



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, including allowing patients under 18 to use medical marijuana under certain conditions

Overview

Ten states and the District of Columbia have legalized the possession of specified quantities of marijuana for recreational use by adults age 21 and older. In recent years, the Connecticut General Assembly has considered bills on this issue but none have made it out of committee. The General Assembly may consider similar legislation during the 2019 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.

Marijuana is a Schedule II controlled substance in Connecticut. Marijuana remains a Schedule I controlled substance under federal law. In January 2018, Attorney General Sessions repealed certain Department of Justice guidance memos issued under the Obama Administration, which had generally provided that the DOJ would exercise its discretion to not challenge state laws legalizing recreational marijuana if the states maintained strict regulatory control of the drug. To date, federal authorities have not taken action to challenge any state laws legalizing marijuana.

Recreational Marijuana in Other States

Figure 1: States That Have Legalized Recreational Marijuana



To date, all but one of the states legalizing recreational marijuana have done so through ballot initiatives (followed in some cases by implementing legislation). The most recent state to pass such a ballot initiative was Michigan in November 2018.

In 2018, Vermont became the first state to legalize marijuana through standard legislation rather than a ballot initiative. (Connecticut does not have a statewide ballot initiative process.)

Elements of Other States' Recreational 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 are subject to a 17% state tax rate (the general 6.25% state sales tax and an additional 10.75% excise tax), and municipalities may also impose a tax of up to 3%. Some states have set 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, [Attorney General's Memorandum on Federal Marijuana Enforcement: Possible Impacts](#) (2018)

