

20 Legal Medical Marijuana States and DC Laws, Fees, and Possession Limits

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I. Summary Chart: 20 states and DC have enacted laws to legalize medical marijuana					
State	Year Passed	How Passed (Yes Vote)	Fee	Possession Limit	Accepts other states' registry ID cards?
1. Alaska	1998	Ballot Measure 8 (58%)	\$25/\$20	1 oz usable; 6 plants (3 mature, 3 immature)	unknown ¹
2. Arizona	2010	Proposition 203 (50.13%)	\$150/\$75	2.5 oz usable; 0-12 plants ²	Yes ³
3. California	1996	Proposition 215 (56%)	\$66/\$33	8 oz usable; 6 mature or 12 immature plants ⁴	No
4. Colorado	2000	Ballot Amendment 20 (54%)	\$35	2 oz usable; 6 plants (3 mature, 3 immature)	No
5. Connecticut	2012	House Bill 5389 (96-51 House, 21-13 Senate)	TBD* ₅	One-month supply (exact amount to be determined)	No
6. DC	2010	Amendment Act B18-622 (13-0 vote)	\$100/\$25	2 oz dried; limits on other forms to be determined	No
7. Delaware	2011	Senate Bill 17 (27-14 House, 17-4 Senate)	\$125	6 oz usable	Yes ⁵
8. Hawaii	2000	Senate Bill 862 (32-18 House; 13-12 Senate)	\$25	3 oz usable; 7 plants (3 mature, 4 immature)	No
9. Illinois	2013	House Bill 1 (61-57 House; 35-21 Senate)	TBD* ₆	2.5 ounces of usable cannabis during a period of 14 days	No
10. Maine	1999	Ballot Question 2 (61%)	No fee	2.5 oz usable; 6 plants	Yes ⁶
11. Massachusetts	2012	Ballot Question 3 (63%)	TBD ⁷	Sixty day supply for personal medical use	unknown
12. Michigan	2008	Proposal 1 (63%)	\$100/\$25	2.5 oz usable; 12 plants	Yes
13. Montana	2004	Initiative 148 (62%)	\$25/\$10	1 oz usable; 4 plants (mature); 12 seedlings	No
14. Nevada	2000	Ballot Question 9 (65%)	\$200 ⁸	1 oz usable; 7 plants (3 mature, 4 immature)	Yes ⁹

15. New Hampshire	2013	House Bill 573 (284-66 House; 18-6 Senate)	TBD*	Two ounces of usable cannabis during a 10-day period	Yes
16. New Jersey	2010	Senate Bill 119 (48-14 House; 25-13 Senate)	\$200/\$20	2 oz usable	No
17. New Mexico	2007	Senate Bill 523 (36-31 House; 32-3 Senate)	\$0	6 oz usable; 16 plants (4 mature, 12 immature)	No
18. Oregon	1998	Ballot Measure 67 (55%)	\$200/\$100 ¹⁰	24 oz usable; 24 plants (6 mature, 18 immature)	No
19. Rhode Island	2006	Senate Bill 0710 (52-10 House; 33-1 Senate)	\$75/\$10	2.5 oz usable; 12 plants	Yes
20. Vermont	2004	Senate Bill 76 (22-7) HB 645 (82-59)	\$50	2 oz usable; 9 plants (2 mature, 7 immature)	No
21. Washington	1998	Initiative 692 (59%)	**	24 oz usable; 15 plants	No

Notes:

- a. **Residency Requirement** - 18 of the 20 states require proof of residency to be considered a qualifying patient for medical marijuana use. Only Oregon has announced that it will accept out-of-state applications. The Illinois law does not appear to have a residency requirement, but it is unknown whether the program rules will address this matter.
- b. **Home Cultivation** - [Karen O'Keefe, JD](#), Director of State Policies for Marijuana Policy Project (MPP), told ProCon.org in a August 5, 2013 email that "Some or all patients and/or their caregivers can cultivate in 15 of the 20 states. Home cultivation is not allowed in Connecticut, Delaware, Illinois, New Hampshire, New Jersey, or the District of Columbia and a special license is required in New Mexico. In Arizona, patients can only cultivate if they lived 25 miles or more from a dispensary when they applied for their card. In Massachusetts, patients can only cultivate if they have a hardship waiver. In Nevada, patients can cultivate if they live more than 25 miles from a dispensary, if they are not able to reasonably travel to a dispensary, or if no dispensaries in the patients' counties are able to supply the strains they need. In addition, Nevada patients who were growing by July 1, 2013 may continue grow until March 31, 2016."
- c. **Patient Registration** - Karen O'Keefe stated the following in an Aug. 5, 2013 email to ProCon.org:

"Affirmative defenses, which protect from conviction but not arrest, are or may be available in several states even if the patient doesn't have an ID card: Rhode Island, Michigan, Colorado, Nevada, Oregon, and, in some circumstances, Delaware. Hawaii also has a separate 'choice of evils' defense. Patient ID cards are voluntary in Maine and California, but in California they offer the strongest legal protection. In Delaware, the defense is only available between when a

patient submits a valid application and receives their ID card.

The states with no protection unless you're registered are: Alaska (except for that even non-medical use is protected in one's home due to the state constitutional right to privacy), Arizona, Connecticut, Montana, New Hampshire, Vermont, New Mexico, and New Jersey. Washington, D.C. also requires registration."


- d. **Maryland** - Maryland passed two laws that, although favorable to medical marijuana, do not legalize its use. [Senate Bill 502](#) (72 KB), the "Darrell Putman Bill" (Resolution #0756-2003) was approved in the state senate by a vote of 29-17, signed into law by Gov. Robert L. Ehrlich, Jr. on May 22, 2003, and took effect on Oct. 1, 2003. The law allows defendants being prosecuted for the use or possession of marijuana to introduce evidence of medical necessity and physician approval, to be considered by the court as a mitigating factor. If the court finds that the case involves medical necessity, the maximum penalty is a fine not exceeding \$100. The law does not protect users of medical marijuana from arrest nor does it establish a registry program.

On May 10, 2011, Maryland Governor Martin O'Malley signed [SB 308](#) (500 KB), into law. SB 308 removed criminal penalties for medical marijuana patients who meet the specified conditions, but patients are still subject to arrest. The bill provides an affirmative defense for defendants who have been diagnosed with a debilitating medical condition that is "severe and resistant to conventional medicine." The affirmative defense does not apply to defendants who used medical marijuana in public or who were in possession of more than one ounce of marijuana. The bill also created a Work Group to "develop a model program to facilitate patient access to marijuana for medical purposes."

Maryland passed two medical marijuana-related laws in 2013. [HB 180](#) (150 KB), signed into law by Governor O'Malley on Apr. 9, 2013, provides an affirmative defense to a prosecution for caregivers of medical marijuana patients. [HB 1101](#) (200 KB), signed into law by Governor O'Malley on May 2, 2013, allows for the investigational use of marijuana for medical purposes by "academic medical centers." The University of Maryland Medical System and Johns Hopkins University [indicated they would not participate](#) (230 KB).

- e. Several states with legal medical marijuana received [letters from their respective United States Attorney's offices](#) (2 MB) explaining that marijuana is a Schedule I substance and that the federal government considers growing, distribution, or possession of marijuana to be a federal crime regardless of the state laws. An [Aug. 29, 2013](#) (525 KB) Department of Justice memo clarified the government's prosecutorial priorities and stated that the federal government would rely on state and local law enforcement to "address marijuana activity through enforcement of their own narcotics laws."
- f. Between Mar. 27, 1979 and July 23, 1991, five US states enacted laws that legalized medical marijuana with a physician's prescription, however, those laws are considered symbolic because federal law prohibits physicians

from "prescribing" marijuana, a schedule I drug.

The five states were [Virginia](#)  (25 KB) (Mar. 27, 1979), New Hampshire (Apr. 23, 1981), Connecticut (July 1, 1981), Wisconsin (Apr. 20, 1988), and Louisiana (July 23, 1991).

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