



Recreational Marijuana

Select Recent Marijuana-Related Legislation in Connecticut

PA 11-71 decriminalized the possession of less than ½ ounce of marijuana

PA 11-73 required regulations designating five synthetic versions of marijuana as controlled substances

PA 12-55 established the state's medical marijuana program

PA 15-2, June Spec. Session reduced the criminal penalties for possession of ½ ounce or more of marijuana (or any amount of other illegal drugs)

PA 16-23 made various changes to the medical marijuana program

This Issue Brief has been updated by 2018-R-0315.

Eight states and the District of Columbia have legalized the possession of specified quantities of marijuana for recreational use by adults age 21 and older. Connecticut may consider similar legislation during the 2017 session.

Current Law

Under Connecticut law, the unauthorized possession of less than ½ ounce of marijuana is not a crime, but is punishable by fines (and other penalties in certain circumstances). Three-time offenders must participate in a drug education program.

In Connecticut, the unauthorized possession of ½ ounce or more is generally a Class A misdemeanor, punishable by up to one year in prison, a fine of up to \$2,000, or both. Individuals with three or more convictions may be classified as persistent offenders and imprisoned for up to three years. Courts may refer offenders charged with drug possession to a drug rehabilitation program, with the court dismissing the charges if the person successfully completes the program.

While marijuana remains a Schedule I controlled substance under federal law, the U.S. Department of Justice announced in August 2013 that it would exercise its discretion to not challenge the Colorado or Washington laws (the first two states to legalize recreational marijuana) if the states maintained strict regulatory control over marijuana. It is unknown whether this policy will change under the new presidential administration.

Recreational Marijuana in Other States

Figure 1. States That Have Legalized Recreational Marijuana



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To date, all the states (highlighted in orange) legalizing recreational marijuana have done so through ballot initiatives (followed in some cases by implementing legislation).

Several states have considered legalization bills separate from a ballot initiative, but none have become law. (Connecticut does not have a statewide ballot initiative process.)

Elements of Other States' Marijuana Legalization Laws

Possession by Adults

These laws allow adults (age 21 or older) to possess a specified quantity of marijuana for personal use. Some states allow adults to grow a certain number of marijuana plants. The laws generally prohibit marijuana use in public.

Licensing

These laws generally require licensing for various types of marijuana-related businesses, such as producers, testing facilities, manufacturers of marijuana-infused products, and retail sellers. The laws address issues such as licensure fees, business location, product labeling, recordkeeping, and security.

Taxation

These laws set excise tax, sales tax, or other taxes on marijuana. For example, retail marijuana sales in Massachusetts will be subject to the general state sales tax and an additional excise tax of 3.75%; municipalities may also impose a 2% tax. Some states have set much higher tax rates for marijuana sales. These laws also may direct where the tax revenue is allocated.

Other Elements

These laws may also contain provisions on various other matters, such as (1) allowing municipalities to set restrictions or limits on marijuana businesses and (2) preventing minors' access to marijuana (such as requirements for child-resistant packaging and prohibitions on marketing that targets minors).

**Learn
More**

National Conference of State Legislatures, [Marijuana Overview](#)

"Marijuana Penalties," OLR Report [2016-R-0273](#)

Congressional Research Service, [State Legalization of Recreational Marijuana: Selected Legal Issues](#) (2014)



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