not to exceed \$2,000.

Delivery of any amount of marijuana to a minor is a class C felony punishable by up to 5 years in prison and a fine of up to \$125,000.

Delivery of any amount marijuana within 1,000 feet of school grounds is a class A felony punishable by up to 20 years in prison and a fine of up to \$375,000.

Any delivery (with or without compensation) of 150 grams or more is punished more severely with the term of imprisonment varying depending on the offender’s prior record.

- [Oregon Statute § 475C.345\(3\)\(a\)](#)
- [Oregon Statute § 161.635\(b\)](#)
- [Oregon Statute § 161.615\(2\)](#)
- [Oregon Statute § 475C.345](#)
- [Oregon Statute § 475C.345\(b\)\(B\)](#)

Cultivation

There is no fine or penalty for cultivation of up to 4 plants homgrown at home.

Cultivation of more than 4 plants and up to 8 plants is a Class B misdemeanor punishable by up to 6 months imprisonment and/or a fine up to \$2,500.

Cultivation of more than 12 plants is a felony punishable by up to 5 years in prison and a fine up to \$125,000.

Cultivation within 1000 feet of a school (except homegrown or licensed) is a felony punishable by up to 20 years in prison and a fine up to \$375,000.

- [Oregon Statute § 475C.305\(1\)](#)
- [Oregon Statute § 475C.349\(3\)\(a\)](#)
- [Oregon Statute § 161.635\(b\)](#)
- [Oregon Statute § 161.615\(2\)](#)
- [Oregon Statute § 475C.349\(b\)\(A\)](#)
- [Oregon Statute § 475.904](#)

Hash & Concentrates

Possession

There is no fine or penalty for possession of 16 ounces or less of solid infused cannabinoid products, 72 ounces or less of liquid infused cannabinoid products and 1 ounce or less of cannabinoid extracts at home.

Possession of ¼ ounce or less of cannabinoid extract not purchased from retailer is a misdemeanor punishable by up to 1 year in prison and a fine of up to \$6,250.

Possession of more than ¼ ounce of cannabinoid extract not purchased from retailer is a felony punishable by up to 5 years in prison and a fine of up to \$125,000.

Note that processing, or extracting is Manufacturing under Oregon law.

- Oregon Statute § 475C.305(3)
- Oregon Statute § 475C.305(4)
- Oregon Statute § 475C.305(5)
- Oregon Statute § 475C.337(1)(g)
- Oregon Statute § 475C.337(2)
- Oregon Statute § 475C.337(c)(C)

Paraphernalia

Sale, delivery, possession with intent to sell or deliver to a person under age 21 is subject to a civil penalty of up to \$1,000.

- Oregon Statute § 475C.373(2)
- Oregon Statute § 153.018(B)

Forfeiture

Vehicles and other property may be seized.

Miscellaneous

Commercial drug offenses are punished more severely.

A conviction for possession of more than 1 oz, delivery, or cultivation of marijuana can result in an automatic 6 months suspension of driving privileges.

Pennsylvania Laws and Penalties

Conditional Release

Local Decriminalization
Drugged Driving
Medical Marijuana

Offense	Penalty	Incarceration	Max. Fine
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Possession

30g or less	Misdemeanor	30 days	\$ 500
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More than 30g	Misdemeanor	1 year	\$ 5,000
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First possession conviction is eligible for conditional release.
Subsequent conviction can lead to a doubled penalty.

Sale or Distribution

30g or less for no remuneration	Misdemeanor	30 days	\$ 500
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More than 30g	Felony	2.5 - 5 years	\$ 15,000
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Within 1000 ft of a school or within 250 ft of recreational playground punishable by 2-4 years in prison.

To a minor, or after a previous drug conviction, brings doubled penalties.

Courts are authorized to increase the maximum fine to exhaust all proceeds from drug sales.

Cultivation

Any number of plants	Felony	2.5 - 5 years	\$ 15,000
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Hash & Concentrates

Possession of 8 g or less	Misdemeanor	30 days	\$ 500
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Possession of more than 8 g	Misdemeanor	1 year	\$ 5,000
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Manufacture	Felony	2.5 - 5 years	\$ 15,000
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Penalties listed are for hashish. (Concentrates are not further defined.)

Penalties for selling or trafficking hashish are the same as the trafficking penalties for marijuana. Please see the marijuana penalties section for further details.

Paraphernalia

Possession or sale of paraphernalia	Misdemeanor	6 - 12 mos	\$ 2,500
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To a minor at least 3 years younger	Misdemeanor	2 year	\$ 5,000
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Penalty Details

Marijuana is a Schedule I controlled substance.

See

- [Pennsylvania Consolidated Statutes](#)

Possession

Possession of 30 grams or less of flower or 8 grams or less of hashish (concentrates are not further defined) is a misdemeanor punishable by 30 days in jail and/or a \$500 fine.

Possession of more than 30 grams of flower or more than 8 grams of hashish is a misdemeanor with a maximum penalty of 6 – 12 months incarceration and a \$5,000 fine. A second or subsequent conviction carries a maximum penalty of \$25,000 fine and maximum of 18 – 36 months incarceration.

First possession conviction is eligible for conditional release, wherein the offender gets probation for up to a year instead of jail time.

A second or subsequent conviction can lead to a doubled penalty.

See

- 35 PA. Cons. Stat § 780-113 [Web Search](#)
- 35 P.S. §780-113(a)(16) [Web Search](#)
- 35 Pa.C.S.A. 780-113(a)(31) [Web Search](#)

Sale or Distribution

Distribution of 30g or less of marijuana without compensation is a misdemeanor punishable by up to 30 days in jail and a fine of up to \$500.

Sale of more than 30 grams is a felony punishable by 2.5 – 5 years in jail and a \$15,000 fine for a first offense.

Delivery of marijuana within 1,000 ft of a school or within 250 ft. of recreational playground is punishable by 2-4 years in prison.

Distribution to a minor by one over the age of 21 is a felony and brings doubled penalties upon conviction.

See

- 35 PA. Cons. Stat. § 780-113 [Web Search](#)
- 18 PA. Cons. Stat. § 106 [Web Search](#)
- 18 PA. Cons. Stat. § 1101 [Web Search](#)
- 18 PA. Cons. Stat. § 1103 [Web Search](#)
- 18 PA. Cons. Stat. § 1104 [Web Search](#)

Cultivation

Growing marijuana, even with no intention of selling it, is a felony and is punishable by 2.5 to 5 years in prison and \$15,000 in fines. The Pennsylvania Sentencing Guidelines state that possession with intent to deliver less than 10 plants is felony.

See

- 35 PA. Cons. Stat. § 780-113 [Web Search](#)
- 18 PA. Cons. Stat. § 106 [Web Search](#)
- 18 PA. Cons. Stat. § 1101 [Web Search](#)
- 18 PA. Cons. Stat. § 1103 [Web Search](#)
- 18 PA. Cons. Stat. § 1104 [Web Search](#)

Hash & Concentrates

Hashish is a Schedule I drug.

See

- 35 PA. Cons. Stat. §780-102 [Web Search](#)
- 35 PA. Cons. Stat. §780-104(i)(iii)(16) [Web Search](#)

Possessing less than 8 grams of hashish (concentrates are not further defined) is a misdemeanor punishable by a fine no greater than \$500 and/or a term of imprisonment no greater than 30 days. Possessing more than 8 grams of hashish is a misdemeanor punishable by a fine no greater than \$5,000 or a term of imprisonment no greater than 6 – 12 months.

See

- 35 Pa.C.S.A. 780-113(a)(31) [Web Search](#)
- 35 PA. Cons. Stat. §780-113(b) [Web Search](#)
- 35 PA. Cons. Stat. §780-113(g) [Web Search](#)

Manufacturing hashish is a felony punishable by a fine no greater than \$15,000 and/or a term of imprisonment no greater than 5 years. Subsequent convictions for manufacturing hashish are punishable by a fine no greater than \$30,000 and/or a term of imprisonment no greater than 10 years.

See

- 35 PA. Cons. Stat. §780-113(a)(30) [Web Search](#)
- 35 PA. Cons. Stat. §780-113(f)(2) [Web Search](#)
- 35 PA. Cons. Stat. §780-115(a) [Web Search](#)

The offenses and penalties for selling or trafficking hashish are the same as the trafficking penalties for marijuana. For more information see Pennsylvania's marijuana laws section of this website.

Any device or equipment used to manufacture or create hashish is considered drug paraphernalia. Possession of any such device or equipment is a misdemeanor punishable by a fine no greater than \$2,500 and/or a term of imprisonment no greater than 1 year. Manufacturing or selling any such device or equipment is a misdemeanor punishable by a fine no greater than \$2,500 and/or a term of imprisonment no greater than 1 year. If any such device or equipment was sold to a minor, the offense is a misdemeanor of the second degree punishable by a fine no greater than \$5,000 and/or a term of imprisonment no greater than 2 years. Advertising the sale of any such device or equipment is a misdemeanor punishable by a fine no greater than \$2,500 and/or a term of imprisonment no greater than 1 year.

See

- 35 PA. Cons. Stat. §780-102(b) [Web Search](#)
- 35 PA. Cons. Stat. §780-113(a)(31)-(34) [Web Search](#)
- 35 PA. Cons. Stat. §780-113(i) [Web Search](#)

Paraphernalia

Possessing or selling paraphernalia is a misdemeanor punishable with a maximum of 6 – 12 months incarceration and a fine of not more than \$2,500. Delivering paraphernalia to a minor who is 3 or more years his junior is a second-degree misdemeanor punishable by not more than 2 years and a fine not exceeding \$5,000.

See

- 35 PA. Cons. Stat. § 780-113 [Web Search](#)
- 35 Pa.C.S.A. 780-113(a)(32) [Web Search](#)
- 18 PA. Cons. Stat. § 106 [Web Search](#)
- 18 PA. Cons. Stat. § 1101 [Web Search](#)
- 18 PA. Cons. Stat. § 1103 [Web Search](#)
- 18 PA. Cons. Stat. § 1104 [Web Search](#)

Sentencing

Sentencing for marijuana crimes in PA varies by the weight of the plant matter seized.

In PA, all first time drug convictions have the possibility for probation for a first offense.

A second or subsequent drug related conviction makes the offender eligible for double penalties.

See

- 35 PA. Cons. Stat. § 780-113 [Web Search](#)
- 18 PA. Cons. Stat. § 106 [Web Search](#)
- 18 PA. Cons. Stat. § 1101 [Web Search](#)
- 18 PA. Cons. Stat. § 1103 [Web Search](#)
- 18 PA. Cons. Stat. § 1104 [Web Search](#)

Rhode Island Laws and Penalties

[Conditional Release](#)

[Decriminalization](#)

[Drugged Driving](#)

[Expungement](#)

Legalization
Mandatory Minimum Sentence
Medical Marijuana
Tax Stamps

Offense	Penalty	Incarceration	Max. Fine
Possession			
Personal Use			
Up to 1 oz**	None	None	\$ 0
1 oz - 1 kg	Misdemeanor	1 year	\$ 500
** Up to 10 ounces in a residence.			
With Intent to Distribute			
1 - 5 kg	Felony	10* - 50 years	\$ 500,000

More than 5 kg	Felony	25 years* - life	\$ 100,000
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Within 300 yards of a school may result in double penalty.

1 kg is approximately 35 oz

* Mandatory minimum sentence

Sale or Cultivation

Cultivation of 6 plants or less	None	None	\$ 0
More than 1 oz - 1 kg	Felony	30 years	\$ 100,000
1 - 5 kg	Felony	10* - 50 years	\$ 500,000
More than 5 kg	Felony	20 years* - life	\$ 10,000
To a minor at least three years younger	Felony	2 - 5 years	\$ 100,000

Within 300 yards of a school may result in double penalty.

1 kg is approximately 35 oz

* Mandatory minimum sentence

Hash & Concentrates

Penalties for hashish are the same as for marijuana. Please see the marijuana penalties section for further details.

Paraphernalia

Manufacture, sale, delivery, or possession with intent to sell or deliver	Not Classified	2 years	\$ 5,000
Delivery to a person under 18 years	Not Classified	5 years	\$ 5,000

Miscellaneous

Penalty Details

Possession for Personal Use

On May 25, 2022 Democratic Governor Dan McKee signed legislation (The Rhode Island Cannabis Act) into law legalizing the personal use and licensed retail sale of marijuana to those age 21 or older. Provisions in the law permitting adults to possess and home cultivate marijuana **took effect** upon signing.

The Rhode Island Cannabis Act allows adults age 21 and up to possess (up to one ounce in public or up to 10 ounces at home), home-cultivate (up to six plants, no more than three mature), and purchase limited amounts of cannabis. It also facilitates the automatic review and expungement of past criminal records. Under the measure, records must be vacated no later than by July 1, 2024.

See

- [2022 — H 7593](#)
- [2022 — S 2430](#)

Possession of 10 ounces to 1 kilogram is a misdemeanor that is punishable by a maximum of 1 year imprisonment and a maximum fine of \$500.

See

- R.I. Gen. Laws § 21-28-4.01 (2015)
- R.I. Gen. Laws § 21-28-2.08 (2015)

Possession with Intent to Distribute

Possession of between 1-5 kilograms is a felony punishable by a mandatory minimum sentence of 10 years and a maximum of 50 years imprisonment and a maximum fine of \$500,000.

Possession of more than 5 kilograms is a felony punishable by a mandatory minimum sentence of 25 years and a maximum sentence of life imprisonment as well as a maximum fine of \$100,000.

Sale or possession within 300 yards of a school may result in a doubling of the penalties.

Possession while driving will result in a driver's license suspension for a period of 6 months.

See

- R.I. Gen. Laws § 21-28-4.01 (2015)
- R.I. Gen Laws § 21-28- 2.08 (2015)

Sale or Cultivation

Sale or cultivation of more than one ounce to one kilogram is a felony punishable by a maximum sentence of 30 years imprisonment and a maximum fine of \$100,000.

Sale or cultivation of between 1-5 kilograms is punishable by a mandatory minimum sentence of 10 years imprisonment and a maximum sentence of 50 years imprisonment as well as a maximum fine of \$500,000.

Sale or cultivation of 5 kilograms or more is punishable by a mandatory minimum sentence of 20 years imprisonment and a maximum of life imprisonment as well as a maximum fine of \$500,000.

Delivery to a minor at least three years younger than the offender carries with it the additional penalty of between 2-5 years imprisonment and a maximum fine of \$10,000.

Sale or possession within 300 yards of a school, public park, or playground doubles the penalties.

See

- R.I. Gen. Laws § 21-28- 401.2 (2015)
- R.I. Gen. Laws § 21-28- 2.08 (2015)
- R.I. Gen. Laws § 21-28-4.07 (2015)

Hash & Concentrates

Hashish and concentrates fall under the definition of marijuana.

See

- R.I. Gen. Laws § 21-28-1.02 (26) (2015)

Paraphernalia

The manufacture, sale, delivery, or possession with the intent to sell or deliver, of paraphernalia is punishable by a fine not exceeding five thousand dollars (\$5,000) and up to two (2) years imprisonment.

Any person eighteen (18) years of age or over who delivers drug paraphernalia to a person under eighteen (18) years of age shall be subject to a fine not to exceed five thousand dollars (\$5,000) and imprisonment not to exceed five (5) years.

See

- R.I. Gen. Laws § 21-28.5-2 (2015)

South Carolina Laws and Penalties

- Conditional Release
- Drugged Driving
- Low THC
- Mandatory Minimum Sentence
- Tax Stamps

Offense	Penalty	Incarceration	Max. Fine
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Possession

1 oz or less (first offense)	Misdemeanor	30 days	\$ 200
1 oz or less (subsequent offense)	Misdemeanor	1 year	\$ 2,000
1 oz or more (first offense)	Felony	5 years	\$ 5,000
1 oz or more (second offense)	Felony	10 years	\$ 10,000

1 oz or more (subsequent offenses)	Felony	5* - 20 years	\$ 20,000
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Sale or Trafficking

Less than 10 lbs	Felony	5 years	\$ 5,000
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10 - 100 lbs (first offense)	Felony	1* - 10 years	\$ 10,000
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10 - 100 lbs (second offense)	Felony	5* - 20 years	\$ 25,000
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10 - 100 lbs (third offense)	Felony	25 years*	\$ 25,000
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100 - 2000 lbs	Felony	25 years*	\$ 25,000
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2,000 - 10,000 lbs	Felony	25 years*	\$ 50,000
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More than 10,000 lbs	Felony	25 years*	\$ 200,000
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To a minor, or within a 1/2 mile of a school, playground, or public park	Felony	10 years	\$ 10,000
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* Mandatory minimum sentence

Cultivation

Less than 100 plants	Felony	5 years	\$ 5,000
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100 - 1000 plants	Felony	25 years*	\$ 25,000
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1000 - 10,000 plants	Felony	25 years*	\$ 50,000
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More than 10,000 plants	Felony	25 years*	\$ 200,000
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* Mandatory minimum sentence

Hash & Concentrates

Possession of 10 g or less	Misdemeanor	30 days	\$ 200
Possession of more than 10 g	Misdemeanor	5 years	\$ 5,000

Subsequent offenses carry greater penalties

Paraphernalia

Possession of paraphernalia	Civil Citation	N/A	\$ 500
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Updated
May 12,
2023

Penalty Details

Possession

Possession of 1 ounce or less is a misdemeanor punishable by a maximum sentence of 30 days imprisonment and a fine of \$100-\$200.*

* A conditional release based upon participation in the pretrial intervention program may be granted.

A subsequent conviction for possession of 1 ounce or less is a misdemeanor punishable by a maximum sentence of 1 year imprisonment and a maximum fine of \$2,000.

Possession of 1 ounce or more is a felony punishable by up to 5 years imprisonment or a fine of \$5,000. A second offense is a felony punishable by up to 10 years imprisonment or a fine of \$10,000. Subsequent offenses are a felony punishable by at least 5 years and up to 20 years along with a fine of \$20,000.

- S.C. Code Ann. § 44-53-110 (2015) [Web Search](#)
- S.C. Code Ann. § 44-53-190(d), 44-53-370(a) (2015) [Web Search](#)
- S.C. Code Ann. § 44-53-370 (2015) [Web Search](#)

Sale or Trafficking

Sale of up to 10 pounds is a felony punishable by a maximum sentence of 5 years imprisonment and a maximum fine of \$5,000.

Sale of between 10 pounds and 100 pounds is a felony punishable, for a first offense, by a mandatory minimum sentence of 1 year imprisonment and a maximum sentence of 10 years imprisonment, as well as a maximum fine of \$10,000.

Sale of 10 pounds-100 pounds is a felony punishable, for a second offense, by a mandatory minimum sentence of 5 years imprisonment and a maximum sentence of 20 years imprisonment, as well as a fine of \$25,000.

Sale of 10 pounds-100 pounds is a felony punishable, for a third or subsequent offense, by a mandatory sentence of 25 years imprisonment, as well as a fine of \$25,000.

Sale of 100 pounds-2,000 pounds is a felony punishable by a mandatory minimum sentence of 25 years imprisonment and a maximum fine of \$25,000.

Sale of 2,000 pounds-10,000 pounds is a felony punishable by a mandatory minimum sentence of 25 years imprisonment and a maximum fine of \$50,000.

Sale of more than 10,000 pounds is a felony punishable by a mandatory minimum sentence of 25 years imprisonment and a maximum fine of \$200,000.

Sale to a minor, or within a one-half mile radius of a school, playground, or public park is a felony punishable by a maximum sentence of 10 years imprisonment and a maximum fine of \$10,000.

- S.C. Code Ann. § 44-53-110 (2015) [Web Search](#)
- S.C. Code Ann. § 44-53-370(e) (2015) [Web Search](#)

Cultivation

Cultivation of fewer than 100 plants is a felony punishable by a maximum sentence of 5 years imprisonment and a maximum fine of \$5,000.

Cultivation of 100-1,000 plants is a felony punishable by a mandatory minimum sentence of 25 years imprisonment and a maximum fine of \$25,000.

Cultivation of 1,000- 10,000 plants is a felony punishable by a mandatory minimum sentence of 25 years imprisonment and a maximum fine of \$50,000.

Cultivation of more than 10,000 plants is a felony punishable by a mandatory minimum sentence of 25 years imprisonment and a maximum fine of \$200,000.

- South Carolina Criminal Code, Section 44-53-110 [Web Search](#)
- South Carolina Criminal Code, Section 44-53-370(e) [Web Search](#)

Hash & Concentrates

Simple possession of 10 grams or less of hashish or hashish concentrate is a misdemeanor, and upon conviction, is punishable by imprisonment of up to 30 days and a fine between \$100-\$200.

For a second or subsequent offense, the offender is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than one year or fined not less than two hundred dollars nor more than one thousand dollars, or both. Pre-trial intervention and conditional release may be granted for first time offenders.

- S.C. Code Ann. § 44-53-370(d)(4) [Web Search](#)

Possession of more than 10 grams of hashish or hashish oil is per se possession with intent to distribute. A conviction for PUID is punishable, for a first offense, by imprisonment for not more than five years and a fine of not more than \$5,000.

For a second offense, whether the conviction was in SC or in another state, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than ten years nor fined more than \$10,000.

For a third or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not less than five years nor more than twenty years, and/or fined not more than \$20,000.

- S.C. Code Ann. § 44-53-370(b)(2) (2015) [Web Search](#)

Paraphernalia

It is illegal to manufacture or sell drug paraphernalia. Possession of paraphernalia is a “civil citation” punishable by a maximum fine of \$500.

- S.C. Code Ann. § 44-53-110 (2015) [Web Search](#)
- S.C. Code Ann § 44-53-391 (2015) [Web Search](#)

Last Updated May 12, 2023

South Dakota Laws and Penalties

[Drugged Driving](#)

[Mandatory Minimum Sentence](#)

[Medical Marijuana](#)

Offense	Penalty	Incarceration	Max. Fine
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Possession

2 oz or less	Misdemeanor	1 year	\$ 2,000
2 oz - 1/2 lb	Felony	2 years	\$ 4,000
1/2 - 1 lb	Felony	5 years	\$ 10,000
1 - 10 lbs	Felony	10 years	\$ 20,000
More than 10 lbs	Felony	15 years	\$ 30,000

A civil penalty of up to \$10,000 may be imposed in addition to any criminal penalty

Sale

Less than 1/2 oz without consideration	Misdemeanor	15 days* - 1 year	\$ 2,000
Under 1 oz.	Felony	30 days* - 2 years	\$ 4,000
1 oz - 1/2 lb	Felony	30 days* - 5 years	\$ 10,000
1/2 - 1 lb	Felony	30 days* - 10 years	\$ 20,000
More than 1 lb	Felony	30 days* - 15 years	\$ 30,000
Within 1000 ft of a school or 500 ft of other designated areas	N/A	5 years*	\$ 10,000

To a minor is a felony that carries additional incarceration and fine.

* Mandatory minimum sentence

Hash & Concentrates

Possession	Felony	1* - 10 years	\$ 20,000
Manufacturing, distributing, or dispensing	Felony	1* - 10 years	\$ 20,000
Subsequent offenses carry greater penalties			

Paraphernalia

Possession of paraphernalia	Misdemeanor	30 days	\$ 500
Sale of paraphernalia	Felony	5 years	\$ 10,000

Miscellaneous

Inhabiting a room where marijuana is being used or stored	Misdemeanor	1 year	\$ 2,000
			Updated May 12, 2023

Penalty Details

Possession

**** South Dakotans in November 2020 passed [Constitutional Amendment A](#), to amend the states marijuana possession laws and to regulate retail sales. The vote was eventually overturned by the State Supreme Court and failed to take effect.**

Possession of 2 ounce or less is a Class 1 misdemeanor, punishable by a maximum sentence of 1 year imprisonment and a maximum fine of \$2,000.

Possession of more than 2 ounce – 0.5 lb is a Class 6 felony, punishable by a maximum sentence of 2 years imprisonment and a maximum fine of \$4,000.

Possession of 0.5 pound – 1 pound is a Class 5 felony, punishable by a maximum sentence of 5 years imprisonment and a maximum fine of \$10,000.

Possession of 1 pound -10 pounds is a Class 4 felony, punishable by a maximum sentence of 10 years imprisonment and a maximum fine of \$20,000.

Possession of more than 10 pounds is a Class 3 felony, punishable by a maximum sentence of 15 years imprisonment and a maximum fine of \$30,000.

A civil penalty may also be imposed following a conviction. This penalty cannot exceed \$10,000.

- S.D. Codified Laws § 22-42-6 (2015) [Web Search](#)
- S.D. Codified Laws § 22-6-1 (2015) [Web Search](#)
- S.D. Codified Laws § 22-6-2 (2015) [Web Search](#)

Sale

The sale or distribution of less than 1/2 ounce is a Class 1 misdemeanor punishable by a mandatory minimum sentence of 15 days- 1 year imprisonment and a maximum fine of \$2,000.

The sale or distribution of 1 ounce or less is a Class 6 felony punishable by at least 30 days and a maximum sentence of 2 years imprisonment and a maximum fine of \$4,000.

The sale or distribution of 1 ounce – 0.5 pound is a Class 5 felony which is punishable by at least 30 days and a maximum sentence of 5 years imprisonment and a maximum fine of \$10,000.

The sale or distribution of 0.5 pound – 1 pound is a Class 4 felony which is punishable by at least 30 days and a maximum sentence of 10 years imprisonment and a maximum fine of \$20,000.

The sale or distribution of more than 1 pound is a Class 3 felony, punishable by at least 30 days and a maximum sentence of 15 years imprisonment and a maximum fine of \$30,000.

The sale or distribution of 1 ounce or less to a minor is a Class 5 felony, punishable by a maximum sentence of 5 years imprisonment and a maximum fine of \$10,000.

The sale or distribution of 1 ounce – 0.5 pound to a minor is a Class 4 felony which is punishable by a maximum sentence of 10 years imprisonment and a maximum fine of \$20,000.

The sale or distribution of 0.5 pound – 1 pound to a minor is a Class 3 felony which is punishable by a maximum sentence of 15 years imprisonment and a maximum fine of \$30,000.

The sale or distribution of more than 1 pound to a minor is a Class 2 felony which is punishable by a maximum sentence of 25 years imprisonment and a maximum fine of \$50,000.

* The first felony conviction is punishable by a mandatory minimum sentence of 30 days imprisonment. A second or subsequent felony conviction is punishable by a mandatory minimum sentence of 1 year imprisonment.

The sale within 1,000 feet of a school or within 500 feet of other designated areas is a penalty that is punishable by a mandatory minimum sentence of 5 years imprisonment and a maximum fine of \$10,000.

- S.D. Codified Laws § 22-42-7
- S.D. Codified Laws § 22-6-1
- S.D. Codified Laws § 22-6-2

Cultivation

Cultivation in South Dakota will be punished based upon the aggregate weight of the plants found as either simple possession or as possession with the intent to distribute. See the “Possession” and “Sale” sections for further penalty details.

Hash & Concentrates

South Dakota defines hashish as the resin extracted from any part of the cannabis plant. Hashish and concentrates constitute a Schedule I controlled substance.

- S.D. Codified Laws § 34-20B-1(9)
- S.D. Codified Laws § 34-20B-14 (10)

Manufacturing, distributing, dispensing or possessing with intent to manufacture, distribute, or dispense, hashish or concentrates is a Class 4 felony punishable by a term of imprisonment of 10 years and a fine no greater than \$20,000. A first time conviction carries a minimum term of imprisonment of 1 year, with subsequent conviction carrying a minimum term of imprisonment of 10 years. If the hashish or concentrates were distributed or dispensed to a minor, then the offense is a Class 2 felony punishable by a term of imprisonment of 25 years and a fine no greater than \$50,000. A first conviction involving a

minor carries a minimum term of imprisonment of 5 years, with subsequent convictions carrying a minimum term of imprisonment of 15 years.

- S.D. Codified Laws § 22-42-2
- S.D. Codified Laws § 22-6-1

Possession of hashish or concentrates is a Class 4 felony punishable by a term of imprisonment of 10 years and a maximum fine of \$20,000.

- S.D. Codified Laws § 22-42-5
- S.D. Codified Laws § 22-6-1

If hashish or concentrates were manufactured, distributed, dispensed, or possessed with intent to distribute or dispense within 1,000 feet of a school or playground or 500 feet of a youth center, public swimming pool, or arcade the offense is a Class 4 felony punishable by a minimum term no less than 5 years and no greater than 10 years and a fine no greater than \$20,000.

- S.D. Codified Laws § 22-42-19

Any equipment or device that is used to create or manufacture hashish or concentrates is considered drug paraphernalia. Possessing any such device is a Class 2 misdemeanor punishable by a term of imprisonment of 30 days and/or a fine of \$500. Manufacturing or delivering any such device is Class 6 felony punishable by term of imprisonment of 2 years and/or a fine no greater than \$4,000.

- S.D. Codified Laws § 22-42A-1(2)
- S.D. Codified Laws § 22-6-2
- S.D. Codified Laws § 22-6-1(9)

Paraphernalia

The possession of paraphernalia is a Class 2 misdemeanor, punishable by a maximum sentence of 30 days imprisonment and a maximum fine of \$500. Sale of paraphernalia is a felony, punishable by up to 5 years imprisonment and a fine of up to \$10,000

- S.D. Codified Laws § 22-42A-3

Miscellaneous

Inhabiting a room where marijuana is being used or stored is a misdemeanor which is punishable by a maximum sentence of 1 year imprisonment and a maximum fine of \$2,000.

Last Updated May 12, 2023

Tennessee Laws and Penalties

Drugged Driving

Low THC

Tax Stamps

Offense	Penalty	Incarceration	Max. Fine

Possession

1/2 oz or less (first offense)	Misdemeanor	1 year	\$ 250
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1/2 oz or less (subsequent offense)	Misdemeanor	1 year	\$ 500
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Fines for possession are mandatory.

Sale

1/2 oz - 10 lbs	Felony	1 - 6 years	\$ 5,000
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10 - 70 lbs	Felony	2 - 12 years	\$ 50,000
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70 - 300 lbs	Felony	8 - 30 years	\$ 10,000
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More than 300 lbs	Felony	15 - 60 years	\$ 200,000
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Includes possession with intent to distribute.

Subsequent offense carries higher penalty.

Cultivation

10 plants or less	Felony	1 - 6 years	\$ 5,000
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10 - 19 plants	Felony	2 - 12 years	\$ 50,000
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20 - 99 plants	Felony	3 - 15 years	\$ 100,000
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100 - 499 plants	Felony	8 - 30 years	\$ 200,000
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More than 500 plants	Felony	15 - 60 years	\$ 500,000
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Subsequent offense carries higher penalty.

Hash & Concentrates

Possession	Misdemeanor	11 months	\$ 2,500
Manufacture, deliver, or sell less than 2 lbs	Felony	6 years	\$ 5,000
Manufacture, deliver, or sell 2 - 4 lbs	Felony	12 years	\$ 50,000
Manufacture, deliver, or sell 4 - 8 lbs	Felony	15 years	\$ 100,000
Manufacture, deliver, or sell 8 - 15 lbs	Felony	30 years	\$ 200,000
Manufacture, deliver, or sell more than 15 lbs	Felony	60 years	\$ 500,000

Paraphernalia

Possession of paraphernalia	Misdemeanor	1 year	\$ 2,500
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Sale of paraphernalia	Felony	1 - 6 years	\$ 3,000
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Miscellaneous

Falsification of drug tests	Misdemeanor	1 year	\$ 2,500
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Penalty Details

Marijuana is a Schedule VI drug in TN.500,000200,000

- Tenn. Code Ann. § 39-17-415 (2015) [Web Search](#)

Possession

Possession of a half ounce of marijuana or less is a misdemeanor punishable by up to one year in jail and maximum fine of \$2,500. A \$250 fine is required for all first time convictions. A subsequent offense brings a \$500 mandatory minimum fine.

Gov. Bill Haslam signed HB 1478 into law, which will eliminate the provision that makes a third conviction for possession of marijuana a felony. The law took effect on July 1, 2016. This change will reduce the penalty for third-time possession from between one and six years of incarceration to less than one year in jail. In addition, having a misdemeanor rather than a felony record will reduce the collateral consequences associated with the conviction.

- Tennessee HB 1478 (2016) [Web Search](#)
- Tenn. Code Ann, §39-17-418 (2015) [Web Search](#)
- Tenn. Code Ann. §39-17-428 (2015) [Web Search](#)

Sale

The sale or possession with the intent to distribute between a half ounce of marijuana and 10 pounds is a Class E felony punishable with between 1-6 years of incarceration and a fine of no more than \$5,000.

The sale or possession with the intent to distribute between 10 pounds -70 pounds of marijuana is a Class D felony punishable with between 2-12 years of incarceration and a fine of no more than \$50,000.

The sale or possession with the intent to distribute between 70-300 pounds of marijuana is a Class B felony punishable with between 8-30 years of incarceration and a fine of no more than \$100,000.

The sale or possession with the intent to distribute more than 300 pounds of marijuana is a Class A felony punishable with between 15-60 years of incarceration and a fine of no more than \$500,000.

A first-time felony conviction will receive a minimum fine of at least \$2,000.

A second felony conviction will bring a minimum fine of at least \$3,000. The third and all subsequent felony convictions will bring a fine of at least \$5,000, and will be punished at one grade higher.

- Tenn. Code Ann. § 39-17-417 [Web Search](#)
- Tenn. Code Ann. § 40-35-111 [Web Search](#)

Sale to a minor is a felony, which results in an increased penalty (determined by amount of marijuana present) by one sentencing grade.

- Tenn. Code Ann §39-17-417(k) [Web Search](#)

Sale to a minor within 1,000 ft. of a school is an unclassified felony which results in a increase in the grade of the offense (determined by amount of marijuana present) by one sentencing grade.

- Tenn. Code Ann. §39-17-432(b) [Web Search](#)

Cultivation

Cultivation of 10 plants or less is a Class E felony and can lead to incarceration of between 1 and 6 years, and will bring a maximum fine of \$3,000.

Cultivation of between 10 and 19 plants is a Class D felony and can lead to incarceration of between 2 and 12 years, and will bring a maximum fine of \$50,000.

Cultivation of between 20 and 99 plants is a Class C felony and can lead to incarceration of between 3 and 15 years, and will bring a maximum fine of \$100,000.

Cultivation of between 100 and 499 plants is a Class B felony and can lead to incarceration of between 8 and 30 years, and will bring a maximum fine of \$200,000.

Cultivation of 500 or more plants is a Class A felony and can lead to incarceration of between 15 and 60 years, and will bring a maximum fine of \$500,000.

First-time felony convictions will receive a mandatory minimum fine of at least \$2,000.

Second-time felony convictions will receive a mandatory minimum fine of at least \$3,000.

Any repeat felony conviction after the second will receive a mandatory minimum fine of at least \$5,000.

- Tenn. Code Ann. §39-17-417 [Web Search](#)

Hash & Concentrates

Possession of hashish or concentrates is a crime. If the amount of hashish or concentrates is less than 14.75 grams the offense is a Class A misdemeanor punishable by a fine no greater than \$2,500 and a term of imprisonment no greater than 11 months and 29 days. A second or subsequent conviction is punishable as a Class E felony punishable by a fine no

greater than \$3,000 and a term of imprisonment no less than 1 year and no greater than 6 years.

- Tenn. Code Ann. § 39-17-418 [Web Search](#)
- Tenn. Code Ann. § 40-35-111 [Web Search](#)

It is a crime to manufacture, deliver, sell, or possess hashish or concentrates. If the amount of hashish or concentrates is less than 2 pounds, the offense is a Class E felony punishable by a fine no greater than \$5,000 and a term of imprisonment between 1-6 years.

If the amount of hashish or concentrates is greater than 2 pounds but less than 4 pounds, the offense is a Class D felony punishable by a fine no greater than \$50,000 and a term of imprisonment between 1-12 years.

If the amount of hashish or concentrates is greater than 4 pounds but less than 8 pounds, the offense is a Class C felony punishable by a fine no greater than \$100,000 and a term of imprisonment between 3-15 years.

If the amount of hashish or concentrates is greater than 8 pounds but less than 15 pounds, the offense is a Class B felony punishable by a fine no greater than \$200,000 and a term of imprisonment between 8- 30 years.

If the amount of hashish or concentrates is greater than 15 pounds, the offense is a Class A felony punishable by a fine no greater than \$500,000 and a term of imprisonment between 15-60 years.

If the offense occurred within 1,000 feet of a school, recreation center, public library, child day care facility, or park , the penalty is increased by one class, i.e. a Class D felony becomes a Class C felony, a Class B felony becomes a Class A felony, etc.

- Tenn. Code Ann. § 39-17-417(g),(h),(i) [Web Search](#)
- Tenn. Code Ann. § 40-35-111(b) [Web Search](#)
- Tenn. Code Ann. § 39-17-432 [Web Search](#)

Any device or equipment used to make or create hashish is considered drug paraphernalia. Using paraphernalia or possessing paraphernalia with the intent to use is a Class A misdemeanor punishable by a fine no greater than \$2,500 and a term of imprisonment no greater than 11 months and 29 days. Possessing or manufacturing with intent to deliver drug paraphernalia is a Class E felony punishable by a fine no greater than \$3,000 and a term of imprisonment no less than 1 year and no greater than 6 years.

- Tenn. Code Ann. § 39-17-402(12) [Web Search](#)
- Tenn. Code Ann. § 39-17-425 [Web Search](#)
- Tenn. Code Ann. § 40-35-111 [Web Search](#)

Paraphernalia

Possession of paraphernalia is a Class A misdemeanor and is punishable with up to 1 year of incarceration and a fine of between \$150 and \$2,500. For a second or subsequent violation, the mandatory minimum fine increases to \$250.

- Tenn. Code Ann. §39-17-424 [Web Search](#)
- Tenn. Code Ann. §39-17-428 [Web Search](#)

Sale of paraphernalia is a Class E felony, punishable with 1-6 years of incarceration and a maximum fine of \$5,000.

- Tenn. Code Ann. §39-17-425 [Web Search](#)

Miscellaneous

Falsification of Drug Tests

Falsifying a drug test is a Class A misdemeanor and is punishable with up to 1 year of incarceration and a fine not to exceed \$2,500.

- Tenn. Code Ann. §39-17-425 [Web Search](#)

Texas Laws and Penalties

- Local Decriminalization
- Drugged Driving
- Low THC
- Mandatory Minimum Sentence

Offense	Penalty	Incarceration	Max. Fine
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Possession

2 oz or less	Misdemea nor	180 days	\$ 2,000
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2 - 4 oz	Misdemeanor	1 year	\$ 4,000
4 oz to 5 lbs	Felony	180 days* - 2 years	\$ 10,000
5 - 50 lbs	Felony	2* - 10 years	\$ 10,000
50 - 2000 lbs	Felony	2* - 20 years	\$ 10,000
More than 2000 lbs	Felony	5* - 99 years	\$ 50,000

* Mandatory minimum sentence

Sale

7 g or less for no remuneration	Misdemeanor	180 days	\$ 2,000
7 g or less	Misdemeanor	1 year	\$ 4,000

7 g to 5 lbs	Felony	180 days* - 2 years	\$ 10,000
5 - 50 lbs	Felony	2* - 20 years	\$ 10,000
50 - 2000 lbs	Felony	5* - 99 years	\$ 10,000
More than 2000 lbs	Felony	10* - 99 years	\$ 100,000
To a minor	Felony	2* - 20 years	\$ 10,000

* Mandatory minimum sentence

Cultivation

See Possession section for penalty details.

Hash & Concentrates

Possession of less than 1 g	Felony	180 days* - 2 years	\$ 10,000
Possession of 1 - 4 g	Felony	2* - 10 years	\$ 10,000
Possession of 4 - 400 g	Felony	2* - 20 years	\$ 10,000
Possession of more than 400 g	Felony	10 years* - life	\$ 50,000
Manufacture or delivery of less than 1 g	Felony	180 days* - 2 years	\$ 10,000
Manufacture or delivery of 1 - 4 g	Felony	2 - 20 years	\$ 10,000
Manufacture or delivery of 4 - 400 g	Felony	5 - 99 years	\$ 10,000
Manufacture or delivery of more than 400 g	Felony	10 years - life	\$ 10,000

* Mandatory minimum sentence

Paraphernalia

Possession of paraphernalia	Misdemeanor	N/A	\$ 500
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Sale of paraphernalia (first offense)	Misdemeanor	1 year	\$ 4,000
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Sale of paraphernalia (subsequent offense)	Felony	90 days* - 1 year	\$ 4,000
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To a minor	Felony	180 days* - 2 years	\$ 10,000
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* Mandatory minimum sentence

Miscellaneous

Falsifying a drug test	Misdemeanor	180 days	\$ 2,000
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Penalty Details

Possession

Possession of 2 ounces or less of marijuana is a misdemeanor, punishable by up to 180 days imprisonment and a fine not to exceed \$2,000.

Possession of between 2 and 4 ounces of marijuana is a misdemeanor, punishable by imprisonment of up to 1 year and a fine not to exceed \$4,000.

Possession of between 4 ounces and 5 pounds of marijuana is a felony, punishable by a mandatory minimum sentence of 180 days imprisonment, a maximum of 2 years imprisonment, and a fine not to exceed \$10,000.

Possession of between 5 pounds and 50 pounds of marijuana is a felony, punishable by a mandatory minimum sentence of no less than 2 years imprisonment, a maximum sentence of 10 years imprisonment, and a fine not to exceed \$10,000.

Possession of between 50 pounds and 2,000 lbs of marijuana is a Second Degree felony, punishable by a mandatory minimum sentence of 2 years imprisonment, a maximum sentence of 20 years imprisonment, and a fine not to exceed \$10,000.

Possession of more than 2,000 pounds of marijuana is a felony, punishable by a mandatory minimum sentence of 5 years, a maximum sentence of 99 years, and a fine of no more than \$50,000.

- [Texas Stat. Code § 481.121](#)

Sale

The sale or delivery of 7 grams of marijuana or less, as a gift, is a misdemeanor, punishable by up to 180 days imprisonment and a fine not to exceed \$2,000.

The sale or delivery of 7 grams of marijuana or less, is a misdemeanor, punishable by imprisonment of up to 1 year and a fine not to exceed \$4,000.

The sale or delivery of between 7 grams and 5 pounds is a felony, punishable by a mandatory minimum sentence of 180 days imprisonment, a maximum of 2 years imprisonment, and a fine not to exceed \$10,000.

The sale or delivery of between 5 pounds and 50 pounds of marijuana is a second degree felony, punishable by a mandatory minimum sentence of 2 years imprisonment, a maximum sentence of 20 years imprisonment, and a fine not to exceed \$10,000.

The sale or delivery of between 50 pounds and 2,000 pounds of marijuana is a first degree felony, punishable by a mandatory minimum sentence of 5 years imprisonment, a maximum sentence of life imprisonment, and a fine not to exceed \$10,000.

The sale or delivery of more than 2,000 pounds of marijuana is a felony, punishable by a mandatory minimum sentence of 10 years in prison, a maximum sentence of life imprisonment, and a fine not to exceed \$100,000.

Selling marijuana to a child is a Second Degree felony, punishable by a mandatory minimum sentence of 2 years imprisonment, a maximum sentence of 20 years imprisonment, and a fine not to exceed \$10,000.

- [Texas Stat.Code § A481.120](#)
- [Texas Stat. Code § A481.122](#)

Cultivation

Cultivation in Texas will be punished based upon the aggregate weight of the plants found. See the “Possession” section for further penalty details.

Hash & Concentrates

Hashish and concentrates are not considered marijuana.

- Texas Stat, Code § 481.002(26)(A) [Web Search](#)

Possession of hashish or concentrates is a crime. If hashish or concentrates is less than one gram, the offense is considered a state jail felony punishable by mandatory minimum term of imprisonment of 180 days and up to 2 years and a fine no greater than \$10,000.

If the amount of hashish or concentrates is more than 1 gram but less than 4 grams, the offense is considered a felony of the third degree punishable by a mandatory minimum term of imprisonment of 2 years and up to 10 years and a fine no greater than \$10,000.

If the amount of hashish or concentrates is greater than 4 grams but less than 400 grams, the offense is considered a felony in the second degree punishable by a mandatory minimum term of imprisonment of 2 years and up to 20 years and a fine no greater than \$10,000.

If the amount of hashish or concentrates is more than 400 grams, the offense is punishable by lifetime imprisonment or a mandatory minimum term of imprisonment of 10 years and no greater 99 years and a fine no greater than \$50,000.

- [Texas Stat. Code § 481.116](#)

Manufacturing and selling hashish or concentrates also is a crime. If the amount of hashish or concentrates is less than 1 gram, the offense is considered a state jail felony punishable by a mandatory minimum term of imprisonment of 180 days and up to 2 years and a fine no greater than \$10,000.

If the amount of hashish or concentrates is more than 1 gram but less than four grams, the offense is considered a felony of the second degree punishable by a term of imprisonment no less than 2 years and no greater than 20 years and a fine no greater than \$10,000.

If the amount of hashish or concentrates is more than 4 grams but less than 400 grams, the offense is considered a felony of the first degree punishable by a term of imprisonment no less than 5 years and no greater than 99 years and a fine no greater than \$10,000.

If the amount of hashish or concentrates is greater than 400 grams, the offense is punishable by lifetime imprisonment or a term of imprisonment no less than 10 years and no greater than 99 years and a fine no greater than \$100,000.

- [Texas Stat. Code § 481.113](#)
- [Texas Stat. Code § 481.116](#)

The sale of hashish or concentrates to a person under 18 years of age or a person enrolled in primary or secondary school is a felony, punishable by a term of imprisonment no less

than 2 years and no greater than 20 years and a fine no greater than \$10,000. This is only applicable if the offender is older than 18 years of age.

- [Texas Stat. Code § 481.122](#)

Any device used for the purpose of creating hashish or concentrates is considered drug paraphernalia. Possession of any such device is a misdemeanor punishable by a fine no greater than \$500. Manufacturing, delivering, or possessing with intent to deliver any such device is a misdemeanor punishable by a term of imprisonment no greater than 1 year and/or a fine no greater than \$4,000.

- [Texas Stat. Code § 481.125](#)

Paraphernalia

Possession of paraphernalia is a misdemeanor, punishable by a fine not to exceed \$500.

Selling, or possessing with intent to sell or deliver, paraphernalia is a Class A misdemeanor, punishable by imprisonment of up to 1 year and a fine not to exceed \$4,000, unless the offender has previously been convicted of this offense, in which case the offense is a felony, punishable by a mandatory minimum sentence of 90 days imprisonment and a maximum sentence of 1 year imprisonment.

Selling paraphernalia to a minor is a state jail felony, punishable by a mandatory minimum sentence of 180 days imprisonment, a maximum of 2 years imprisonment, and a fine not to exceed \$10,000.

- [Texas Stat. Code § 481.125](#)

Miscellaneous

Falsifying a drug test, or possessing with intent to use any material for the falsification of a drug test, is a Class B misdemeanor, punishable by up to 180 days imprisonment and a fine not to exceed \$2,000.

- [Texas Stat. Code § 481.133](#)

Utah Laws and Penalties

- [Drugged Driving](#)
- [Low THC](#)
- [Medical Marijuana](#)

Offense	Penalty	Incarceration	Max. Fine
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Possession

Less than 1 oz	Misdemeanor	6 months	\$ 1,000
1 oz - 1 lb	Misdemeanor	1 year	\$ 2,500
1 - 100 lbs	Felony	5 years	\$ 5,000

More than 100 lbs	Felony	1 - 15 years	\$ 10,000
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Sale

Any amount	Felony	5 years	\$ 5,000
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In the presence of a minor or within 1000 ft of a school and other designated public areas is subject to increased penalties.

Cultivation

See Possession section for details.

Hash & Concentrates

Penalties for hashish are the same as for marijuana. Please see the Penalty Details section for further information.

Paraphernalia

Possession of paraphernalia	Misdemeanor	6 months	\$ 1,000
Sale of paraphernalia	Misdemeanor	1 year	\$ 2,500
To a minor	Felony	5 years	\$ 5,000

Miscellaneous

Any conviction will result in a driver's license suspension for 6 months.

Penalty Details

Possession

Possession of less than 1 ounce is a class B misdemeanor punishable by a maximum sentence of 6 months imprisonment and a maximum fine of \$1,000. Upon a second conviction the person is guilty of a class A misdemeanor, and upon a third or subsequent conviction the person is guilty of a third degree felony

- Utah Code Ann. § 58-7-8 (2015) [Web Search](#)
- Utah Code Ann. § 76-3-204 (2015) [Web Search](#)

Possession of 1 ounce – 1 pound is a class A misdemeanor punishable by a maximum sentence of 1 year imprisonment and a maximum fine of \$2,500.

Possession of 1 pound -100 pounds is a third degree felony punishable by a maximum sentence of 5 years imprisonment and a maximum fine of \$5,000.

- Utah Code Ann. § 76-3-203 (2015) [Web Search](#)
- Utah Code Ann. § 76-3-301 (2015) [Web Search](#)

Possession of 100 pounds or more is a second degree felony punishable by 1-15 years imprisonment and a maximum fine of \$10,000.

- Utah Code Ann. § 58-7-8 (2015) [Web Search](#)
- Utah Code Ann. §76-3-301 (2015) [Web Search](#)

Sale

The sale of any amount is a second degree felony punishable by a maximum sentence of 5 years imprisonment and a maximum fine of \$5,000.

- Utah Code Ann. § 58-37-8 (2015) [Web Search](#)
- Utah Code Ann. §§ 76-3-203-301 (2015) [Web Search](#)

The sale in the presence of a minor or within 1,000 feet of a school and other designated public areas is subject to increased penalties.

- Utah Code Ann. § 58-37-8 (2015) [Web Search](#)

Cultivation

Cultivation in Utah will be punished based upon the aggregate weight of the plants found. See the “Possession” section for further penalty details.

Hash & Concentrates

Hashish and concentrates are schedule 1 controlled substances and fall under the definition of marijuana.

- Utah Code Ann. §§ 58-37-2-8 (2015) [Web Search](#)
- Utah Code Ann. §§ 76-3-203-301 (2015) [Web Search](#)

Paraphernalia

Possession of paraphernalia is a class B misdemeanor punishable by a maximum sentence of 6 months imprisonment and a maximum fine of \$1,000.

- Utah Code Ann. §§ 58-37a-3-5 (2015) [Web Search](#)
- Utah Code Ann. §§ 76-3-203-301 (2015) [Web Search](#)

The sale of paraphernalia is a class A misdemeanor punishable by a maximum sentence of 1 year imprisonment and a maximum fine of \$2,500.

The sale of paraphernalia to a minor is a third degree felony which is punishable by a maximum sentence of 5 years imprisonment and a maximum fine of \$5,000.

- Utah Code Ann. §§ 76-3-203-204 (2015) [Web Search](#)
- Utah Code Ann. § 76-3-301 (2015) [Web Search](#)

Miscellaneous

Any conviction will result in a driver's license suspension for 6 months.

- Utah Code Ann. § 53-3-2201(1)(c)(i)(A) (2015) [Web Search](#)

Vermont Laws and Penalties

[Conditional Release](#)

[Drugged Driving](#)

[Expungement](#)

[Legalization](#)

[Medical Marijuana](#)

Offense	Penalty	Incarceration	Max. Fine
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Possession

1 oz or less*	No penalty	None	\$ 0
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1 - 2 oz (first offense)	Misdemeanor or	6 months	\$ 500
1 - 2 oz (subsequent offense)	Misdemeanor or	2 years	\$ 2,000
2 oz - 1 lb	Felony	3 years	\$ 10,000
1 - 10 lbs	Felony	5 years	\$ 100,000
10 lbs or more	Felony	15 years	\$ 500,000

* By persons 21 years of age or older.

Sale

Less than 1/2 oz	Misdemeanor or	2 years	\$ 10,000
1/2 oz - 1 lb	Felony	5 years	\$ 100,000

1 - 50 lbs	Felony	15 years	\$ 500,000
More than 50 lbs	Felony	30 years	\$ 1,000,000
To a minor	Felony	5 years	\$ 25,000

Cultivation

2 plants (and up to 4 immature plants)	No penalty	None	\$ 0
3 - 10 plants **	Felony	3 years	\$ 10,000
11 - 25 plants	Felony	5 years	\$ 100,000
More than 25 plants	Felony	15 years	\$ 500,000

Hash & Concentrates

5 grams or less *	No penalty	None	\$ 0
More than 5 grams (first offense) **	Misdemeanor or	6 months	\$ 500
More than 5 grams (subsequent offense)	Misdemeanor or	2 years	\$ 2,000

* By persons 21 years of age or older.

Penalties for hashish are similar to marijuana penalties. Please see the marijuana penalties section for further details.

Paraphernalia

Possession of paraphernalia*	Civil Violation	None	\$ 200
Sale of paraphernalia	Misdemeanor or	1 year	\$ 1,000

To a minor	Misdemeanor	2 years	\$ 2,000
	or		

* By persons 21 years of age or older.

Penalty Details

Possession

As of July 1, 2018, possession of one ounce or less of marijuana by a person 21 years of age or older, is no longer punishable by a civil penalty or fine.

- Vermont H.511 (2018) [Read bill](#)

Possession of 1 – 2 ounces is a misdemeanor punishable by a maximum sentence of 6 months imprisonment and a maximum fine of \$500.*

* There is a possible deferred sentence for first-time offenders.

UPDATE: Possession of 1-2 ounces became a civil penalty on January 1, 2021.

A subsequent conviction for possession of 1 – 2 ounce is a misdemeanor punishable by a maximum sentence of 2 years imprisonment and a maximum fine of \$2,000.

Possession of 2 ounce-1 pound is a felony punishable by a maximum sentence of 3 years imprisonment and a maximum fine of \$3,000.

Possession of 1 pound-10 pounds is a felony punishable by a maximum sentence of 5 years imprisonment and a maximum fine of \$100,000.

Possession of more than 10 pounds is a felony punishable by a maximum sentence of 15 years imprisonment and a maximum fine of \$500,000.

- Vt. Stat. Ann. tit. 18 § 4230 (2015) [Web Search](#)

Sale

The sale or delivery of less than 1/2 ounce is a misdemeanor punishable by a maximum sentence of 2 years imprisonment and a maximum fine of \$10,000, or both.

The sale or delivery of 1/2 ounce – 1 pound is a felony punishable by a maximum sentence of 5 years imprisonment and a maximum fine of \$100,000, or both.

The sale or delivery of 1 pound – 50 pounds is a felony punishable by a maximum sentence of 15 years imprisonment and a maximum fine of \$500,000.

The sale or delivery of more than 50 pounds is presumed to be trafficking and is punishable by a maximum sentence of 30 years imprisonment and a maximum fine of \$1,000,000.

The sale or delivery to a minor is a felony punishable by a maximum sentence of 5 years imprisonment and a maximum fine of \$25,000.

- Vt. Stat. Ann. tit. 18 § 4230 (2015) [Web Search](#)

Cultivation

As of July 1, 2018, adult cultivation in private of up to six marijuana plants (two mature and up to four immature) is no longer punishable by a criminal or civil penalty. Those who cultivate marijuana for their own personal use may possess at home the total quantity of their harvest.

- Vermont H.511 (2018) [Read bill](#)

Cultivation of 3-10 plants is a felony punishable by a maximum sentence of 3 years imprisonment and a maximum fine of \$10,000.

UPDATE: Cultivation of 3 plants (and up to six immature plants) becomes a civil penalty starting on 1/1/21.

Cultivation of 11-25 plants is a felony punishable by a maximum sentence of 5 years imprisonment and a maximum fine of \$100,000.

Cultivation of more than 25 plants is a felony punishable by a maximum sentence of 15 years imprisonment and a maximum fine of \$500,000.

- Vt. Stat. Ann. tit. 18 § 4230 (2015) [Web Search](#)

Hash & Concentrates

As of July 1, 2018, possession of 5 grams or less of hashish by a person 21 years of age or older, is no longer punishable by a civil penalty or fine.

- Vermont H.511 (2018) [Read bill](#)

Possession of more than 5 grams of hashish is a misdemeanor punishable by 6 months imprisonment and a maximum fine of \$500 for a first offense. A subsequent offense increases incarceration to a maximum sentence of 2 years and a maximum fine of \$2000.

UPDATE: Possession of 5-10 grams of hashish becomes a civil penalty starting on 1/1/21.

Vermont classifies hashish and concentrates as marijuana. For more information regarding penalties associated with hashish or concentrates see the section for Vermont laws on marijuana.

- Vt. Stat. Ann. tit. 18 § 4201 (2015) [Web Search](#)

Paraphernalia

The possession of marijuana paraphernalia by a person 21 years of age or older is punishable by a civil fine only — no arrest, no jail time, and no criminal record. Civil fines are no more than \$200 first offense, no more than \$300 second offense, no more than \$500 third or subsequent offense.

The sale of paraphernalia is a misdemeanor punishable by a maximum sentence of 1 year imprisonment and a maximum fine of \$1,000.

The sale of paraphernalia to a minor is punishable by a maximum sentence of 2 years imprisonment and a maximum fine of \$2,000.

- Vt. Stat. Ann. tit. 18 § 4476 (2015) [Web Search](#)

Virginia Laws and Penalties

- Drugged Driving
- Legalization
- Mandatory Minimum Sentence
- Medical Marijuana

Offense	Penalty	Incarceratio n	Max. Fine
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Possession

Possession at one's residence for personal use	No Penalty	None	\$ 0
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1 oz or less in public	No Penalty	None	\$ 0
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More than 1 oz - 4 oz in public	Civil Violation	None	\$ 25
More than 4 oz - 1 lb in public, first offense	Misdemea nor	None	\$ 500
More than 4 oz - 1 lb in public, second and subsequent offenses	Misdemea nor	Up to 6 months	\$ 1000
More than 1 lb in public	Felony	1 - 10 years	\$ 250,0 00

Cultivation

Up to 4 plants	No Penalty	None	\$ 0
Failure to attach legible tag	Civil	None	\$ 25
Failure to prevent unauthorized access by persons younger than 21	Civil	None	\$ 25

Plants visible from a public way	Civil	None	\$ 25
More than 4 - up tp 10 plants, first offense	Civil	None	\$ 250
More than 4 - up to 10 plants, second offense	Misdemea nor	None	\$ 500
More than 4 - up to 10 plants, third and subsequent offenses	Misdemea nor	Up to 6 months	\$ 1,000
More than 10 - up to 49 plants	Misdemea nor	12 months	\$ 2,500
More than 49 - up to 100 plants	Felony	1 - 5 years*	\$ 2,500
More than 100 plants	Felony	1 - 10 years	\$ 250,000

* In the discretion of the jury (or the court in the case of a trial without a jury) confinement for not more than 12 months and a fine of not more than \$2,500

Sale/Manufacture/Trafficking

1 oz - 5 lbs	Class 5 Felony	1* - 10 years	\$ 2,500
5 lbs - 100 kg	Felony	5* - 30 years	\$ 1,000
More than 100 kg	Felony	20 years* - life	\$ 100,000
To a minor who is at least 3 years younger	Felony	2* - 50 years	\$ 100,000
Within 1000 ft of a school or school bus stop	Felony	1* - 5 years	\$ 100,000

Penalty Details

Possession

A majority of the Virginia legislature **voted** on April 7, 2021 to approve **amendments** to Senate Bill 1406 | House Bill 2312, which legalizes the personal use and possession of marijuana on July 1, 2021. Provisions in the law permit those age 21 and over to possess up to one ounce in public. Separate provisions in the law regulating the commercial production and retail sale of cannabis do not take effect until January 1, 2024.

“Adult sharing” of up to one ounce of marijuana or an equivalent amount of marijuana products between persons who are 21 years of age or older without remuneration is permitted under the new law. “Adult sharing” does not include instances in which marijuana is given away contemporaneously with another reciprocal transaction between the same parties; a gift of marijuana is offered or advertised in conjunction with an offer for the sale of goods or services; or a gift of marijuana is contingent upon a separate reciprocal transaction for goods or services.

In 2020, Governor Northam approved legislation (Senate Bill 2 | House Bill 972) decriminalizing marijuana possession offenses. It took effect on July 1, 2020. The law reduced penalties for offenses involving the possession of up to one ounce of marijuana to a civil violation – punishable by a maximum \$25 fine, no arrest, and no criminal record, and established a **rebuttable presumption** that a person who possesses no more than one ounce of marijuana possesses it for personal use. It also explicitly seals past marijuana convictions from employers and school administrators. Separate legislation, **SB 5013**, signed into law in October 2020 permits those summoned to prepay their bill rather than having to appear in person for a court appearance.

Cultivation

A majority of the Virginia legislature [voted](#) on April 7, 2021 to approve [amendments](#) to Senate Bill 1406 | House Bill 2312, which legalized the personal cultivation of marijuana on July 1, 2021. Provisions in the law permits those age 21 and over to cultivate up to four plants per household at their primary place of residence. The law requires that no marijuana plant is visible from a public way without the use of aircraft, binoculars, or other optical aids, and that precautions are taken to prevent unauthorized access by persons younger than 21 years of age. To each plant must be attached a legible tag that includes the person's name, driver's license or identification number, and a notation that the marijuana plant is being grown for personal use.

Sale/Delivery

In VA, having a large quantity of marijuana is not proof of intent to distribute alone. Distributing more than one ounce of marijuana, but less than 5 pounds, is a Class 5 felony, punishable by at least one year but not more than 10 years in jail. For a first offense, the judge may use his discretion to sentence the offender to a term in jail for not more than 12 months and a fine of not more than \$2,500.

- Va. Code. Ann. § 18.2-248.1 (2015) [Web Search](#)

Distributing more than 5 pounds, but less than 100kg, of marijuana is a felony punishable by no less than 5 and no more than 30 years in prison.

- Va. Code. Ann. § 18.2-248.1 (2015) [Web Search](#)

Distributing more than 100kg of marijuana is punishable with an automatic 20 years to life sentence, with 20 years being the mandatory minimum sentence. This mandatory minimum may be reduced by the judge if:

1. the person does not have a prior conviction for an drug-related offense;
2. the person did not use violence or credible threats of violence or possess a firearm or other dangerous weapon in committing the offense and did not convince another participant in the offense to do so;
3. the offense did not result in death or serious bodily injury to any person;
4. the person was not an organizer, leader, manager, or supervisor of others in the offense, and was not engaged in a continuing criminal enterprise; and
5. the offender cooperates with police and judicial officials by providing to the State all information and evidence the person has concerning the offense, but the fact that the person has no relevant or useful other information to provide or that the Commonwealth already is aware of the information shall not preclude a determination by the court that the defendant has complied with this requirement.

A third sale or intent to distribute conviction brings a mandatory minimum sentence of 5 years.

- Va. Code Ann. §18.2-248 (H) (2015) [Web Search](#)

Distributing more than 1 ounce of marijuana to any person under 18 years of age who is at least 3 years younger than the offender, or using such a minor to distribute more than 1 ounce of marijuana, is a felony and will be punished with a mandatory minimum jail sentence of 5 years, a maximum sentence of 50 years, and a fine of no more than \$100,000.

- Va. Code Ann. § 18.2-255 (2015). [Web Search](#)

Distributing 1 ounce of marijuana or less to any person under 18 years of age who is at least 3 years younger than the offender, or using such a minor to distribute less than 1 ounce of marijuana, is a felony and will be punished with a mandatory minimum jail sentence of 2 years, a maximum sentence of 50 years, and a fine of no more than \$100,000.

- Va. Code Ann. § 18.2-255 (2015) [Web Search](#)

Distributing more than a half-ounce of marijuana within 1,000 ft. of a school or school bus stop is a felony, punishable with a mandatory minimum sentence of 1 year and a maximum sentence of 5 years, plus a fine not to exceed \$100,000. However, if such person proves that he sold such controlled substance or marijuana only as an accommodation to another individual and not with intent to profit thereby, he shall be guilty of a Class 1 misdemeanor, punishable by confinement in jail for not longer than 12 months and a fine not to exceed \$2,500.

- Va. Code Ann. § 18.2-255.2 (2015) [Web Search](#)
- Va. Code Ann. § 63.2-100 (2015) [Web Search](#)

Manufacture

Any person who manufactures marijuana, or possesses marijuana with the intent to manufacture such substance, [not for personal use](#) is guilty of a felony punishable by mandatory imprisonment of not less than five nor more than 30 years and a fine not to exceed \$10,000.

- Va. Code Ann. § 18.2-248.1 (2015) [Web Search](#)

Trafficking

Transporting 5lbs or more of marijuana into Virginia with the intent to distribute it is a felony, punishable with a mandatory minimum sentence of 5 years, a maximum sentence of 40 years, and a fine not to exceed \$1,000,000. A second or subsequent conviction for the same crime raises the mandatory minimum sentence to 10 years.

- Va. Code Ann. § 18.2-248.01 (2015) [Web Search](#)

Hash & Concentrates

In Virginia, hashish and concentrates fall under the definition of marijuana, meaning that the restrictions and penalties associated with marijuana also apply to hashish and concentrates.

Paraphernalia

Any person who sells or possesses with intent to sell drug paraphernalia, knowing that it is either designed for use or intended by such person for use to illegally plant, propagate, cultivate, grow, harvest, manufacture, inhale, or otherwise introduce into the human body marijuana is guilty of a Class 1 misdemeanor, punishable by no more than 12 months in jail and a fine of no more than \$2,500.

- Va. Code Ann. §§ 18.2-11- 18.2-265.3 (2015) [Web Search](#)

Any person eighteen years of age or older who sells drug paraphernalia to a minor who is at least three years junior to the accused is guilty of an additional Class 6 felony, which is punishable by not more than 12 months in jail and a fine of not more than \$2,500.

- Va. Code. Ann § 18.2-265.3 (2015) [Web Search](#)

Advertising for the sale of drug paraphernalia is a Class I misdemeanor with a punishment of confinement for not more than 12 months in jail and a fine of not more than \$2,500.

- Va. Code Ann. §18.2-265.5 (2015) [Web Search](#)

Knowingly distributing any printed material the distributor knows contains advertisements for drug paraphernalia is a Class 1 misdemeanor, punishable by confinement in jail for not more than 12 months and a fine of not more than \$2,500.

- Va. Code Ann. §18.2-265.5 (2015) [Web Search](#)

Miscellaneous

Fortified drug house

Maintaining a fortified drug house is a Class 5 felony, punishable with a mandatory minimum sentence of 1 year, and a maximum sentence of 10 years.

- Va. Code Ann. §18.2-258.02 (2015) [Web Search](#)

Washington Laws and Penalties

[Conditional Release](#)

[Drugged Driving](#)

[Expungement](#)

[Legalization](#)

[Mandatory Minimum Sentence](#)

[Medical Marijuana](#)

Offense	Penalty	Incarceration	Max Fine
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Possession

1 oz or less (private possession/consumption)	No Criminal Penalty	None	\$ 0
1 oz or less (public consumption)	Civil Penalty	None	\$ 50
1 oz - 40 g	Misdemeanor or	24 hours* - 90 days	\$ 1,000
More than 40 g	Felony	5 years	\$ 10,000

**Mandatory Minimum*

Sale or Distribution

Any amount	Felony	5 years	\$ 10,000
To a minor at least 3 years younger	Felony	10 years	\$ 10,000

Within 1000 ft of a school, school bus stop or in a public park, in a public housing project designated as a drug-free zone, in public transportation, and other locations is punishable by double fines and imprisonment.

Cultivation

Any amount	Felony	5 years	\$ 10,000
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Within 1000 ft of a school, school bus stop or in a public park, in a public housing project designated as a drug-free zone, in public transportation, and other locations is punishable by double fines and imprisonment.

Hash & Concentrates

16 oz or less marijuana-infused product solid form	No Criminal Penalty	None	\$ 0
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72 oz or less marijuana-infused product liquid form	No Criminal Penalty	None	\$0
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7 g marijuana concentrate	No Criminal Penalty	None	\$ 0
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Possession of more than 40 g	Felony	5 years	\$ 10,000
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Manufacture, sale, delivery or possession with intent	Felony	5 years	\$ 10,000
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Subsequent offenses carry greater penalties.

Paraphernalia

Advertisement	Misdemean or	90 days	\$ 1,000
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Use of Paraphernalia to cultivate	Misdemeanor or	90 days	\$ 1,000
<i>*Mandatory Minimum</i>			
Civil Asset Forfeiture			
Vehicles and other property may be seized.			
Miscellaneous			
Knowingly maintaining a structure used for drug offenses	Felony	5 years	\$ 10,000
Controlled substances homicide	Felony	10 years	\$ 20,000
<i>Parents of a minor to whom a controlled substance was sold or transferred have a cause of action against the seller.</i>			
<i>Juveniles will have their driving privileges revoked.</i>			
			Updated May 17, 2023

Penalty Details

Marijuana is a Schedule I hallucinogenic substance under the Washington Uniform Controlled Substances Act.

See

- Washington Rev. Code §69.50.204

Possession for Personal Use

The adult possession, in private, of up to one ounce of cannabis for personal use (as well as the possession of up to 16 ounces of marijuana-infused product in solid form, and 72 ounces of marijuana-infused product in liquid form) is not subject to criminal or civil penalty. The public consumption of marijuana is subject to a civil violation and fine. Any consumption of cannabis while one is in a moving vehicle is defined as a traffic infraction. Traffic safety laws further require that the possession of cannabis in a moving vehicle must be located in a sealed container in either the trunk, glove compartment, or some other area that is inaccessible to the driver or passengers.

Possession of one ounce to 40 grams is a misdemeanor, punishable by a mandatory minimum of 24 hours and maximum of 90 days in jail. A mandatory fine of \$250 is imposed for the first offense, and a mandatory fine of \$500 is imposed for the second or subsequent violations. This is in addition to a possible fine up to \$1,000. The imprisonment will not be suspended or deferred unless it is determined that it “will pose a substantial risk to the defendant’s physical or mental well-being or that local jail facilities are in an overcrowded condition.” The mandatory fine may not be suspended or deferred unless the defendant is found to be indigent.

Possession of more than 40 grams is a class C felony punishable by up to 5 years imprisonment and/or a fine up to \$10,000. An additional mandatory \$1,000 fine applies to first time offenses and a \$2,000 fine to second or subsequent offenses.

See

- Washington Rev. Code §9A.20.021
- Washington Rev. Code §69.50.4014
- Washington Rev. Code §69.50.4013
- Washington Rev. Code §69.50.425
- Washington Rev. Code §69.50.430

Possession with Intent to Distribute

Possession with intent to distribute any amount of marijuana is a class C felony punishable by up to 5 years imprisonment and/or a fine up to \$10,000. There is an additional mandatory fine of \$1,000 for the first offense and \$2,000 for a second or subsequent offense.

See

- Washington Rev. Code §9A.20.021
- Washington Rev. Code §69.50.401
- Washington Rev. Code §69.50.430

Sale or Distribution

Retail sales of cannabis by state-licensed entities to those over the age of 21 are regulated in this state. Marijuana sales by unlicensed entities remain subject to criminal penalties.

Sale or distribution of any amount of marijuana is a C felony punishable by up to 5 years imprisonment and/or a fine up to \$10,000. An additional mandatory fine of \$1,000 applies to first offenses and \$2,000 fine to second or subsequent offenses.

See

- Washington Rev. Code §9A.20.021
- Washington Rev. Code §69.50.401
- Washington Rev. Code §69.50.430

Distribution by a person aged 18 years or older to a person less than 18 years who is 3 years the distributor's junior is a class B felony punishable by an imprisonment term double that for sale (10 years total) and/or a fine of up to \$10,000.

See

- Washington Rev. Code §69.50.406(2)

Cultivation

Cultivation for either personal use or distribution is a class C felony punishable by up to 5 years imprisonment and/or a fine up to \$10,000. An additional mandatory fine of \$1,000 applies to first offenses and \$2,000 to second or subsequent offenses.

See

- Washington Rev. Code §9A.20.021
- Washington Rev. Code §69.50.401
- Washington Rev. Code §69.50.430

Hash & Concentrates

Washington's definition of marijuana includes "all parts of the plant Cannabis," including "the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin." Under this definition hashish or concentrates, which are compounds made from the resin of the plant, would be considered marijuana.

See

- Washington Rev. Code §69.50.101(q)

Possession of 16 ounces of marijuana-infused product in solid form; 72 ounces of marijuana-infused product in liquid form; or 7 grams of marijuana concentrate is not subject to criminal or civil penalty.

Possession of more than 40 grams of hashish or concentrates is a class C felony punishable by a term of imprisonment no greater than 5 years and/or a fine no greater than \$10,000.

See

- Washington Rev. Code §69.50.4014
- Washington Rev. Code §69.50.425
- Washington Rev. Code §69.50.4013
- Washington Rev. Code §9A.20.021(1)(c)

Manufacture, delivery or possession with intent to manufacture or deliver, hashish or concentrates is a class C felony punishable by a term of imprisonment no greater than 5 years and/or a fine no greater than \$10,000.

See

- Washington Rev. Code §69.50.401(c)
- Washington Rev. Code §9A.20.021(1)(c)

Selling hashish or concentrates is a crime punishable by a term of imprisonment no greater than 5 years and a fine no greater than twice the value of the hashish or concentrates. Subsequent offenses for selling hashish or concentrates is a crime punishable by a

mandatory term of imprisonment for 5 years and a fine no greater than twice the value of the hashish or concentrates.

See

- Washington Rev. Code §69.50.410

Hashish and concentrates can be used medically in Washington since hashish and concentrates are considered a marijuana product.

See

- Washington Rev. Code §69.51A.040

Selling, manufacturing, transferring, or possessing with intent to manufacture, sell, or transport hashish or concentrates within designated areas is a crime punishable by a term of imprisonment no greater than 10 years and/or a fine no greater than \$20,000 or four times the value of the hashish or concentrates. There is an affirmative defense available allowing the accused to prove that the offense was entirely within a private residence. The designated areas are:

- within schools;
- within 1,000 feet of school grounds
- within school buses;
- within 1000 feet of a school bus stop;
- within public parks;
- within public housing projects designated drug free zones;
- within -public transit vehicles
- at a public transit stop center;
- within civic centers designated drug free zones;
- within 1,000ft of any civic center designated a drug free zone.

See

- Washington Rev. Code §69.50.435
- Washington Rev. Code §69.50.410
- Washington Rev. Code §69.50.412
- Washington Rev. Code §9A.20.021(c)

Paraphernalia

Advertisement of paraphernalia is a misdemeanor punishable by a mandatory minimum of 24 hours and maximum of 90 days in jail and a fine of not more than \$1,000. Use of paraphernalia to cultivate is a misdemeanor punishable by up to 90 days in jail and a fine of up to \$1,000

See

- Washington Rev. Code §69.50.412
- Washington Rev. Code §69.50.425

Sentencing

Drug offenses are sentenced according to drug offense seriousness level and a drug offense sentencing grid.

See

- Washington Rev. Code § 9.94A517
- Washington Rev. Code § 9.94A518

First time marijuana offenders may have the imposition of the standard sentence waived with conditions. For violations which involve a small amount of drugs (as determined by the

judge), the offender may have the standard sentence waived in lieu treatment or a prison-based alternative.

See

- Washington Rev. Code §9.94A.517
- Washington Rev. Code §9.94A.660
- Washington Rev. Code §9.94A.662
- Washington Rev. Code §9.94A.664

Suspension of sentencing is available for all drug offenses, at the discretion of the court. Conditions to this probation may include paying fines and reporting to a probation officer.

See

- Washington Rev. Code §9.92.060

Any person convicted of a second or subsequent offense is subject to double the term of imprisonment authorized for the offense and double the fine authorized for the offense. However, this does not apply to certain possession offenses. A second or subsequent offense is any offense of this statute committed by a person with a prior conviction under this statute or any statute of the United States or any state relating to narcotics, marijuana, depressants, hallucinogens, or stimulants.

See

- Washington Rev. Code §69.50.408

Forfeiture Criminal

Vehicles and other property may be seized for violations of the Washington Uniform Controlled Substances Act if certain conditions are met. A seizure of property commences a forfeiture proceeding in which the law enforcement agency must give notice to the owner and others with an interest in the property within 15 days. After notice has been served, those with an interest in the property have 45 days in the case of personal property and 90 days in the case of real property to respond, or else the items will be deemed forfeited.

See

- Washington Rev. Code §69.50.505

Civil

Private or state actors may file an action for damages and forfeiture of property involved in delivery, cultivation, or possession with intent to deliver or cultivate marijuana.

See

- Washington Rev. Code §9A.82.100

Miscellaneous

Involving a person under the age of 18 in a drug offense

Involving a person under the age of 18 (compensating, soliciting, or threatening) in a transaction to cultivate, sell, or deliver marijuana is a class C felony punishable by up to 5 years imprisonment and/or a fine up to \$10,000. An additional mandatory fine of \$1,000 applies to first offenses and \$2,000 to second or subsequent offenses.

See

- Washington Rev. Code §9A.20.021

- Washington Rev. Code §69.50.4015
- Washington Rev. Code §69.50.430

Knowingly maintaining a structure used for drug offenses

It is a class C felony punishable by up to 5 years imprisonment and/or a fine up to \$10,000 to knowingly maintain a structure (including homes and vehicles) that is resorted to by persons using controlled substances in violation of the law for that purpose, or which is used to sell or store substances. An additional mandatory fine of \$1,000 applies to first offenses and \$2,000 to second or subsequent offenses.

See

- Washington Rev. Code §9A.20.021
- Washington Rev. Code §69.50.402(f)
- Washington Rev. Code §69.50.430

Civil damages

Parents or legal guardians of a minor to whom a controlled substance was sold or transferred have a cause of action against the person who sold or transferred the substances. Damages may include costs of rehabilitation services for the minor, forfeiture of any money made in the transaction, and attorney's fees.

See

- Washington Rev. Code §69.50.414

Controlled substances homicide

A person who delivers a controlled substance, which is subsequently used by the person delivered to and results in their death, is guilty of a class B felony punishable by up to 10 years imprisonment and/or a fine up to \$20,000. An additional mandatory fine of \$1,000 applies to first offenses and \$2,000 to second or subsequent offenses.

See

- Washington Rev. Code §9A.20.021
- Washington Rev. Code §69.50.415
- Washington Rev. Code §69.50.430

Revocation of juvenile's driving privileges

Juveniles (age 13-21) will have their driving privileges revoked for any offense under this statute. For the first offense, the privileges will be revoked for 1 year or until the person reaches 17 years old, whichever is longer. A second or subsequent offense will result in the revocation of privileges for 2 years or until the individual is 18 years old, whichever is longer.

See

- Washington Rev. Code §46.20.265
- Washington Rev. Code §69.50.420

Violations committed on or in certain public places or facilities

Cultivation, sale, delivery, or possession with intent to cultivate, sell, or deliver marijuana in a school, on a school bus, within 1,000 feet of a school bus stop or school grounds, in a public park, in a public housing project designated as a drug-free zone, in public transportation, and other locations is punishable by a fine that is twice that authorized for the offense and/or imprisonment for a term that is twice the amount authorized for the

offense. It is an affirmative defense that the conduct took place exclusively within the confines of a private residence and the transaction did not involve profit.

See

- Washington Rev. Code §69.50.435

Chemical dependency

If the court finds that the offender is chemically dependent and this has contributed to their offense, the court may order the offender take part in rehabilitation.

See

- Washington Rev. Code §9.94A.607

Mandatory Fee

Any individual convicted, sentenced to a lesser charge, or given deferred prosecution under WA's DUID statute must pay a \$200 fee to compensate the State for the drug test, in addition to any fine imposed by the Court. This fee applies to each individual conviction but may be waived for poverty.

See

- RCW § 46.61.5054(1).

Last Updated May 17, 2023

West Virginia Laws and Penalties

[Conditional Release](#)

[Drugged Driving](#)

Mandatory Minimum Sentence
Medical Marijuana

Offense	Penalty	Incarceration	Max. Fine
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Possession

Any amount	Misdemeanor	90 days - 6 months	\$ 1,000
Less than 15 g or possession of synthetic cannabis (first offense)	Conditional Discharge	None	None

Sale or Distribution

Any amount	Felony	1* - 5 years	\$ 15,000
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Trafficking marijuana into WV	Felony	1* - 5 years	\$ 10,000
To a minor or within 1000 ft of a school	Felony	2 years*	N/A

Includes possession with intent to distribute

* Mandatory minimum sentence

Cultivation

See Possession and Sale sections for details.

Hash & Concentrates

Penalties for hashish are the same as for marijuana. Please see the marijuana penalties section for further details.

Paraphernalia

Owns, finances, manages, supervises, all or part all of an illegal drug paraphernalia business	Misdemeanor	6 months* - 1 year	\$ 5,000
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* Mandatory minimum sentence

Civil Asset Forfeiture

Everything involved in the production and transportation processes of controlled substances are liable to be forfeited.

Miscellaneous

Attempt to defeat a drug screening test by false sample or offers for sale a product to defeat a drug screening test	Misdemeanor	N/A	\$ 1,000
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Mandatory driver's license revocation for any felony offense when a motor vehicle is used in its commission.

Subsequent offenses	Up to Double	Up to Double
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Updated
May 17,
2023

Penalty Details

Marijuana is a Schedule I drug.

- W. Va. Code § 60A-2-204 (2015) [Web Search](#)

Possession

Possession of marijuana in any amount is a misdemeanor punishable by not less than 90 days, nor more than 6 months and not fined more than \$1,000.

Conditional discharge for first offense of possession of less than 15 grams of marijunana or possession of synthetic cannabis: For a first drug related possession charge, the court can give the offender probation with the traditional array of drug testing and supervision traditionally part of the probation process. Discharge is not a legal conviction.

- W. Va. Code §§ 60A-4-401(c) -407 (2015) [Web Search](#)

Sale or Distribution

Includes possession with the intent to distribute marijuana.

Felony punishable by no less than 1 year, and no more than 5 years, imprisonment and a fine of not more than \$15,000.

Trafficking marijuana into West Virginia is punishable by no less than 1 year and no more than 5 years imprisonment and fined up to \$10,000.

West Virginia has a two-year mandatory minimum sentence for sale/distribution to a minor or if sale/delivery occurs within 1,000 feet of a school.

- W. Va. Code §§ 60A-4-401-409 (2015) [Web Search](#)

Cultivation

Cultivation in West Virginia will be punished based upon the aggregate weight of the plants found as either simple possession or as possession with the intent to distribute. See the "Possession" and "Sale or Distribution" sections for further penalty details.

Hash & Concentrates

Hashish and concentrates are considered a compound or preparation of marijuana and constitute a Schedule I controlled substance.

- *Hubbard v. Spillers*, 202 S.E.2d 180 (W.Va 1974) [Web Search](#)
- W. Va. Code §§ 60A- 2-204(d) (19) (2015) [Web Search](#)

Paraphernalia

Any person who conducts, finances, manages, supervises, directs or owns all or part of an illegal drug paraphernalia business is guilty of a misdemeanor, and is subject to no more than a \$5,000 fine, or no less than six months and no more than 1 year imprisonment.

- W. Va. Code §§ 60A-4-403 (2015) [Web Search](#)

Sentencing

Second or subsequent convictions for both possession and distribution are eligible for double the penalty set out in law.

- W. Va. Code §60A-4-408 (2015) [Web Search](#)

Conditional discharge for first offense of possession: For a first drug related possession charge, the court can give the offender probation with the traditional array of drug testing and supervision traditionally part of the probation process. Discharge is not a legal conviction.

- W. Va. Code §60A-4-407 (2015)

Updated May 17, 2023

Misdemeanor or Felony

Possession is a misdemeanor, while distribution and manufacture are felonies.

Mandatory Minimum

Mandatory two year minimum sentence (doubling WV's regular one year minimum for marijuana felonies) if the offender is:

1. Twenty-one years of age or older at the time of the distribution upon which the conviction is based, and the person to whom the controlled substance was distributed was under the age of eighteen years at the time of the distribution; or
 2. Eighteen years of age or older and the distribution upon which the conviction is based occurred in or on, or within one thousand feet of a public or private elementary, vocational or secondary school or a public or private college, junior college or university in this state.
- W. Va. Code §60A-4-406 (b) (2015) [Web Search](#)

Trafficking marijuana into West Virginia carries a mandatory minimum sentence of not less than 1 year.

- W. Va. Code §60A-4-409(b)(2) (2015) [Web Search](#)

Forfeiture

Everything involved in the production and transportation processes of controlled substances, including cars, houses, and monetary funds, are liable to be forfeited to the State after a successful prosecution of a drug distribution or manufacturing case.

Paraphernalia: Any property, including money, used in violation of the provisions of this section may be seized and forfeited to the state.

- W. Va. Code §§ 60A-7-703-705 (2015) [Web Search](#)

Miscellaneous

Drug Screening Adulteration

Attempts to adulterate drug screening test or selling or knowingly possessing products for that purpose is punishable:

1. For a first offense is guilty of a misdemeanor and, upon conviction, shall be fined not more than one thousand dollars;
 2. For a second offense is guilty of a misdemeanor and, upon conviction, be fined not more than five thousand dollars; and
 3. For a third or subsequent offense is guilty of a misdemeanor and, upon conviction, be fined not more than ten thousand dollars or confined in the regional jail for not more than one year, or both.
- W. Va. Code §§ 60A- 4-412 (2015) [Web Search](#)

Driver's License Revocation

Any person convicted of driving under the influence of marijuana or any felony in the commission of which a motor vehicle is used, is subject to mandatory driver's license revocation.

Mandatory license revocation for any felony offense when a motor vehicle is used in its commission. This would include conviction for manufacturing or delivering pot, but simple possession would not qualify as a felony.

- W. Va. Code § 17B-3-5 (2015) [Web Search](#)
- W. Va. Code §60A-4-401 (2015) [Web Search](#)

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Wisconsin Laws and Penalties

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Offense	Penalty	Incarceration	Max. Fine
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Possession

Any amount (first offense)	Misdemeanor	6 months	\$ 1,000
Any amount (subsequent offense)	Felony	3.5 years	\$ 10,000

Sale or Delivery

200 g or less	Felony	3.5 years	\$ 10,000
200 - 1000 g	Felony	6 years	\$ 10,000
1000 - 2500 g	Felony	10 years	\$ 25,000
2500 - 10,000 g	Felony	12.5 years	\$ 25,000
More than 10,000 g	Felony	15 years	\$ 50,000

Includes possession with intent to distribute

Subsequent offense is subject to additional penalties

Cultivation

4 plants or fewer	Felony	3.5 years	\$ 10,000
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4 - 20 plants	Felony	6 years	\$ 10,000
20 - 50 plants	Felony	10 years	\$ 25,000
50 - 200 plants	Felony	12.5 years	\$ 25,000
More than 200 plants	Felony	15 years	\$ 50,000

Subsequent offense is subject to additional penalties

Hash & Concentrates

Penalties for hashish and marijuana are generally treated equally under the law. Please see details below.

Paraphernalia

Use or possession with intent to use paraphernalia	Misdemeanor	30 days	\$ 500
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Sale or distribution of paraphernalia	Misdemea nor	90 days	\$ 1,000
Selling to a minor	Misdemea nor	9 months	\$ 10,000

Civil Asset Forfeiture

All controlled substances and items used to distribute, including vehicles, are subject to forfeiture.

Miscellaneous

Driving privileges may be suspended for 6 months - 5 years.

Penalty Details

Marijuana is a Schedule I hallucinogenic substance under the Wisconsin Uniform Controlled Substances Act.

- Wis. Stat. § 961.14 (2014) [Web Search](#)

Possession

A first offense for possession of marijuana is a misdemeanor punishable by a fine of up to \$1,000 and/or imprisonment of up to 6 months. A second offense is a Class I felony and is punishable by a fine of up to \$10,000 and/or imprisonment for up to 3.5 years.

- Wis. Stat. §§ 961.41(3g)& 961.495 [Web Search](#)

The penalty for marijuana possession will vary according to number of convictions, with 100 hours of community service, in addition to the standard penalty for possession within 1,000 ft. of a school, youth center, public park, pool, housing project, jail or drug treatment facility.

- Wis. Stat. §§ 961.41(3g)& 961.495 [Web Search](#)

Sale or Cultivation

The sale or cultivation of 200 grams or less (4 plants or fewer) is a Class I felony, punishable by up to \$10,000 in fines and/or imprisonment for up to 3.5 years.

The sale or cultivation of between 200 and 1,000 grams (5-12 plants) is a felony, punishable by up to \$10,000 fine and/ or 6 years in prison.

The sale or cultivation of between 1,000 and 2,500 grams (21-50 plants) is punishable by up to \$25,000 fines and/ or a maximum 10 years imprisonment.

The sale or cultivation of between 2,500 and 10,000 grams (51-200 plants) is punishable by up to \$25,000 fine and/or 12 years and 6 months imprisonment.

The sale or cultivation of over 10,000 grams (more than 200 plants) is punishable with a maximum of 15 years imprisonment and/or a \$25,000 fine.

- Wis. Stat. § 961.41(1) [Web Search](#)

Hash & Concentrates

Any compound containing THC is a Schedule I drug. While the definition of marijuana does not include hashish or concentrates, the penalties and offenses associated with marijuana are the same for hashish or concentrates. Please see the marijuana penalties section for further details.

- Wis. Stat. § 961.41(1) [Web Search](#)

Paraphernalia

It is illegal to use paraphernalia or possess paraphernalia with the intent to use it. Paraphernalia includes any item that will assist in the cultivation, distribution, ingestion, or inhalation of marijuana. This offense is a misdemeanor punishable by a fine of up to \$500 or up to 30 days of imprisonment.

- Wis. Stat. § 961.573(1) [Web Search](#)

The sale of paraphernalia is a misdemeanor and is punishable by a fine of up to \$1,000 and/or 90 days of imprisonment.

- Wis. Stat. § 961.574(1) [Web Search](#)

Selling paraphernalia to a minor is a misdemeanor punishable by a fine of up to \$10,000 an/or up to 9 months of imprisonment.

- Wis. Stat. § 961.573 [Web Search](#)

Forfeiture

All controlled substances and items used to distribute them, including vehicles, are subject to forfeiture under Wisconsin law.

- Wis. Stat. § 961.55 [Web Search](#)

Miscellaneous

If a person is convicted of any violation the Uniform Controlled Substances Act, the court may, in addition to any other penalties that may apply to the crime, suspend the person's operating privilege for not less than 6 months nor more than 5 years. The person may be able to apply for an occupational license depending on the number of prior convictions.

- Wis. Stat. §961.50 [Web Search](#)

Wyoming Laws and Penalties

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[Low THC](#)

Offense	Penalty	Incarceration	Max. Fine
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Possession

Persons under the influence	Misdemeanor	6 months	\$ 750
3 oz or less	Misdemeanor	12 months	\$ 1,000
More than 3 oz	Felony	5 years	\$ 10,000

Within 500 feet of a school is punishable by an additional \$500 fine.

Sale or Distribution

Any amount	Felony	10 years	\$ 10,000
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Cultivation

Any amount	Misdemeanor	6 months	\$ 1,000
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Hash & Concentrates

0.3 g liquid or less	Misdemeanor	12 months	\$ 1,000
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More than 0.3 g liquid	Felony	5 years	\$ 10,000
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Paraphernalia

Delivery or possession with intent to deliver	Misdemeanor	6 months	\$ 750
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Delivery to a minor	Felony	5 years	\$2,500
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Penalty Details

- Wyoming Controlled Substances Act, Wyo. Stat. Ann. § 35-7-1001 through 1057 (2014)

Possession

Any person using or under the influences marijuana is subject to a misdemeanor punishable by a maximum of 6 months imprisonment and a maximum fine of \$750, or both.

- Wyo. Stat. Ann. § 35-7-1039

Possession of three ounces or less is a misdemeanor punishable by no more than 12 months imprisonment and a maximum fine of \$1,000, or both.

- Wyo. Stat. Ann. § 35-7-1031 (2014)

Possession of more than 3 ounces is a felony punishable by a maximum of 5 years imprisonment and a maximum \$10,000 fine, or both.

- Wyo. Stat. Ann. § 35-7-1031 (2014)

Sale or Distribution

Sale of any amount is a felony punishable by a maximum of 10 years imprisonment and a maximum fine of \$10,000 or both.

- Wyo. Stat. Ann. § 35-7-1040 (2014)

Cultivation

Cultivating any amount of marijuana is misdemeanor, punishable by a maximum of 6 months imprisonment and a maximum fine of \$1,000.

- Wyo. Stat. Ann. § 35-7-1002 (2014)

Hash & Concentrates

Any equipment, device, or material used to make hashish or extracts is considered paraphernalia.

- Wyo. Stat. Ann. § 35-7-1002(xxvii) (2014)

Possession of 0.3 grams or less of a liquid concentrate, such as hashish oil, is a misdemeanor, punishable by a maximum term of imprisonment of up to 12 months and/or a maximum fine of \$1,000.

Possession of more than .3 grams of a liquid concentrate is a felony punishable by a maximum term of imprisonment up to 5 years and/or a fine of no more than \$10,000.

- Wyo. Stat. Ann. § 35-7-1031 (2014)

Paraphernalia

Delivery of or possession with intent to distribute paraphernalia is a crime which is punishable by a maximum of 6 months imprisonment and a maximum fine of \$750.

- Wyo. Stat. Ann. § 35-7-1056 (2014)

Delivery of paraphernalia to a minor is a felony, punishable by up to five years imprisonment and a fine of up to \$2,500.

- Wyo. Stat. Ann. § 35-7-1057 (2014)

Miscellaneous

A third or subsequent offense for possession of more than 3 ounces is punishable by a maximum of 5 years imprisonment, a maximum fine of \$5,000, or both.

- Wyo. Stat. Ann. § 35-7-1031 (2014)

Anyone adult who distributes marijuana to someone under the age of 18 who is more than 3 years his junior is subject to felony charge, with a maximum penalty of 20 years imprisonment and/or a \$10,000 fine. A conviction within 500 feet from a school is subject to an additional \$500 fine.

- Wyo. Stat. Ann. § 35-7-1036(a) (2014)

Updated May 17, 2023