

= Legal history of cannabis in the United States =

The legal history of cannabis in the United States relates to the regulation of cannabis (legal term marijuana) use for medical , recreational or industrial purposes in the United States . Increased restrictions and labeling of cannabis as a poison began in many states from 1906 onward , and outright prohibitions began in the 1920s . By the mid @-@ 1930s marijuana was regulated as a drug in every state , including 35 states that adopted the Uniform State Narcotic Drug Act . The first national regulation was the Marihuana Tax Act of 1937 .

Multiple efforts to reschedule cannabis under the Act have failed , and the United States Supreme Court has ruled in *United States v. Oakland Cannabis Buyers ' Cooperative* and *Gonzales v. Raich* that the federal government has a right to regulate and criminalize cannabis , even for medical purposes .

= = Early history (pre @-@ 1850s) = =

The Virginia Company , by decree of King James I in 1619 , ordered every colonist to grow 100 plants specifically for export for fiber . Thus , England 's only colony in America began to grow hemp in order to meet this obligation and , soon , to serve a growing demand in other colonies . George Washington grew hemp at Mount Vernon as one of his three primary crops . The use of hemp for rope and fabric was ubiquitous throughout the 18th and 19th centuries in the United States . Medicinal preparations of cannabis became available in American pharmacies in the 1850s following an introduction to its use in Western medicine by William O 'Shaughnessy a decade earlier in 1839 .

Around the same time , efforts to regulate the sale of pharmaceuticals began , and laws were introduced on a state @-@ to @-@ state basis that created penalties for mislabeling drugs , adulterating them with undisclosed narcotics , and improper sale of those considered " poisons " . Poison laws generally either required labels on the packaging indicating the harmful effects of the drugs or prohibited sale outside of licensed pharmacies and without a doctor 's prescription . Those that required labeling often required the word " poison " if the drug was not issued by a pharmacy . Other regulations were prohibitions on the sale to minors , as well as restrictions on refills . Some pharmaceutical laws specifically enumerated the drugs that came under the effect of the regulations , while others didn 't ? leaving the matter to medical experts . Those that did generally included references to cannabis , either under the category of " cannabis and its preparations " or " hemp and its preparations . "

A 1905 Bulletin from the US Department of Agriculture lists twenty @-@ nine states with laws mentioning cannabis . Eight are listed with " sale of poisons " laws that specifically mention cannabis : North Carolina , Ohio , Wisconsin , Louisiana , Vermont , Maine , Montana , and the District of Columbia . Among those that required a prescription for sale were Wisconsin and Louisiana . Several " sale of poison " laws did not specify restricted drugs , including in Indiana , Rhode Island , Hawaii , Nebraska , Kentucky , Mississippi , and New York . Many states did not consider cannabis a " poison " but required it be labeled .

In New York , the original law did enumerate cannabis , and was passed in 1860 following a string of suicides allegedly involving the substances later categorized as poisons . The first draft of the bill ' *An act to regulate the sale of poisons* ' prohibited the sale of cannabis ? as with the other substances ? without the written order of a physician . The final bill as passed allowed the sale without a prescription so long as the purpose to which it was issued and name and address of the buyer was recorded , and in addition , all packaging of such substances ? whether sold with a prescription or not ? had to have the label " poison " on them in uppercase red letters . In 1862 , the section which enumerated the substances was repealed with an amendatory act , though cannabis was still required to be labeled .

In some states where poison laws excluded cannabis , there were nonetheless attempts to include it . A bill introduced in 1880 in the California state legislature was titled ' *An act to regulate the sale of opium and other narcotic poisons* ' and would have prohibited anyone to keep , sell , furnish , or

give away any " preparations or mixtures made or prepared from opium , hemp , or other narcotic drugs " without a doctor 's prescription at a licensed store . That bill was withdrawn in favor of one specifically aimed at opium , though further bills including hemp @-@ based drugs were introduced in 1885 and in 1889 .

= = = Background to later restrictions = = =

As early as 1853 , recreational cannabis was listed as a " fashionable narcotic " . By the 1880s , oriental @-@ style hashish parlors were flourishing alongside opium dens , to the point that one could be found in every major city on the east coast . It was estimated there were around 500 such establishments in New York City alone . An article in Harper ? s Magazine (1883) , attributed to Harry Hubbell Kane , describes a hashish @-@ house in New York frequented by a large clientele , including males and females of " the better classes , " and further talks about parlors in Boston , Philadelphia and Chicago . Hemp cigarettes were reported to be used by Mexican soldiers early as 1874 .

= = Criminalization (1900s) = =

= = = Strengthening of poison laws (1906 ? 1938) = = =

The Pure Food and Drug Act was then passed by the United States Congress in 1906 and required that certain special drugs , including cannabis , be accurately labeled with contents . Previously , many drugs had been sold as patent medicines with secret ingredients or misleading labels . Even after the passage of regulations , there continued to be criticisms about the availability of narcotics and around 1910 there was a wave of legislation aimed to strengthen requirements for their sale and remove what were commonly referred to as " loopholes " in poison laws . The new revisions aimed to restrict all narcotics , including cannabis , as poisons , limit their sale to pharmacies , and require doctor 's prescriptions . The first instance was in the District of Columbia in 1906 , under ' An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia , and for other purposes ' . This act was updated in 1938 to the Federal Pure Food , Drug , and Cosmetics Act of 1938 which remains in effect even today , creating a legal paradox for federal sentencing . Under this act , the framework for prescription and non @-@ prescription drugs and foods are set , along with standards as well as the enforcing agency , the FDA . " Goods found in violation of the law were subject to seizure and destruction at the expense of the manufacturer . That , combined with a legal requirement that all convictions be published (Notices of Judgment) , proved to be important tools in the enforcement of the statute and had a deterrent effect upon would @-@ be violators . " Marijuana remains under this law defined as a " dangerous drug " .

Further regulation of cannabis followed in Massachusetts (1911) , New York (1914) , and Maine (1914) . In New York , reform legislation began under the Towns @-@ Boylan Act , which targeted all " habit @-@ forming drugs " , restricted their sale , prohibited refills in order to prevent habituation , prohibited sale to people with a habit , and prohibited doctors who were themselves habituated from selling them . Shortly after , several amendments were passed by the New York Board of Health , including adding cannabis to the list of habit @-@ forming drugs .

A New York Times article noted on the cannabis amendment :

The inclusion of Cannabis indica among the drugs to be sold only on prescription is common sense . Devotees of hashish are now hardly numerous here enough to count , but they are likely to increase as other narcotics become harder to obtain .

In the West , the first state to include cannabis as a poison was California . The Poison Act was passed in 1907 and amended in 1909 and 1911 , and in 1913 an amendatory act (Stats . 1913 , Ch . 342 , p . 697) was made to make possession of " extracts , tinctures , or other narcotic preparations of hemp , or loco @-@ weed , their preparations and compounds " a misdemeanor . There 's no evidence that the law was ever used or intended to restrict pharmaceutical cannabis ;

instead it was a legislative mistake , and in 1915 another revision placed cannabis under the same restriction as other poisons .

Other states followed with marijuana laws including : Wyoming (1915) ; Texas (1919) ; Iowa (1923) ; Nevada (1923) ; Oregon (1923) ; Washington (1923) ; Arkansas (1923) ; Nebraska (1927) ; Louisiana (1927) ; and Colorado (1929) .

One source of tensions in the western and southwestern states was the influx of Mexicans to the US following the 1910 Mexican Revolution . Many Mexicans also smoked marijuana to relax after working in the fields . It was also seen as a cheaper alternative to alcohol , due to Prohibition (which went into effect nationally in 1920) . Later in the 1920s , negative tensions grew between the small farms and the large farms that used cheaper Mexican labor . Shortly afterwards , the Great Depression came which increased tensions as jobs and resources became more scarce . Because of that , the passage of the initial laws is often described as a product of racism , yet use of hashish by near eastern immigrants were also cited , as well as the misuse of pharmaceutical hemp , and the laws conformed with other legislation that was being passed around the country . Mexico itself had passed prohibition in 1925 , following the International Opium Convention (see below) .

= = = International Opium Convention (1925) = = =

In 1925 the United States supported regulation of Indian hemp , also known as hashish , in the International Opium Convention . The convention banned exportation of " Indian hemp " , and the preparations derived therefrom , to countries that had prohibited its use and required importing countries to issue certificates approving the importation and stating that the shipment was required " exclusively for medical or scientific purposes " . The convention did not ban trade in fibers and other similar products from European hemp , and traditionally grown in the United States , According to the 1912 edition of a Swedish encyclopedia the European hemp grown for its fibers lacks the THC content that characterizes Indian hemp .

= = = Uniform State Narcotic Act (1925 ? 1932) = = =

The Uniform State Narcotic Act , first tentative draft in 1925 and fifth final version in 1932 , was a result of work by the National Conference of Commissioners on Uniform State Laws . It was argued that the traffic in narcotic drugs should have the same safeguards and the same regulation in all of the states . The committee took into consideration the fact that the federal government had already passed The Harrison Act in 1914 and The Federal Import and Export Act in 1922 . Many people assumed that the Harrison Act was all that was necessary . The Harrison Act , however , was a revenue @-@ producing act and , while it provided penalties for violation , it did not give the states themselves authority to exercise police power in regard to seizure of drugs used in illicit trade , or in regard to punishment of those responsible . The act was recommended to the states for that purpose . As a result of the Uniform State Narcotic Act , the Federal Bureau of Narcotics encouraged state governments to adopt the act . By the middle of the 1930s all member states had some regulation of cannabis .

= = = Federal Bureau of Narcotics (1930) = = =

The use of cannabis and other drugs came under increasing scrutiny after the formation of the Federal Bureau of Narcotics (FBN) in 1930 , headed by Harry J. Anslinger as part of the government 's broader push to outlaw all recreational drugs .

" When the present administration took office ten countries had ratified the Geneva Narcotic Limitation Convention . The United States was one of these ten It was my privilege , as President , to proclaim , on that day , that this treaty had become effective throughout the jurisdiction of the United States On Jan. 1 , 1933 , only nine nations had registered their ratification of the limitation treaty . On Jan. 1 , 1935 , only nine States had adopted the uniform State statute . As 1933 witnessed ratification of the treaty by thirty @-@ one additional nations , so may 1935 witness the

adoption of the uniform drug act by at least thirty @-@ one more states , thereby placing interstate accord abreast of international accord , to the honor of the legislative bodies of our States and for the promotion of the welfare of our people and the peoples of other lands . "

Anslinger claimed cannabis caused people to commit violent crimes and act irrationally and overly sexual . The FBN produced propaganda films promoting Anslinger 's views and Anslinger often commented to the press regarding his views on marijuana .

= = = The 1936 Geneva Trafficking Conventions = = =

In 1936 the Convention for the Suppression of the Illicit Traffic in Dangerous Drugs (1936 Trafficking Convention) was concluded in Geneva . The US , led by Anslinger , had attempted to include the criminalization of all activities in the treaty ? cultivation , production , manufacture and distribution ? related to the use of opium , coca (and its derivatives) and cannabis for non @-@ medical and non @-@ scientific purposes . Many countries opposed this and the focus remained on illicit trafficking . Article 2 of the Convention called upon signatory countries to use their national criminal law systems to " severely " punish , " particularly by imprisonment or other penalties of deprivation of liberty " acts directly related to drug trafficking . The US refused to sign the final version because it considered the convention too weak , especially in relation to extradition , extraterritoriality and the confiscation of trafficking profits .

= = = Marihuana Tax Act (1937) = = =

The American Medical Association (AMA) opposed the act because the tax was imposed on physicians prescribing cannabis , retail pharmacists selling cannabis , and medical cannabis cultivation and manufacturing ; instead of enacting the Marihuana Tax Act the AMA proposed cannabis be added to the Harrison Narcotics Tax Act . This approach was unappealing to some legislators who feared that adding a new substance to the Harrison Act would subject that act to new legal scrutiny . Since the federal government had no authority under the 10th Amendment to regulate medicines , that power being reserved by individual states in 1937 , a tax was the only viable way to legislate marijuana .

After the Philippines fell to Japanese forces in 1942 , the Department of Agriculture and the U.S. Army urged farmers to grow hemp fiber and tax stamps for cultivation were issued to farmers . Without any change in the Marihuana Tax Act , over 400 @,@ 000 acres of hemp were cultivated between 1942 and 1945 . The last commercial hemp fields were planted in Wisconsin in 1957 . New York Mayor Fiorello LaGuardia , who was a strong opponent of the 1937 Marihuana Tax Act , started the LaGuardia Commission that in 1944 contradicted the earlier reports of addiction , madness , and overt sexuality .

The decision of the United States Congress to pass the Marihuana Tax Act of 1937 was based on poorly attended hearings and reports based on questionable studies . In 1936 the Federal Bureau of Narcotics (FBN) noticed an increase of reports of people smoking marijuana , which further increased in 1937 . The Bureau drafted a legislative plan for Congress seeking a new law , and the head of the FBN , Harry J. Anslinger , ran a campaign against marijuana . Newspaper mogul William Randolph Hearst 's empire of newspapers used the " yellow journalism " pioneered by Hearst to demonize the cannabis plant and spread a public perception that there were connections between cannabis and violent crime . Several scholars argue that the goal was to destroy the hemp industry , largely as an effort of Hearst , Andrew Mellon and the Du Pont family . They argue that with the invention of the decorticator hemp became a very cheap substitute for the wood pulp that was used in the newspaper industry . However , Hearst newspapers owed large debts to Canadian suppliers of paper , who used wood as raw material . If an alternative raw material for paper had emerged , it would have lowered the price of the paper needed to print Hearst 's many newspapers ? a positive thing for Hearst .

Mellon was Secretary of the Treasury , as well as the wealthiest man in America , and had invested heavily in nylon , DuPont 's new synthetic fiber . He considered nylon 's success to depend on it

replacing the traditional resource , hemp .

The company DuPont and many industrial historians dispute a link between nylon and hemp . They argue that the reason for developing nylon was to produce a fiber that could compete with silk and rayon in , for example , thin stockings for women . Silk was much more expensive than hemp and imported largely from Japan . There was more money in a substitute for silk . DuPont focused early on thin stockings for women . As a commercial product , nylon was a revolution in textiles . Strong , water @-@ resistant , it was possible to make very thin fibers from cheap raw materials . The first sales in 1938 in New York of nylon stockings created a line with 4000 middle class women . For years to come , nylon demand was greater than DuPont could produce . And the DuPont Group was very big ; it could move on if nylon had not become a success .

In 1916 United States Department of Agriculture (USDA) chief scientists Jason L. Merrill and Lyster H. Dewey created a paper , USDA Bulletin No. 404 " Hemp Hurds as Paper @-@ Making Material " , in which they stated that paper from the woody inner portion of the hemp stem broken into pieces , so called hemp hurds , was " favorable in comparison with those used with pulp wood " . Merrill and Dewey 's findings were not repeated in a later book by Dewey and have not been confirmed by paper production experts . The consistency of long fibers is too low in hemp hurds for commercial papermaking . Numerous machines had been devised for breaking and scutching hemp fibers , but none had been found to be fully satisfactory in actual commercial work To produce fiber from hemp was a labor @-@ intensive process if you include harvest , transport and processing . Technological developments decreased the labor but not sufficient to eliminate this disadvantage .

There was also a misconception about the intoxicating effects of hemp because it has the same active substance , THC , which is in all cannabis strains . Hemp normally has a minimal amount of THC when compared to recreational cannabis strains but , in the 1930s , THC was not yet fully identified . The methods FBN used for predicting the psychoactive effect of different samples of cannabis and hemp therefore gave confusing results .

= = = Mandatory sentencing (1952 , 1956) = = =

Mandatory sentencing and increased punishment were enacted when the United States Congress passed the Boggs Act of 1952 and the Narcotics Control Act of 1956 . The acts made a first @-@ time cannabis possession offense a minimum of two to ten years with a fine up to \$ 20 @,@ 000 ; however in 1970 the United States Congress repealed mandatory penalties for cannabis offenses .

= = = The Controlled Substances Act (1970) = = =

In its 1969 Leary v. United States decision the Supreme Court held the Marijuana Tax Act to be unconstitutional , since it violated the Fifth Amendment privilege against self @-@ incrimination . In response , Congress passed the Controlled Substances Act as Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 , which repealed the Marijuana Tax Act .

= = = Reorganization (1968 , 1973) = = =

In 1968 the United States Department of the Treasury subsidiary the Bureau of Narcotics and the United States Department of Health , Education , and Welfare subsidiary the Bureau of Drug Abuse Control merged to create the Bureau of Narcotics and Dangerous Drugs as a United States Department of Justice subsidiary .

In 1973 President Richard Nixon 's " Reorganization Plan Number Two " proposed the creation of a single federal agency to enforce federal drug laws and Congress accepted the proposal , as there was concern regarding the growing availability of drugs . As a result , on July 1 , 1973 , the Bureau of Narcotics and Dangerous Drugs (BNDD) and the Office of Drug Abuse Law Enforcement (ODALE) merged to create the Drug Enforcement Administration (DEA) . On December 1 , 1975 , the Supreme Court ruled that it was " not cruel or unusual for Ohio to sentence someone to 20 years for having or selling cannabis . "

= = = State Office of Narcotics and Drug Abuse (1977) = = =

In January 1976 , California 's study of the economic impact of its law repealing prohibitions of use went into effect . The law reduced the penalty for personal possession of an ounce or less of marijuana from a felony to a citable misdemeanor with a maximum fine of \$ 100 . Possession of more than an ounce was made a misdemeanor , making the maximum fine \$ 500 and / or six months in jail . After the law went into effect , the state 's annual spending towards marijuana laws went down 74 % . Prior to the law , the state had been spending from \$ 35 million to \$ 100 million .

= = = Mandatory sentencing and three @-@ strikes (1984 , 1986) = = =

During the Reagan Administration the Sentencing Reform Act provisions of the Comprehensive Crime Control Act of 1984 created the Sentencing Commission , which established mandatory sentencing guidelines . The Anti @-@ Drug Abuse Act of 1986 reinstated mandatory prison sentences , including large scale cannabis distribution . Later an amendment created a three @-@ strikes law , which created mandatory 25 @-@ years imprisonment for repeated serious crimes ? including certain drug offenses- and allowed the death penalty to be used against " drug kingpins . "

= = = United States v. Oakland Cannabis Buyers ' Cooperative (2001) = = =

In 1996 California voters passed Proposition 215 , which legalized medical cannabis . The Oakland Cannabis Buyers ' Cooperative was created to " provide seriously ill patients with a safe and reliable source of medical cannabis , information and patient support " in accordance with Proposition 215 .

In January 1998 the U.S. Government sued Oakland Cannabis Buyers ' Cooperative for violating federal laws created as a result of Controlled Substances Act of 1970 . On May 14 , 2001 , the United States Supreme Court ruled in United States v. Oakland Cannabis Buyers ' Coop that federal anti @-@ drug laws do not permit an exception for medical cannabis and rejected the common @-@ law medical necessity defense to crimes enacted under the Controlled Substances Act because Congress concluded cannabis has " no currently accepted medical use " when the act was passed in 1970 .

= = = Gonzales v. Raich (2005) = = =

Gonzales v. Raich 545 U.S. 1 (2005) was a decision in which the U.S. Supreme Court ruled (6 ? 3) that even where individuals or businesses in accordance with state @-@ approved medical cannabis programs are lawfully cultivating , possessing , or distributing medical cannabis , such persons or businesses are violating federal marijuana laws . Therefore , under federal law violators are prosecuted because the Commerce Clause of the United States Constitution grants the federal government jurisdiction to prosecute marijuana offenses , here defendants violation of the U.S. Controlled Substances Act .

In Gonzales the respondents (criminal defendants) argued because the cannabis in question had been grown , transported , and consumed entirely within the state of California , in compliance with California medical cannabis laws , the defendants ' activity did not implicate interstate commerce . Therefore , the defendants argued , their activity could not be regulated , and eventually prosecuted , by the federal government through the Commerce Clause .

The U.S. Supreme Court disagreed , finding that cannabis grown within California for medical purposes is indistinguishable from illicit marijuana . Moreover , because the intrastate medical cannabis market contributes to the interstate illicit marijuana market , the Commerce Clause applies . Even where California citizens are using medical cannabis in compliance with state law , those individuals and businesses can still be prosecuted by federal authorities for violating federal law .

To combat state @-@ approved medical cannabis legislation , the Drug Enforcement Administration (DEA) routinely targets and arrests medical cannabis patients as well as seizing

medical cannabis and the business assets of growers and medical dispensaries . However , the Obama administration has indicated that this practice may potentially be curtailed .

= = Efforts to decriminalize (1970s ?) = =

= = = Medical use = = =

In 1978 Robert Randall sued the federal government for arresting him for using cannabis to treat his glaucoma . The judge ruled Randall needed cannabis for medical purposes and required the Food and Drug Administration set up a program to grow cannabis on a farm at the University of Mississippi and to distribute 300 cannabis cigarettes a month to Randall . In 1992 George H. W. Bush discontinued the program after Randall tried to make HIV / AIDS patients eligible for the program . Thirteen people were already enrolled and were allowed to continue receiving cannabis cigarettes ; today the government still ships cannabis cigarettes to four people . Irvin Rosenfeld , who became eligible to receive cannabis from the program in 1982 to treat rare bone tumors , urged the George W. Bush administration to reopen the program ; however , he was unsuccessful .

Alaska , Colorado , Washington , Oregon , and the District of Columbia are the only states where possession of up to one ounce is legal . " Citing the dangers of marijuana and the lack of clinical research supporting its medicinal value " the American Society of Addiction Medicine in March 2011 issued a white paper recommending a halt to using marijuana as a medicine in US states where it has been declared legal .

= = = Advocacy = = =

Several U.S.-based advocate groups seek to modify the drug policy of the United States to decriminalize cannabis . These groups include Law Enforcement Against Prohibition , Students for Sensible Drug Policy , The Drug Policy Alliance , the Marijuana Policy Project , NORML , Coalition for Rescheduling Cannabis , and Americans for Safe Access . In June 2005 , libertarian economist Jeffrey Alan Miron and over 530 other economists , including Nobel Prize winner Milton Friedman , called for the legalization of cannabis in an open letter to President George W. Bush , the United States Congress , Governors of the United States , and State Legislatures of the United States . The open letter contained Miron 's " Budgetary Implications of Marijuana Prohibition in the United States " report (view report) .

In 1997 , the Connecticut Law Revision Commission recommended that Connecticut reduce cannabis possession of one ounce or less for adults aged 21 years and over to a civil fine although driving privileges maybe suspended for up to 60 days . In 2001 , the New Mexico state @-@ commissioned Drug Policy Advisory Group stated that decriminalizing cannabis " will result in greater availability of resources to respond to more serious crimes without any increased risks to public safety . " On November 3 , 2004 , Oakland , California passed Proposition Z , which makes " adult recreational marijuana use , cultivation and sales the lowest [city] law enforcement priority . "

Ron Paul , a Texas Congressman and 2008 and 2012 Presidential Candidate , stated at a rally in response to a question by a medical cannabis patient that he would " never use the federal government to force the law against anybody using marijuana . " Based on the collective perspective of its Editorial Board , The New York Times commenced a series examining the legalization of cannabis in July 2014 titled " High Time : An Editorial Series on Marijuana Legalization " . The introductory article concludes with the statement : " We recognize that this Congress is as unlikely to take action on marijuana as it has been on other big issues . But it is long past time to repeal this version of Prohibition . "

= = = Non @-@ medical use = = =

In 1970 the United States Congress repealed mandatory penalties for cannabis offenses and The

Comprehensive Drug Abuse Prevention and Control Act separated cannabis from other illicit narcotics and removed mandatory sentences for possession of small amounts of cannabis . In 1972 President Richard Nixon commissioned a comprehensive study from the National Commission on Marijuana and Drug Abuse . The Commission found that the constitutionality of cannabis prohibition was suspect and that the executive and legislative branches had a responsibility to obey the Constitution , even in the absence of a court ruling to do so . The Richard Nixon administration did not implement the study 's recommendations .

In 1973 Oregon decriminalized cannabis . Laws changed again in 1995 that reduced penalties . Possession of one ounce or less became legally defined as a " violation " (a crime that is considered a lesser offence than a misdemeanor) and now is punishable by a \$ 500 to \$ 1 @,@ 000 fine and up to 6 months of jail time , in some jurisdictions , paid off by means of community service . Possession of multiple containers of any weight , or possession of more than one ounce can sometimes add the additional crime " Intent to Sell " . In some cases people who have no marijuana , but are caught at the scene of a drug bust , are charged with " Frequenting " . Stricter punishments exist for sale , cultivation , and proximity to schools .

Colorado , Alaska , Ohio , and California followed suit in 1975 . By 1978 Mississippi , North Carolina , New York , and Nebraska had some form of cannabis decriminalization . In 2001 Nevada reduced cannabis possession from a felony offense to a misdemeanor , but only for adults age 21 and older , with other restrictions . Starting in the 1970s multiple states , counties , and cities decriminalized cannabis for non @-@ medical purposes . While many states , counties , and cities have partially decriminalized cannabis , on November 3 , 2004 , Oakland passed Proposition Z , and became the first place to fully decriminalize cannabis to allow the licensing , taxing , and regulation of cannabis sales if California law is amended to allow so . In 2008 Massachusetts passed a voter initiative that decriminalized simple possession of up to one ounce of marijuana , instead making it a civil infraction punishable by a \$ 100 fine . Criminal penalties for cultivation and distribution remain in place . In June 2011 , Connecticut decriminalized possession of small amounts of marijuana .

On November 6 , 2012 , Colorado Amendment 64 (2012) was passed by initiative , thereby legalizing the recreational use of cannabis . Colorado Governor John Hickenlooper signed two bills on May 28 , 2013 that made Colorado the world 's first fully regulated recreational cannabis market for adults . Hickenlooper explained to the media : " Certainly , this industry will create jobs . Whether it ? s good for the brand of our state is still up in the air . But the voters passed Amendment 64 by a clear majority . That ? s why we ? re going to implement it as effectively as we possibly can . " In its independent analysis , the Colorado Center on Law & Policy found that the state could expect a to see " \$ 60 million in total combined savings and additional revenue for Colorado ? s budget with a potential for this number to double after 2017 . " On September 9 , 2013 , the Colorado Department of Revenue adopted final regulations for recreational marijuana establishments , implementing the Colorado Retail Marijuana Code (HB 13 @-@ 1317) . On September 16 , 2013 , the Denver City Council adopted an ordinance for retail marijuana establishments . The first stores officially opened on January 1 , 2014 . The state prepared for an influx of tourists with extra police officers posted in Denver . Safety fears led to officials seeking to limit use of the drug in popular ski resorts .

= = = State @-@ level legalization = = =

Ravin v. State was a 1975 decision by the Alaska Supreme Court that held the Alaska Constitution 's right to privacy protects an adult 's ability to use and possess a small amount of marijuana in the home for personal use . The Alaska Supreme Court thereby became the first ? and only ? state or federal court to announce a constitutional privacy right that protects some level of marijuana use and possession .

Various efforts to legalize recreational marijuana have been attempted by ballot measure , including California Proposition 19 (2010) and Oregon Measure 80 (2012) .

On November 6 , 2012 , Colorado and Washington became the first states to legalize the sale and possession of cannabis for recreational use since the Marijuana Tax Act of 1937 when they passed Colorado Amendment 64 and Washington Initiative 502 . Each regulated marijuana in a way similar

to alcohol , allowing possession of up to an ounce for adults ages 21 and older , with " DUID " provisions similar to those against drunk driving . Unlike Initiative 502 , Amendment 64 allows personal cultivation (of up to 6 plants) . Both provide for commercial cultivation and sales , subject to regulation and taxes . It remains to be seen how the conflicts of these laws with federal law will be resolved .

The city of Portland , Maine legalized the possession of up to 2 @. @ 5 ounces of marijuana on November 5 , 2013 , making it the first city on the east coast to do so . The citizens voted in the law with 67 % in favor of legalization . The law does not allow the sale of marijuana ; and city police still intend to enforce state law , under which possession is a civil offense , and only medical marijuana is legal . Supporters of marijuana legalization believe , " this is just the next domino , " said Marijuana Policy Project Maine Political Director , David Boyer , " I think there 's national implications , keeping the momentum that Washington and Colorado started last November in ending marijuana prohibition . " There are hopes that the vote will be a push to legalize it statewide within the next few years .

The same day , voters in the cities of Ferndale , Jackson and Lansing , Michigan also voted on and approved similar measures to legalize possession and transfer of less than one ounce of marijuana . The votes were 69 % , 61 % and 63 % in favor respectively . Similar to Portland , state law (where only medical marijuana is legal) will likely be enforced , as indicated by the Governor 's statement that " no city charter provision ' shall conflict with or contravene the provisions of any general law of the state . ' "

On November 4 , 2014 , the states of Alaska and Oregon along with Washington D.C. (Initiative 71) legalized the recreational usage of marijuana , with laws similar to those of Colorado and Washington . However , by a rider of the 2014 " Cromnibus " bill (Consolidated Appropriations Act , 2014) , Washington DC was prevented from making additional changes to its marijuana laws for the fiscal year , allowing home use and cultivation , but not commercial sales .

As of November 2014 , 28 states have enacted medical marijuana laws , removed jail time for possession of small amounts of marijuana , and / or have legalized the possession , distribution , and sale of marijuana outright . The factors which have led to this change are many , but some of them could include increased support from the medical community for legalization , viable regulatory systems modeled off of alcohol regulation , and the potential for state financial gains from decreased criminal justice costs and increased tax revenues . Although outright legalization for nonmedical use of marijuana has only occurred in four states in the Union , in view of the movements in many states , it is possible that those states will not be alone for long .

= = = Territorial @-@ level legalization = = =

In November 2014 , Guam became the first US territory to legalize cannabis for medical use . In December 2014 , the US Virgin Islands passed a bill that decriminalized possession of cannabis up to an ounce . In Puerto Rico , medical cannabis was legalized on May 3 , 2015 , by an executive order from its governor .

= = = Indian Reservation @-@ level legalization = = =

In December 2014 , the US Justice Department allowed recognized Indian Reservations to regulate cannabis laws within their reservation . The laws in the reservations are allowed to be different from state and federal laws . As with State and Territories , the Federal government will not intervene as long as the reservations regulate strict control over marijuana . Some domestic nations such as the Yakama Nation and the Oglala Sioux Tribal Council rejected the approval to allow marijuana on their reservation .

In 2015 , the Flandreau Santee Sioux Tribe (South Dakota) voted to legalize recreational cannabis on its territory .

= = Federal reform efforts (2013 ?) = =

== Ending Federal Marijuana Prohibition Act ==

On February 5 , 2013 , Colorado representative Jared Polis introduced Ending Federal Marijuana Prohibition Act of 2013 (H.R. 499 ; 113th Congress) , a bill that would decriminalize marijuana on the federal level , instead treating it as a substance to be regulated in a similar manner to alcohol . The act has not been approved by Congress .

== Respect State Marijuana Laws Act ==

On April 12 , 2013 Rep. Dana Rohrabacher [R @-@ CA48] introduced H.R.1523 " Respect State Marijuana Laws . " Eleven cosponsors , representing both major political parties , have joined Rohrbacher in a federalist approach to drug policy reformation . It passed the House of Representatives on May 30 , 2014 , and still awaits approval from the Senate .

== No Welfare for Weed Act of 2014 ==

The bill would prevent the use of welfare credit cards to purchase marijuana in states where it has been legalized . The bill was approved by the House in September 2014 .

== Regulate Marijuana Like Alcohol Act and Marijuana Tax Revenue Act of 2015 ==

In February 2015 , two national @-@ level legalization acts were proposed in Congress , the Regulate Marijuana Like Alcohol Act by Jared Polis (D @-@ Colorado) and the Marijuana Tax Revenue Act by Earl Blumenauer (D @-@ Oregon) .

== The Compassionate Access , Research Expansion and Respect States (CARERS) Act of 2015 ==

On March 10 , 2015 , Senators Rand Paul (R @-@ KY) , Cory Booker (D @-@ NJ) , and Kirsten Gillibrand (D @-@ NY) proposed a new bipartisan medical marijuana bill for patients and veterans to access medical marijuana .

The act :

Would reschedule marijuana from a Schedule I to Schedule II drug to recognize it has accepted medical use , and would amend federal law to allow states to set their own medical marijuana policies . The bill would also permit VA doctors to prescribe veterans medical marijuana to treat serious injuries and chronic conditions . The legislation would not legalize medical marijuana in all 50 states , rather it would respect the states that set their own medical marijuana programs and prevents federal law enforcement from prosecuting patients , doctors and caregivers in those states .

== Ending Federal Marijuana Prohibition Act of 2015 ==

November 4 , 2015 -Senator Bernie Sanders introduced the bill into Senate . It was read twice and referred to the Committee on the Judiciary . The intentions of the bill are to limit the application of Federal laws to the distribution and consumption of marijuana , and for other purposes .

== Drug courts ==

Drug courts first started in 1989 and have spread since . 2140 drug courts were in operation May 2008 , with another 284 being planned or developed . They offer offenders charged with less @-@ serious crimes of being under the influence , possession of a controlled substance , or even drug

@-@ using offenders charged with a non @-@ drug @-@ related crime the option of entering the drug court system instead of a conventional criminal court with the possibility of serving a jail sentence . To take advantage of this program , offenders have to plead guilty to the charge , agree to take part in treatment , regular drug screenings , and regular reporting to the drug court judge for a minimum of one year , as well as pay heavy fines and monthly drug court fees . Drug court systems in some areas utilize a color code system , whereas each offender is assigned a designated color , one of which is selected daily by the drug court for drug screening . Offenders must call the " color code " office each morning to see if their color has been selected for screening . Should the offender fail to comply with one or more of the requirements they may be removed from the drug court and incarcerated at the judge 's discretion . If they complete the drug court program the charges brought against them are dropped or reduced .