

State-By-State List of Marijuana Laws

Updated for 2004-2005

Thanks to NORML for compiling these state-by-state laws.
The National Organization for the Reform of Marijuana Laws can be
found on the internet at: www.norml.org

Notes

- The penalties listed apply to first-offenses. Most states have increased penalties for subsequent offenses.
- Any amount listed for "possession" generally implies that it is intended for personal consumption. Possession of large amounts of marijuana will, in most cases, lead to charges of "possession with intent to distribute (same as "sale")."
- Units of weight vary from state to state. For comparative purposes:
 - One ounce = 28.5 grams
 - One pound = 16 ounces = 453.59 grams
 - One kilogram (kg.) = 1,000 grams = 2.2 pounds (lbs.)

D = The state has decriminalized marijuana to some degree. In general this means there is no possible prison sentence or criminal record for first time possession of a specific quantity for personal consumption. Instead it is treated like a minor traffic violation.

C = State allows for the conditional release or alternative diversion sentencing for first time possession offenders. In general this means the person can be put on probation instead of on trial. Upon successful completion of the program, the individual is spared any of the stated penalties and accompanying criminal record.

MM = Medical Marijuana laws passed.

MMS = Where mandatory minimum sentence applies, judge has no discretion in sentencing to give less than mandatory minimum or higher. A prisoner serving a MMS for a federal offense or most state offenses will NOT be eligible for parole.

ALABAMA (MMS)

Possession: < 2 lbs.: 0 - 1 year; \$2,000
> 2 lbs.: 1 - 10 years; \$5,000
Cultivation: < 2 lbs.: 3 years MMS, possible 10 - 99 years; \$25,000
> 2 lbs.: 5 years MMS; \$50,000
> 100 lbs.: 500 lbs: 15 years MMS; \$50,000
> 1000 lbs.: life MMS
Sale: To minors: 10 years - life; \$10,000
Within 3 miles of a school: +5 years
Within 3 miles of a public housing project: +5 years
Drug trafficking enterprise:
1st offense: 25 years - life; \$50,000 - \$1,000,000
2nd offense: life MMS
Paraphernalia:
Poss. 0 - 1 year; \$2,000
Sale to minor: 2-20 years; \$10,000
Any conviction driver's license suspended 6 months.

ALASKA (D, MM)

Possession: < 8 oz.: 0 - 90 days; \$1,000
> 8 oz.: 0 - 1 year; \$5,000
> 1 lb.: 0 - 5 years; \$50,000
> 25 plants: 0 - 5 years; \$50,000
On a school bus: 0 - 5 years; \$50,000
Within 500 feet of school or recreation center:
0 - 5 years; \$50,000
Manufacture or delivery or possession with intent to manufacture or deliver:
< 0.5 oz. for remuneration: 0 - 1 year; \$5,000
> 0.5 oz.: 0 - 1 year; \$5,000
> 1 oz.: 0 - 5 years; \$50,000
Maintaining a structure or dwelling for manufacturing or delivery: 0 - 5 years; \$50,000
Suspended imposition of sentence with 2 - 3 years of probation available for 1st offense if offense is a misdemeanor.
Medical Use: Cultivation of < 25 plants is constitutionally protected

ARIZONA (MM)

Possession or use: < 2 lbs.: 6 months - 1.5 years or probation*;
\$750 - \$150,000. Possible: drug "rehabilitation",
community service, urine tests.
Production or cultivation:
< 2 lbs.: probation or 9 months - 2 years; \$750 -

\$150,000
> 2 lbs.: 1.5 - 3 years; \$750 - \$150,000
> 4 lbs.: 2.5 - 7 years; \$750 - \$150,000
Possession for sale:
< 2 lbs.: 1.5 - 3 years; \$750 - \$150,000
> 2 lbs.: 2.5 - 7 years; \$750 - \$150,000
> 4 lbs.: 4 - 10 years; \$750 - \$150,000
Sale or delivery for sale or transport for sale:
< 2 lbs.: 2.5 - 7 years; \$750 - \$150,000
> 2 lbs.: 4 - 10 years; \$750 - \$150,000
Possession or sale in a "drug free zone," i.e.,
within 300 feet of a school, any public property
within 1000 feet of a school, or at a school bus
stop or on any bus which transports pupils to
school: 1 additional year of prison plus \$2000 - \$150,000.

Paraphernalia:

Poss. or sale: 6 months - 1.5 years; up to \$150k
*People placed on probation or early release generally must perform 24 - 360 hours of community service.

ARKANSAS (C)

Possession: < 1 oz.: 0 - 1 year; \$1,000
Second conviction can double penalty.
Sale to minor can double penalty.
Poss. of more than 1 oz. = sales (see below)
Cultivation or delivery or sale:
> 1 oz.: 4 - 10 years; \$25,000
> 10 lbs.: 5 - 20 years; \$15,000 - \$50,000
> 100 lbs.: 6 - 30 years; \$15,000 - \$100,000
Sale to minor: 5 - 20 years; \$15,000
Sale within 1000 feet of school, public park,
community or recreation center, skating rink or
video arcade: 5-20 years; \$15,000.
Paraphernalia:
Poss. w/ felony violation: 3-10 years; \$10,000
Conviction of Minor: Driver's license suspended 6 months

CALIFORNIA (D, MM)

Possession*: < 28.5 grams: \$100; no booking if you show
officer I.D. and promise to appear in court.
< 28.5 grams on school grounds when school
is open: \$250; 2nd offense: 10 days; \$500
> 28.5 grams: 0 - 6 months; \$500

California cont.

Cultivation*: Any amount (except for patients and caregivers)
0 - 16 months; 2 - 3 years probation possible. No plant
number or weight breakdown.

Gift or less than 28.5 g - \$100 fine

Possession for sale*: no specified amount: 16 months; 2-3 years
probation.

Selling, giving away, importing, or transporting into California*:
2 - 4 years..

Paraphernalia:

Poss. or sale (1st time): \$200-300 civil fine

Poss. or sale (5th time): \$5,000-\$6,000 civil fine

*Possession, cultivation or transportation is legal for primary
caregivers or patients upon a doctor's recommendation or
approval. Any conviction under age of 21 drivers license
suspended for 1 year

COLORADO (C, D, MM)

Possession: < 1 oz.: \$100 plus surcharge
> 1 oz.: 6 - 18 months; \$500 - \$5,000 fine
plus \$600 surcharge.
Display or use in public: 15 days additional
> 8 oz.: 1 - 3 years; \$500 - \$5,000 plus
\$600 surcharge

One prior conviction over 1 oz. doubles the penalties.

Medical Use: No more than 2 oz. or 6 plants

Physician recommendation and state registration.

Cultivation or manufacture or delivery or sale:

< 100 lbs.: 2 - 8 years in Department of Corrections;

\$2,000 - \$500,000 plus surcharge > 100 lbs.: 24

years

MMS; \$5,000 - \$1,000,000

Two prior violations involving manufacture: 2 years

MMS, Proof of sale: 1 - 16 years

Sale or giving marijuana to person aged 15 years or

younger: 2 - 8 years; \$2,000 - \$500,000 plus up to

another \$5,000

Paraphernalia: Poss. or sale: \$100

Any felony conviction driver's license suspended 1 year

CONNECTICUT (MMS)

Possession: < 4 oz.: 0 - 1 year; \$1,000. 2nd offense:
0 - 5 years; \$3,000
> 4 oz.: 0 - 5 years; \$2,000. 2nd offense: 0 - 10
years; \$5,000

Possession of any amount within 1500 feet of a school: add 2
years MMS consecutive to other incarceration.

Cultivation or delivery or sale:

< 1 kg.: 0 - 7 years; \$25,000

> 1 kg.: 5 - 20 years MMS; \$2,000

> 4 oz., 2nd offense: 0 - 10 years; \$5,000

Medical necessity defense available with doctor note

Paraphernalia:

Poss.: 3 months; \$500

Professional license suspended or revoked

DELAWARE (MMS)

Possession of any amount: 0 - 6 months; \$1,150

Cultivation or Trafficking:

Of any amount: 0 - 5 years; \$10,000

> 5 lbs.: 3 years MMS; \$25,000

> 100 lbs.: 5 years MMS; \$50,000

> 500 lbs.: 15 years MMS; \$100,000

Sale: To a minor: 0 - 5 years

If minor is under 16: 1 year MMS

If minor is under 14: 2 years MMS

Suspended sentences possible except for trafficking.

Paraphernalia: Poss.: 1 year; \$2, 300

Sale: 5 years

DISTRICT OF COLUMBIA (C)

Possession of any amount: 0 - 180 days; \$1,000.

1st time possession offenders are eligible for

probation followed by dismissal.

Cultivation or delivery or sale of any amount: 0 - 1 year;

\$10,000. Sale to minor: penalty doubles.

Paraphernalia:

Poss.: 30 days; \$100

Sale: 6 months; \$1,000

Any conviction driver's lic. susp. 6 months - 2 years

FLORIDA (MMS)

Possession: < 20 g.: 0 - 1 year; \$1,000

> 20 g.: 0 - 5 years; \$5,000

Sale or Cultivation:

< 20 g.: 1 year, \$1,000

> 25 lbs.: 5 years; \$5,000

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Florida cont.

<2000 lbs (or 2,000 plants): 3 years MMS; \$25,000
<10,000 lbs (or 10,000 plants): 7 years MMS; \$50k
>10,000 lbs. (or 10,000 plants): 15 years MMS; \$200k
Within 200 feet of college, park, or public housing: 15 years; \$10,000
Paraphernalia
Possession: 0 - 1 year; \$1,000
Any conviction driver's lic. susp. 6 months - 2 years
Professional licenses suspended or revoked.
A vehicle can be confiscated for any felony amount.

GEORGIA (C, MMS)

Possession or sale:
< 1 oz.: 0 - 1 year; \$1,000. If arrested in a municipality you can choose to appear in city court instead of state court: maximum 60 days; \$500
>1 = 1 oz.: 1 - 10 years; \$1,000
> 5 lb.: 3 years MMS; \$25,000
>100 lb.: 5 years MMS; \$50,000
>500 lb.: 15 years MMS; \$100,000
Cultivation: 1 - 10 years; \$100,000
Trafficking: Includes the sale, manufacture, growth, delivery, import of marijuana into Georgia or any quantity of marijuana
> 50 lbs. - < 2,000 lbs.: 5 years MMS plus \$100,000
>1 = 2,000 lbs. - < 10,000 lbs.: 7 years MMS plus \$250,000
>1 = 10,000 lbs.: 15 years MMS plus \$1,000,000
Manufacture or distribution involving a minor: 5 - 20 years; \$20,000.
Paraphernalia possession: 0 - 1 year; \$1,000
Third offense: 1 - 5 years; \$5,000
Driver's license suspended at least 6 months; Professional licenses suspended. 2nd drug felony is punishable by life in prison.

HAWAII (C, MM)

Possession: < 1 oz.: 0 - 30 days; \$1,000
> 1 oz.: 0 - 1 year; \$2,000
> 2.2 lbs.: 0 - 5 years; \$10,000
> 40 lbs.: 0 - 10 years; \$25,000
Cultivation: <1 = 25 plants: 0 - 5 years, \$10,000
<100 plants: 10 years; \$25,000
>100 plants: 20 years; \$50,000
Sale: < 1 oz.: 1 year; \$2,000
< 1 lb.: 5 years; \$10,000
< 5 lbs.: 10 years; \$25,000
> 5 lbs.: 20 years; \$50,000
Sale within 750 feet of a school or within 10 feet of a parked school vehicle: 0 - 5 years; 2nd offense: 2 - 10 years.
Affirmative defense of medical need available for distribution and possession offenses
Any marijuana found in a vehicle results in ALL occupants being charged with its possession.

IDAHO (C, MMS)

Using marijuana or being under the influence of marijuana in a public place: 0 - 6 months or \$1,000
Present where knowledge of drug activity occurs: 90 days; \$300
Possession: < 3 oz.: 0 - 1 year; \$1,000
> 3 oz.: 0 - 5 years; \$10,000
by a prisoner: 1 - 5 years; \$1,000
by a minor (misdemeanor amounts): 30 days detention; \$300
Cultivation or delivery or sale:
< 1 lbs. or 0 - 24 plants: 0 - 5 years; \$15,000
>1 = 1 lbs. or 25 - 49 plants: 1 year MMS; \$50,000
>1 = 5 lbs. or 50 - 99 plants: 3 years MMS; \$50,000
>1 = 25 lbs. or >1 = 100 plants: 5 years MMS; \$15,000
Possible maximum: 15 years; \$50,000
Sale w/ minors present: 5 years; \$5,000
Sale to minor 3 years younger than seller: prison time doubles
Sale on school ground: penalty doubles
Paraphernalia:
Poss.: 1 year; \$1,000
Sale or manufacture: 9 years; \$30,000
Any second offense can double penalty
Required evaluation with all drug convictions; court can order drug treatment

ILLINOIS

Possession*:
< 2.5 grams: 0 - 30 days; \$1,500
>1 = 2.5 grams: 0 - 6 months; \$1,500
>1 = 10 grams: 0 - 1 year in county jail; \$2,500
>1 = 30 grams (1st time): 1 - 3 years in penitentiary or probation; \$25,000
>1 = 30 grams (2nd time): 2 - 5 years; \$25,000

Illinois cont.

>1 = 500 grams: 2 - 5 years or probation; \$25,000
>1 = 2,000 grams: 3 - 7 years or probation; \$25,000
>1 = 5,000 grams: 4 - 15 years or probation; \$25,000
Cultivation*:
1 - 5 plants: 0 - 1 year; \$2,500
5 - 20 plants: 1 - 3 years; \$25,000
20 - 50 plants: 2 - 5 years; \$25,000
> 50 plants: 3 - 7 years; \$100,000
Manufacture or delivery*:
< 2.5 grams: 0 - 6 months; \$1,500
> 2.5 grams: 0 - 1 year; \$2,500
> 10 grams: 1 - 3 years; \$25,000
> 30 grams: 2 - 5 years; \$50,000
> 500 grams - < 2,000 grams: 3 - 7 years; \$100,000
More than 2,500 grams across state lines: Doubles
Calculated criminal conspiracy: 6 - 30 years no probation; \$500,000; mandatory forfeiture.
*Eligible for 24 month probation with first conviction, dismissal of charges upon completion of probation.
Any conviction can cause additional fine of full street value

INDIANA (C)

Possession: <1 = 30 grams: 0 - 1 year; \$5,000; conditional discharge possible
>30 g or 2nd possession of any amount: 6 months - 3 years; \$10,000
Knowingly visiting a place where drugs are used:
0 - 180 days; \$1,000
Cultivation or delivery or sale*:
<1 = 30 grams: 0 - 1 year; \$5,000
> 30 grams: 6 months - 3 years; \$10,000
>1 = 10 lbs.: 2 - 8 years; \$10,000
Sale to minor: .6 months - 3 years; \$10,000
Sale within 1,000 feet of school, on a school bus, in a public park or a family housing complex: 2 - 8 years; \$10,000
Paraphernalia:
Possession(1st time): \$10,000
"Reckless possession of paraphernalia": 0 - 1 years \$5,000
Manufacture or sale of paraphernalia: 5 years; \$10,000
*Sales or distribution driver's license suspended 6 months - 2 years (hardship license available).
IOWA (C, MMS)
Possession: Any amount (1st offense): 6 months; \$1,000
Any amount (2nd offense): 1 year; \$1,500
Any amount (2 offenses): 2 years; \$5,000
More than 28.5 g on school grounds while open: 6 months; \$500
Within 1,000 feet of school, or specified area:
Additional 100 hours of community service
Sale or Cultivation:
< 50 kg.: 0 - 5 years; \$750 - \$7,500
>1 = 50 kg.: 0 - 10 years; \$1,000 - \$50,000
>1 = 100 kg.: 0 - 25 years; \$5,000 - \$100,000
> 1,000 kg.: 0 - 50 years; \$1,000,000
Sale to minor within 1000 feet of school or public park: 10 - 25 years MMS.
Paraphernalia: Poss. or sale: 30 days; \$50-\$500
Any 2nd offense is punishable by up to 3 times the sentence of the 1st offense
Juvenile offenders driver's lic. suspended 6 months

KANSAS (C)

Possession: Any amount of marijuana for personal use:
0 - 1 year; \$2,500
2nd conviction: 10 - 42 months which can double with aggravating factors; \$100,000
Cultivation: > 5 plants: 138 - 204 months; variable fine
Possession with intent to sell:
Any amount: 14 - 51 months; \$300,000
Within 1,000 feet of school; 46 - 83 months; \$300k
Manufacture of a controlled substance: 138 - 204 months in prison
Paraphernalia:
Poss. for personal use: 1 year; \$2,500
Poss. for cultivation of > 5 plants: 10 - 42 months; \$100,000

KENTUCKY (C)

Possession: < 8 oz.: 90 days - 1 year; \$500;
2nd offense: 1 - 5 years; \$1,000-\$10,000
Possession of >1 = 8 oz. is considered prima facie evidence of intent to sell)
Cultivation: < 5 plants: 90 days - 1 year; \$500;
2nd offense: 1 - 5 years; \$1,000 - \$10,000
>1 = 5 plants: 1 - 5 years; \$1,000 - \$10,000
2nd offense: 5 - 10 years; \$1,000 - \$10,000

Kentucky cont.

Sales: < 8oz.: 1 year; \$500
>1 = 8 oz.: 1 - 5 years; \$10,000;
>1 = 5 lbs.: 5 - 10 years; \$10,000;
To a minor: 5 - 10 years; 2nd offense: 10 - 20 years
Within 1,000 feet of a school: 1 - 5 years; \$3,000 - \$5,000
Paraphernalia:
Poss. (1st time): 1 year; \$500
(2nd time): 1 - 5 years; \$1,000 - \$10,000
Minors: 1st time: Driver's lic. suspended 1 year
2nd time: Driver's lic. suspended 2 year

LOUISIANA (MMS)

Possession (no quantity specified; usually under 2 oz. in one container):
1st offense: 0 - 6 months; \$500
2nd offense: 0 - 5 years hard labor; \$2,000
3rd offense: 0 - 20 years hard labor
Possession with intent to distribute, cultivation or sale:
< 60 lbs.: 5 - 30 years hard labor; \$50,000
>1 = 60 lbs.: 10 - 60 years MMS hard labor; and \$50,000 - \$100,000
>1 = 2,000 lbs.: 20 - 80 years MMS hard labor; \$100,000 - \$400,000
>1 = 10,000 lbs.: 50 - 80 years MMS hard labor; \$400,000 - \$1,000,000
Sale to minor 3 years younger: Penalties doubled
Felony possession or sale within 1,000 feet of school: MMS of _ of maximum penalty
Paraphernalia:
Poss. or sale (1st time): 6 months; \$500
Poss. or sale (2nd time): 1 year; \$1,000
Any conviction driver's license susp. 90 days - 1 year

MAINE (D,MM)

Possession:
< 1.25 oz.: \$400
> 1.25 oz. = evidence of intent to furnish marijuana.
Usable amount lawful if at time of possession has copy of medical record demonstrating physician's recommendation
Cultivation*: < 5 plants: 6 months; \$1,000
< 100 plants: 1 year; \$2,000
100 - 500 plants: 1 - 5 years MMS*; \$5,000
>1 = 500 plants: 2 - 10 years MMS*; \$20,000
Delivery or Sale:
< 1 lb.: 1 year; \$2,000
> 1 lb.: 1 year, \$2,000
Sale to minor: 5 years; \$5,000
Paraphernalia:
Poss. and use: \$200 civil fine
Sale to minor: 1 year; \$2,000
*Court can override minimums when sentencing first time defendants who present no danger to the public and who would suffer substantial injustice if sentenced to a MMS.
Any conviction can cause license susp. or revocation

MARYLAND (MMS)

Possession or use of any amount: 0 - 1 year; \$1,000
Cultivation or Delivery or Sale:
< 50 lbs.: 0 - 5 years; \$15,000
>1 = 50 lbs.: 5 years MMS; \$100,000
Within 1000 feet of school: 20 years; \$20,000
Smuggling into state:
5 - 45 kg: 10 years; \$10,000
> 45 kg: 25 years; \$50,000
Paraphernalia:
Poss., use, sale, or advertising (1st time): \$500 (2nd time): 2 years; \$2,000
Any subsequent conviction can double penalty

MASSACHUSETTS (C, MM)

Possession of any amount:
1st offense: 6 months or probation; \$500
Subsequent offense: 0 - 6 months; \$500. Probation possible.
Cultivation or delivery or sale:
< 50 lbs.: 0 - 2 years; \$5,000
>1 = 50 lbs.: 2.5 - 15 years; \$10,000; 1 year MMS
100 - 2,000 lbs.: 3 - 15 years MMS; \$25,000
2,000 - 10,000 lbs.: 5 - 15 years MMS; \$50k
>10,000 lbs.: 10 - 15 years MMS; \$200,000
Within 1,000 feet of school: 2.5 - 15 years MMS; \$1,000 - \$10,000
Paraphernalia:
Manufacture or sale: 1 - 2 years; \$500 - \$5,000
Sale to minor: 3 - 5 years; \$1,000 - \$5,000

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Massachusetts cont.

License suspensions: Any offense: at least 6 months
Delivery or sale of any amount: driver's license suspended 2 years.

MICHIGAN (C)

Use*: 0 - 90 days; \$100

Possession of any amount*: 0 - 1 year; \$2,000 (probation available)

In a park: 2 years; \$2,000

Cultivation: < 20 plants: 4 years; \$20,000

20 - 200 plants: 7 years; \$500,000

> 200 plants: 15 years; \$10,000,000

Sale: < 5kg: 4 years; \$20,000

< 45 kg: 7 years; \$500,000

> 45 kg: 15 years; \$10,000,000

Paraphernalia**: 90 days; \$5,000

*City of Ann Arbor is a

Decriminalized city. (\$50 civil fine)

**Preceded by a cease and desist order, if complied with is a complete defense to the charges

MINNESOTA (C, D)

Possession: </= 42.5 grams: \$200 and "drug education"

< 10 kg.: 0 - 5 years; \$10,000

>/= 10 kg.: 0 - 20 years; \$250,000

>/= 50 kg.: 0 - 25 years; \$500,000

> 100 kg.: 0 - 30 years; \$1,000,000

Possession of more than 1.4 grams in a motor vehicle is punishable by 0 - 1 year; \$1,000

Sale: </= 5 kg.: 0 - 5 years; \$10,000

>/= 5 kg.: 0 - 20 years; \$250,000

>/= 25 kg.: 0 - 25 years; \$500,000

> 50 kg.: 0 - 30 years; \$1,000,000

To minor: 0 - 20 years; \$250,000

Within 300 feet or one city block of school, public park, or public housing: 15 - 30 years; \$100,000 - \$1,000,000

Driver's license suspended 30 days if committed while operating a motor vehicle

MISSISSIPPI (D)

Possession:

< 30 g (1st time): \$100 - \$250

< 250 g: 3 years; \$3,000

< 500 g: 2 - 8 years; \$50,000

< 5 kg: 6 - 24 years; \$500,000

> 5 kg: 10 - 30 years; \$1,000,000

Additional penalties for possession in any part of a motor vehicle except the trunk.

Sale or delivery:

< 1 oz.: 0 - 3 years; \$3,000

>/= 1 oz.: 0 - 20 years; \$30,000

>/= 1 kg.: 0 - 30 years; \$5,000 - \$1,000,000

> 10 lbs.: life without parole

To person under 21: penalty doubles

Sale within 1,500 feet of school: penalty doubles.

Second offense doubles penalties

Driver's license suspended 6 months.

MISSOURI (C)

Possession: </= 35 grams: 0 - 1 year; \$1,000

> 35 grams: 0 - 7 years; \$5,000

> 30 kg.: 5 - 15 years

> 100 kg.: 10 years - life; \$5000 - \$20,000

Sale: < 5 grams: 0 - 7 years; \$5,000

> 5 grams: 5 - 15 years; \$5000 - \$20,000

> 30 kg.: 10 years - life; \$5,000 - \$20,000

> 100 kg.: life without parole

To minor: 5 - 15 years

Within 1,000 feet of school or public housing project: 10 - 30 years. Additional penalties for sale near government-assisted or public housing.

Cultivation of any amount: 5 - 15 years

Paraphernalia:

Poss.: 0 - 1 year; \$1,000

Sale: 0 - 5 years; \$5,000

Laws are constantly changing. Always consult a qualified defense attorney.

MONTANA

Possession: </= 60 grams marijuana or < 1 gram

hashish: 0 - 6 months; \$100 - \$500

Subsequent convictions: 0 - 3 years; \$1,000

> 60 grams: 0 - 20 years; \$50,000

Paraphernalia possession: 0 - 6 months; \$500

Manufacture, cultivation and sale (intent to sell triggered at >/= 1 kg.):

Montana cont.

</= 1 lb.: 0 - 10 years and \$50,000

> 1 lb. or > 30 plants: 2 years MMS - life and \$50,000

Subsequent violations: up to two times the prison term plus \$100,000 for the crime.

Sale to minor: 2 years - life; \$50,000

Sale within 1,000 feet of school: 3 years - life; \$50,000

NEBRASKA (D)

Possession or sale:

</= 1 oz.: 1st offense: citation for \$100; "drug edu."

2nd offense: \$100 - \$500. Third or subsequent

offense: 0 - 7 days and \$300

> 1 oz.: 0 - 7 days; \$500

> 1 lb.: 0 - 5 years; \$10,000

Sale:

Sale to minor increases penalty for offense to next highest classification.

Maintaining premises on which marijuana is stored or sold: 0 - 3 months; \$500.

NEVADA (C,MM)

Possession or use of any amount:

1st offense: 1 - 4 years; \$5,000

2nd offense: 1 - 10 years

3rd offense: 1 - 20 years

Cultivation or delivery or sale:

< 100 lbs.: 1st offense: 1 - 6 years; \$20,000

2nd offense: 2 - 10 years; no parole or probation

3rd offense: 3 - 15 years - life; no parole or probation

>/= 100 lbs.: 1 - 5 years; \$10,000; no

parole or probation

>/= 2,000 lbs.: 1 - 20 years; no parole or probation

>/= 10,000 lbs.: (a) life with parole eligibility after a minimum of 5 years, or

(b) 15 years with parole eligibility after a minimum of 5 years; \$200,000 under either scheme.

Sale to minor: 1st offense: 1 - 20 years;

2nd offense: life

NEW HAMPSHIRE (C)

Possession: Any amount of marijuana or </= 5 grams

hashish: 0 - 1 year; \$1,000

> 5 grams hashish: \$5,000

Cultivation, delivery or sale:

< 1 oz. marijuana or < 5 grams hashish: 0 - 3 years;

\$25,000

Subsequent offenses: 0 - 6 years; \$50,000

>/= 1 oz. marijuana or >/= 5 grams hashish: 0 - 7

\$100,000

Subsequent offenses: 0 - 15 years; \$200,000

>/= 5 lbs. marijuana or >/= 1 lbs. hashish: 0 - 20;

\$300,000

Subsequent offenses: 0 - 40 years; \$500,000

Sale within 1,000 feet of school: up to double the penalty.

NEW JERSEY

Possession, use, or under the influence:

< 50 grams: 0 - 6 months; \$1,000

> 50 grams: 0 - 18 months; \$25,000

Manufacture, distribution or possession with intent to distribute:

< 1 oz.: 0 - 18 months; \$10,000

> 1 oz.: 0 - 5 years; \$25,000

> 5 lbs.: 5 - 10 years MMS; \$150,000

Sale: To minor or pregnant female: penalty may double. Within 1,000 feet of school:

< 1 oz.: 1 - 5 years MMS

> 1 oz.: 3 years MMS

Driver's license suspended 6 months - 2 years.

NEW MEXICO (C)

Possession:

</= 1 oz.: 0 - 15 days and \$50 - \$100

Subsequent offenses: 0 - 1 year; \$100 - \$1,000

> 1 oz.: 0 - 1 year; \$100 - \$1,000

>/= 8 oz.: 0 - 18 months; \$5,000

Distribution or cultivation:

Small amounts, no remuneration: same as

possession

</= 100 lbs.: 18 months; \$5,000.

Subsequent offenses: 3 years; \$5,000

100 lbs.: 3 years; \$5,000. Subsequent offenses: 9 years; \$10,000

Distribution to a minor: 3 years; \$5,000

Subsequent offenses: 9 years; \$10,000

Sale within 1,000 feet of a drug free school zone: 18 years and \$15,000

NEW YORK (C, D)

Possession:

</= 25 grams: non-criminal violation; \$100.

2nd offense: \$200

Subsequent offenses: \$250; 0 - 15 days

> 25 grams or any amount possessed in public and the marijuana is burning or open to public view: 0 - 3 months; \$500

> 2 oz.: 0 - 1 year; \$1,000

> 8 oz.: 0 - 4 years; \$5,000

> 1 lb.: 0 - 7 years; \$5,000

> 10 lbs.: 0 - 15 years; \$5,000

Delivery or cultivation:

</= 2 grams for no consideration: 0 - 3 mos.; \$500

< 25 grams: 0 - 1 year; \$1,000

>/= 25 grams: 0 - 4 years; \$5,000

> 4 oz.: 0 - 7 years; \$5,000

> 1 lb.: 0 - 15 years; \$5,000

Sale to minor: 0 - 7 years; \$5,000

Driver's license suspended 6 months.

NORTH CAROLINA (C,D)

Possession:

< 0.5 oz.: 0 - 30 days, suspended sentence possible

0.5 oz. or 1/20 oz. of hashish: 1 - 120 days or community service or probation

> 1.5 oz. or 3/20 oz. hashish: 8 - 13 months

> 10 lbs. = trafficking

Manufacture, cultivation or sale: 4 - 10 months, may be suspended

Enhanced sentences for:

School zone: Anyone over 21 who sells or possesses with intent to sell within 300 feet of school property receives an enhanced sentence. Pregnant women and minors: Sale or delivery by someone over 18 to a minor under 16 or to a pregnant female receives an enhanced sentence.

NORTH DAKOTA (C)

Possession or sale or delivery or cultivation:

< 0.5 oz.: 0 - 30 days; \$1,000

0.5 oz.: 0 - 8 months; \$2,000

1.5 oz.: 0 - 1 year; \$5,000

>/= 100 lb. ; 1st offense: 8 months MMS

2nd offense: 3 years MMS

Subsequent offenses: 10 years MMS

Possession of < 0.5 oz. while operating a motor vehicle: 1 year; \$1,000

Sale within 1,000 feet of school: 4 years; \$1,000

First offenders only: Possession of </= 1 oz.: Record of a guilty plea or verdict may be expunged after two years if no further drug or criminal offenses.

OHIO (C, D)

Possession:

< 100 grams: \$100

>/= 100 grams: \$250

>/= 200 grams: 6 months - 1 year

> 1,000 grams: 1 - 5 years

> 5,000 grams: Presumption of prison

> 20,000 grams: 8 years MMS

"Corrupting another with drugs": 6 - 18 months

Sale or cultivation: < 200 grams: 6 - 12 mos.,

subsequent offenses: 6 - 18 mos.

</= 1,000 grams: 6 - 18 months, 2nd offense: 1 - 5

>/= 5,000 grams - </= 20,000 grams:

Presumption of prison

> 20,000 grams: 8 years MMS, 2nd offense: 10

Sale to minor: 1 year; \$1,000

Sale within 1,000 feet of school: 10 years MMS

Paraphernalia:

Possession: 0 - 30 days; \$250

Sale of paraphernalia to minor: 6 months; \$1,000

Driver's license suspended 6 months - 5 years.

Professional licenses suspended.

OKLAHOMA (C)

Possession of any amount:

0 - 1 year; \$500 2nd offense: 2 - 10 years

Cultivation of any amount: 2 years - life; \$20,000

Paraphernalia possession: 1 year; \$1,000

Sale or delivery:

< 25 lb.: 4 years - life; \$20,000

>/= 25 lbs.: 5 years - life; \$25,000 - \$100,000

State-By-State List of Marijuana Laws – Compiled by NORML

Oklahoma cont.

>1/2 = 1,000 lbs.: 5 years - life; \$100,000 - \$500,000
Sale to minor: penalty doubles
Sale within 1,000 feet of school: penalty doubles
Driver's license suspended.

OREGON (C, D)

Possession:
< 1 oz.: \$500 - \$1,000
> 1 oz.: 0 - 10 years; variable
Manufacture: 0 - 20 years
Paraphernalia possession: 0 - 1 year; \$5,000
criminal fine plus civil fine of \$2,000 - \$5,000
Delivery:
< 5 grams: \$500 - \$1,000
> 5 grams: 0 - 1 year; \$5,000
> 1 oz.: 0 - 10 years; \$200,000
Sale:
Sale of any amount: 0 - 10 years; \$200,000
Sale to minor: 0 - 20 years; \$300,000
Sale within 1,000 feet of school: 0 - 20 years;
\$300,000

PENNSYLVANIA (C)

Possession: </= 30 grams: 0 - 30 days; \$500
> 30 grams: 0 - 1 year; \$5,000
Cultivation, delivery or sale:
Fines will exceed amount listed to as sufficient to exhaust the proceeds of prohibited drug activity.
Any amount: 0 - 15 years; \$250,000
>1/2 = 2 lbs. or >1/2 = 10 live plants: 1 year MMS; \$5,000
>1/2 = 10 lbs. or >1/2 = 21 live plants: 3 years MMS; 15,000
>1/2 = 50 lbs. or >1/2 = 51 live plants: 5 years MMS; \$50,000
Sale: Sale to minor: penalty doubles
Sale within 1,000 feet of school or college: 1 - 2
Driver's license may be suspended 6 months.

RHODE ISLAND

Possession:
< 1 kg.: 0 - 1 year; \$200 - \$500
>1/2 = 1 kg. - </= 5 kg.: 10 - 50 years MMS and up to \$500,000
> 5 kg.: 20 years - life MMS and </= \$1,000,000
Manufacture or possession with intent to deliver: 0 - 30 \$3,000 - \$100,000
Sale to minor: 1 - 5 years; </= \$10,000
Sale or possession within 1,000 feet of school: up to twice the listed penalty, but not to exceed life.
Driving while in possession of controlled substance:
1st offense: Driver's license suspended six months.
Subsequent offenses: 1 year suspension

SOUTH CAROLINA

Possession: </= 1 oz. marijuana or </= 10 grams hashish:
1st offense: 0 - 30 days and \$100 - \$200
Subsequent offense: 0 - 1; \$200 - \$1,000

SOUTH DAKOTA (MMS)

Possession*: </= 2 oz.: 1 year; \$1000
< 8 oz.: 0 - 2; \$2,000
< 1 lb.: 0 - 5; \$5,000
</= 10 lbs.: 0 - 10 years; \$10,000
> 10 lbs.: 0 - 15 years; \$15,000
*positive urine test is considered possession
Cultivation or delivery or sale:
< _ oz.: 15 days MMS - 1 year; \$1,000
< 1 oz.: 2 years; \$2,000
< 8 oz.: 5 years; \$5,000
> 1 lb.: 15 years; \$15,000
To minor: 10 years; \$10,000.
Inhabiting a room where marijuana is being stored or used: 1 year; \$1,000
Paraphernalia: Poss.: 30 days; \$200
ALL convictions carry the MMS of 30 days (1st time) and 1 year (subsequent offenses)

TENNESSEE

Possession: </= 0.5 oz.: 0 - 1 year; \$250 minimum
2nd offense: \$500 minimum
Subsequent offense: \$1,000 minimum
Cultivation: 10-19 plants: 2-12 years; \$50,000
20-99 plants: 3-15 years; \$100,000
100-499 plants: 8-30 years; \$200,000
>500 plants: 15-60 years; \$500,000
Sales: <10 lbs.: 1 - 6 years; \$5,000
<70 lbs.: 2-12 years; \$5,000

Tennessee cont.

<300 lbs.: 8-30 years; \$200,000
>300 lbs.: 15-60 years; \$500,000
Sale to minor under age 18: penalty classification moves one level higher.
Paraphernalia:
Poss.: 1 year; \$2,500
Sale: 1-6 years; \$3,000

TEXAS

Possession: </= 2 oz.: 0 - 180 days; \$2,000
> 2 oz.: 0 - 1 year; \$4,000
> 4 oz.: 180 days - 2 years; \$10,000
> 5 lbs.: 2 - 10 years; \$10,000
> 50 lbs.: 2 - 20 years; \$10,000
> 2,000 lbs.: 5 - 99 years; \$50,000
Sale or delivery:
< 0.25 oz. for no remuneration: 0 - 180 days; \$2,000
< 0.25 oz. for remuneration: 0 - 1 year; \$3,000
>1/2 = 0.25 oz.: 180 days - 2 years; \$10,000
>1/2 = 5 lbs.: 2 - 20 years; \$10,000
>1/2 = 50 lbs.: 5 - 99 years; \$10,000
>1/2 = 2,000 lbs.: 10 - 99 years; \$100,000
To minor: 2 - 20 years; \$10,000
Paraphernalia:
Poss.: \$500
Sale: 1 year; \$3,000

UTAH

Possession: < 1 oz.: 0 - 6 months; \$1,000
>1/2 = 1 oz.: 0 - 1 year; \$2,500
>1/2 = 16 oz.: 0 - 5 years; \$5,000
> 100 lbs.: 1 - 15 years; \$10,000
Sale: Any amount: 0 - 5 years; \$10,000
Possession or sale with minor present:
5 years, MMS
Paraphernalia:
Poss.: 6 months; \$1,000
Sale: 1 year; \$2,500
Sale to minor: 5 years; \$5,000

VERMONT (c)

Possession: < 2 oz. (1st time): 0 - 6 months; \$500
(2nd time): 2 years; \$2,000
>1/2 = 2 oz.: 0 - 3 years; \$10,000
>1/2 = 1 lb.: 0 - 5 years; \$10,000
>1/2 = 10 lbs.: 0 - 15 years; \$50,000
Cultivation: > 3 plants: 0 - 2 years; \$10,000
> 10 plants: 0 - 5 years; \$100,000
> 25 plants: 0 - 15 years; \$500,000
Sale: <5 oz.: 2 years; \$10,000
>5 oz.: 5 years; \$100,000
> 1 lb.: 15 years; \$500,000
Paraphernalia: 1 year; \$1,000

VIRGINIA (C, MMS)

Possession: Any amount (1st time): 30 days; \$500
(2nd time): 1 year; \$2,500
Cultivation of any amount: 5 - 30 years; \$10,000
Delivery or sale:
</= 0.5 oz.: 0 - 1 year; \$2,500
> 0.5 oz.: 1 - 10 years; \$2,500
>1/2 = 5 lbs.: 5 - 30 years; \$2,500
>100 kg.: 20 years MMS; \$1,000,000
To minor: 10 - 50 years (1 year MMS); \$100,000
Within 1,000 feet of school: 1 - 5 years MMS; \$100k
Transport 5 lbs into state: 3 years MMS - 40; \$1 mil
Paraphernalia: Sale: 1 year; \$2,500
To minor: 1 - 5 years; \$2,500

WASHINGTON (MM, MMS)

Possession*: < 40 grams: 1 - 90 days; \$1,000
>1/2 = 40 grams: 0 - 5 years; \$10,000
Cultivation or delivery or sale*:
Any amount: 0 - 5 years; \$10,000
Sale to minor: penalty doubles
Within 1,000 feet of a school adds 0 - 2 years
If armed with a deadly weapon: additional 0 - 2 years
Paraphernalia: Poss. or sale: 90 days; \$1,000
*Any convictions of a misdemeanor carry a 24-hour mandatory minimum sentence and a mandatory minimum fine of \$250
Driver's license suspended 1 year for people under 21 years old.

WEST VIRGINIA (C, MMS)

Possession: < 15 grams: automatic conditional discharge; \$1,000
> 15 grams: 90 days - 6 months; \$1,000
First-time possession offenders may receive probation without further penalties.
Cultivation or delivery or sale:
Any amount: 1 - 5 years; 15,000
To minor: 2 years MMS
Into state with intent to deliver: 1 - 5 years; \$15,000
Paraphernalia: Sale: 6 months - 1 year; \$5,000
Subsequent offenses double the possible penalties.

WISCONSIN (C, MMS)

Possession: Any amount: 0 - 6 months; \$1,000. 2nd offense doubles penalty.
Possession near a school, public park, public pool, youth center, community center, or school bus: >1/2 = 100 hours of community service is mandatory.
Cultivation: </= 10 plants: 4.5 years; \$25,000
>1/2 = 11 plants: 3 months - 5 years; \$1,000 - \$50,000
> 50 plants: 1 - 15 years; \$1,000 - \$100,000

Delivery or sale:

</= 500 grams: 4.5 years; \$500 - \$25,000
> 500 grams: 3 months - 7.5 years; \$1000 - \$50,000
>1/2 = 2,500 grams: 1 - 15 years; \$1000 - \$100,000
Delivery to prisoner: penalty doubles
Sale to minor if seller is >1/2 = 3 years older: penalty doubles
Sale within 1,000 feet of school, public park, public pool, youth/community center, school bus: 1 year
Paraphernalia:
Possession: 0 - 30 days; \$500
Delivery or possession with intent to distribute: 0 - 9 days; \$10,000
Sale to minor if seller is >1/2 = 3 years older: 0 - 9 months; \$1,000
Courts have discretion to reduce a sentence if reduction is in the community's best interest and the public won't be harmed.
Mandatory doubling of sentences for 2nd and subsequent offenses.
Driver's license suspended 6 months - 5 years.

WYOMING (C, MMS)

Under the influence/use: 90 days; \$100
Possession of any amount: 0 - 6 months; \$750
</= 3 oz.: 0 - 12 months; \$1,000
> 3oz: 5 years; \$10,000
Within 500 feet of school: Additional \$500
Possible conditional probation for 1st time
Cultivation of any amount: 0 - 6 months; \$1,000
Sale or delivery:
Of any amount: 0 - 10 years; \$10,000
To minor: penalty doubles
Within 500 feet of school: 2 years MMS; \$1,000
Subsequent offenses are subject to double penalties

FEDERAL (MMS)

Possession:
Any amount: (1st time): 1 year; \$1,000
(2nd time): 15 days MMS; \$2,500
(3rd time): 90 days MMS - 3 years; \$5k
Cultivation or delivery or sale:
<50 kg.: 5 years; \$250,000
<100 kg.: 20 years \$1,000,000
<1,000 kg.: 5-40 years; \$2,000,000
>1,000kg.: 10 years - life; \$4,000,000
Distribution within 1,000 feet of school or playground or within 100 feet of youth center, public pool, video arcade: penalty doubles (1 year MMS unless </= 5 grams). "School" includes public or private.
Paraphernalia: Sale: 3 years
Mailing marijuana or paraphernalia is a federal offense.