

Cannabis Policies in Four States

Non-medical use of cannabis was illegal in the United States at the start of 2012, though today, over 20 percent of the country's population lives in a state where it is legal to purchase cannabis at retail. Colorado and Washington were the first states to legalize in 2012, Alaska and Oregon followed in 2014, and California, Maine, Massachusetts, and Nevada legalized in 2016. As other states consider cannabis legalization, public health practitioners at the state and local level should become aware of the public health issues legalization presents and how to address them. This table describes how states with the most experience are regulating legal, non-medical cannabis. It identifies some common approaches states are taking to protect public health and prevent cannabis use among children and adolescents while at the same time creating a market for cannabis that discourages illegal activity.

	Alaska	Colorado	Oregon	Washington
Possession and Production				
States regulate how much cannabis product an individual can possess and how much businesses can produce.				
Public possession	1 oz ¹	1 oz ²	1 oz ³	1 oz ⁴
Total private possession	4 oz ⁵	1 oz ²	8 oz ³	1 oz ⁴
Sales of derivatives (including solid and liquid edibles and concentrates)	7 grams of concentrate for inhalation Retailers may not sell products or make transactions with more than 5,600 mg of THC ¹	800 mg edibles (divided into 10 mg servings) 8 grams concentrates (solid or liquid) ⁶	16 oz edibles in solid form 72 oz in liquid form 5 grams of concentrates ³	16 oz edibles in solid form 72 oz in liquid form 7 grams of concentrates ⁴
Self-cultivation	12 plants ⁵	6 plants per person 12 per residence ²	4 plants per residence ⁷	Self-cultivation is not allowed.
What forms of cannabis can be sold?	Marijuana plant products and concentrate at levels listed above. ¹	Marijuana plant products and concentrate at levels listed above. ⁶	Marijuana plant products and concentrate at levels listed above. ³	Marijuana plant products and concentrate at levels listed above. ⁴

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Restrictions on businesses processing cannabis	Cannabis processing limited to using the hydrocarbons N-butane, propane, or heptane or other approved solvents or gases that exhibit low to minimal potential human health-related toxicity. ¹	Dry ice and water are acceptable solvents. The use of hydrocarbon solvents is illegal. ⁸	Cannabis processing limited to certain methods, equipment, solvents, gases and mediums to create marijuana products. ⁷	Cannabis processing limited to certain methods, equipment, solvents, gases and mediums to create marijuana products. ⁹
Limits on retail sales for usable cannabis, retail stores, and total cannabis cultivated in the states	Local governments may limit the number of businesses through voter initiative or by passing a law. Retailers may not sell more than 7 grams of concentrate for inhalation or make transactions for products with more than 5600 milligrams of THC. ¹	Retail transactions limited to amount possessed in public (1 oz. of cannabis plant, 800 mg edibles, 8 grams solid or liquid concentrates) ⁶	Retail transactions limited to amount possessed in public (1 oz. of cannabis plant, 16 oz. edibles in solid form, 72 oz. in liquid form, 5 grams of concentrates) ³	Retail transactions limited to amount possessed in public (1 oz. of cannabis plant, 16 oz. edibles in solid form, 72 oz. in liquid form, 7 grams of concentrates) ⁴ The state limits commercial growing operations to 21,000 sq. ft. ¹⁰
Limits on licenses issued	Individuals may hold multiple licenses to operate multiple cannabis businesses, except for quality testing labs. ⁵	Individuals may hold multiple licenses to operate multiple cannabis businesses, except for quality testing labs. ⁶	Individuals may hold multiple licenses to operate multiple cannabis businesses. ⁷	Initially, individuals were able to have 3 licenses for 3 businesses, but the law was changed to limit licenses to 1 per person. ¹¹

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	Alaska	Colorado	Oregon	Washington
Promotion				
Distances from schools, parks, and community centers.				
Business and advertisements	500 ft. ¹	1,000 ft. ¹²	1,000 ft. ⁷	1,000 ft. ¹³
Prevention				
States are working to prevent cannabis use by minors.				
Distribution of tax revenue, including for prevention and education efforts	The state cannabis legalization law does not say how cannabis tax revenue should be used. A criminal justice reform law passed in 2016 allocates 50% of tax revenue to programs to treat substance abuse and support reentry of prison inmates and to carry out violence prevention programs. ¹⁴	The first \$40 million of tax revenue is distributed to the Colorado Department of Education's Building Excellent Schools Today (BEST) program. ² The remaining revenues are collected in the Marijuana Tax Cash Fund to be allocated by the Office of State Planning and Budgeting. For example, in FY 2017, the School Health Professionals Grant Program received \$2.3 million for substance abuse prevention. ¹⁵	After paying for administration of cannabis business licensing, state law requires tax revenue distributed to: <ul style="list-style-type: none">• Common School Fund: 40%• Mental Health, Alcoholism, and Drug Services Account: 20%• State Police: 15%• City law enforcement: 10%• County law enforcement: 10%• Oregon Health Authority, for alcohol and drug abuse prevention, early intervention and treatment services: 5%.⁷	Legislature required to appropriate tax revenue from dedicated marijuana account ¹⁶ for: <ul style="list-style-type: none">• WA Healthy Youth Survey: \$125,000• Cost-benefit evaluation: \$50,000• Public education materials: \$5,000• Liquor and Cannabis Board: \$1,250,000• Fire and building provisions for processing facilities: \$23,000 Revenue remaining divided as follows: <ul style="list-style-type: none">• Substance abuse prevention – 15%• Department of Health – 10%• University of WA - 0.6%• WA State University – 0.4%• State Basic Health Plan Trust – 50%• WA Health Care Authority – 5%• Superintendent of Public Instruction• The rest in a general fund. If general fund amount exceeds \$25 million, 30% of this amount is shared with counties, cities, and towns.¹⁷

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	Alaska	Colorado	Oregon	Washington
Potency				
States regulate the concentration of THC and other cannabinoids in products to protect consumers.				
Limits to potency	No more than 5mg of THC in a single serving of cannabis or cannabis product. No more than 50 mg of THC (10 servings) in a single edible retail product. ¹⁸	No more than 10 mg THC in a single serving of cannabis or cannabis product. No more than 100 mg of THC (10 servings) in a single edible retail product. ¹⁹	No more than 5 mg THC in a single serving of cannabis edibles. No more than 50 mg (10 servings) in a single edible product. Cannabis capsules may contain up to 10 mg of THC and may be sold in packages of 10. ²⁰	No more than 10 mg THC in a single serving of cannabis or cannabis product. No more than 100 mg of THC (10 servings) in a single edible retail product. ²¹
Purity				
States regulate the cultivation and processing of cannabis to help ensure products have as few contaminants as possible.				
Regulation on additives in processing	Cultivators may not alter color, appearance, weight or odor of cannabis. Cultivators must disclose fertilizers, chemicals and testing procedures they will follow. ¹	Cultivators may not alter color, appearance, weight or odor of cannabis. Processors must follow sanitation standards and may not include additives to make cannabis products more addictive, appealing to children or misleading to consumers. ⁶	Cultivators may not alter color, appearance, weight or odor of marijuana or increase product potency. Processors must follow sanitation standards and may not include additives to make cannabis products more addictive or potent. ²²	Cultivators and processors may not alter color, appearance, weight or odor of cannabis. ²³



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	Alaska	Colorado	Oregon	Washington
Price				
		States tax cannabis products to generate revenue for regulation and prevention efforts.		
Tax amounts	Consumers pay an excise tax of \$50 per ounce on all retail marijuana in addition to sales tax. ²⁴	Businesses purchasing cannabis from cultivators pay a 15% excise tax. Consumers pay a 10% sales tax on all retail marijuana in addition to the state sales tax of 2.9% and any local taxes. ²⁵	Consumers pay a 17% tax on all retail marijuana in addition to a local sales tax of up to 3%. ²⁶	Marijuana retailers pay an excise tax of 37% on all retail marijuana in addition to sales tax. ²⁷
Flexible tax policies	Local governments may prohibit the operation of cannabis businesses in areas under their jurisdiction. ¹ Local governments may also pass additional taxes on cannabis. ²⁸	The state government may change the excise tax rate. ² Local governments may also impose taxes to fund local prevention efforts. ²⁹ Local governments may prohibit the operation of cannabis businesses in areas under their jurisdiction. ²	With voter approval, local governments may impose a 3% tax. ²⁶	The state can change tax rates on cannabis and have already done so. ³⁰

Sources

¹ [Alaska Administrative Code 306.005 Regulation of Marijuana Industry](#)

² [Colorado Constitution Art. XVIII Sect 16](#)

³ [Oregon Liquor Control Commission FAQs: Personal Use](#)

⁴ [Revised Code of Washington 69.50.360 and Revised Code of Washington 69.50.4013](#)

Cannabis Policies in Four States

⁵ [Alaska Alcohol and Marijuana Control Office – Marijuana FAQs](#)

⁶ [1 Code of Colorado Regulations 212-2](#)

⁷ [Oregon Revised Statutes 475B – Cannabis Regulation](#)

⁸ [Colorado Marijuana and Safety with hash oil](#)

⁹ [Revised Code of Washington 314.55.104](#)

¹⁰ Bauman, V. "Washington limits how much marijuana can be grown in the state." *Puget Sound Business Journal*. Feb. 21, 2014. Accessed Oct. 2, 2017 from <https://www.bizjournals.com/seattle/blog/2014/02/washington-limits-how-much-marijuana.html>

¹¹ [Washington Administrative Code 314-55-075 \(9\) and source 10](#)

¹² [Colorado House Bill 13-1317](#) and Flatow N. "Six Ways Colorado Will Regulate Marijuana Like Alcohol." *Think Progress*. May 29, 2013. Accessed October 26, 2017 from <https://thinkprogress.org/six-ways-colorado-will-regulate-marijuana-like-alcohol-ed4addf60eac/>

¹³ [Washington Administrative Code 314-55-155 \(3\)\(a\)](#)

¹⁴ [Alaska Senate Bill 91](#) and [Senate Bill 91 Summary of Policy Reforms](#)

¹⁵ [Colorado Marijuana Tax Cash Fund Appropriations and Actual Expenditures](#)

¹⁶ [Revised Code of Washington 69.50.530](#)

¹⁷ [Revised Code of Washington 69.50.540 \(1\) and \(2\)](#)

¹⁸ [Marijuana Edible Safety. Alaska Division of Public Health](#)

¹⁹ [Safety with edibles – Colorado Marijuana](#)

²⁰ [Oregon Administrative Rules 1333-007-210 Table 1](#)

²¹ [Washington Administrative Code 314-55-095 \(1\)\(a\) and \(b\)](#)

²² [Oregon Liquor Control Commission 845-025-2070 and 845-025-3220](#)

²³ [Washington Administrative Code 314-55-105 \(9\)](#)

²⁴ [Marijuana Tax. Alaska Department of Revenue](#)

²⁵ [Laws about marijuana use. Colorado Marijuana](#)

²⁶ [Marijuana Tax. Oregon Department of Revenue](#)

²⁷ [Taxes due on marijuana. Washington State Department of Revenue](#)

²⁸ [Municipal Regulation of Marijuana. Alaska Department of Commerce, Community, and Economic Development](#)

²⁹ See [City and County of Denver, Colorado Tax Guide](#)

³⁰ [Washington HB 2136-2015-16](#) and [Revised Code of Washington 43.135.031](#)