



State Laws With Alternatives to Incarceration for Marijuana Possession

State	Year Law Passed	Amount of Marijuana the Policy Applies To	First Offense Penalty	Subsequent Offense Penalties	Classification for First Offense	Citations	Other Information
Alaska	2014; 1975 court decision	For those 21+, at home, discreetly and securely: Up to six plants (with up to three mature) and the cannabis from those plants Elsewhere: one ounce	No penalty for those 21 and older	No penalty for those 21 and older	N/A for adults 21 and older	Alaska Stat. § 17.38.020-17.38.040	In 2014, voters approved Ballot Measure 2 to legalize, regulate, and tax marijuana for adult use. In addition, the state Supreme Court ruled in 1975 that the state's right to privacy protects private possession of marijuana (<i>Ravin v. State</i>). Consuming marijuana in public is a violation, punishable by a fine of up to \$100.

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Arizona	2020	One ounce with no more than five grams being concentrates, six plants, and the marijuana from those plants (12 plants if two adults 21+ live at the residence)	No penalty for those 21 and older; \$100 fine and four hours of drug counseling for minors	No penalty for those 21 and older; \$100 fine and eight hours of drug counseling for minors	N/A for adults 21 and older; petty offense for others	A.R.S. § 36-2852, § 36-2853	Arizona voters approved an adult-use legalization initiative in November 2020. Smoking marijuana in a public place or open space is a petty offense, carrying a fine of up to \$300.
California	2016 (legal for adults 21 and up); 1976 and 2010	28.5 grams (about an ounce) or less; six plants, and marijuana from the plants	Adults 21 and older: no penalty; ages 18-20: \$100 fine; minors: counseling, community service, drug education	Same as first offense	N/A for adults 21 and up; infraction for others	Cal. Health & Safety Code § 11362.1, §11357	California voters approved an adult-use legalization initiative in 2016. It remains illegal to use marijuana in public (other than in licensed cannabis cafés) or to have an open container in cars. The penalty is a fine of up to \$100.

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Colorado	2012 (legal for adults 21 and up); 1975 and 2010 (fining possession)	For adults 21 and older: no penalty for up to two ounces, six plants, and marijuana from the plants For those under 21: fine applies to up to two ounces	No penalty for adults 21 and older; \$100 fine for those under 21	No penalty	N/A for adults 21 and up; Criminal class 2 petty offense for others	Colorado Constitution Article XVIII, Section 16; C.R.S. § 18-18-406 (1)-(3)	In 2012, Colorado voters approved Amendment 64 to legalize, regulate, and tax marijuana for adults' use. The open display or consumption of cannabis is a drug petty offense carrying a fine of up to \$100 and up to 24 hours of community service. Possessing an open container in a vehicle carries a \$50 fine.

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Connecticut	2021 (legal for adults 21 and up); 2011 (fining possession)	For adults 21 and older: no penalty for up to 1.5 ounces or equivalent and up to five ounces secured at home, plus three mature plants and three immature plants For those under 21: modest fine for up to five ounces	No penalty for adults 21+ For those 18-20: \$50 or community service alternative for indigent Under 18: a written warning and possible referral to a youth services bureau	For those 18-20: \$150 or community service alternative for indigent Under 18: mandatory referral to a youth services bureau or other services; subsequent: offenses adjudicated delinquent in juvenile court	Civil violation	C.G.S.A. § 21a-279a	In 2021, Gov. Lamont signed the adult-use legalization bill into law. One ounce is considered the equivalent to five grams of cannabis concentrate or any other cannabis product with up to 500 milligrams of THC. The law added cannabis to the Clean Indoor Air Act, prohibiting smoking cannabis where smoking cigarettes is prohibited. Also, localities may impose fines of up to \$50 for smoking outdoors on public property.

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Delaware	2023	One ounce or less, up to 12 grams concentrates, or up to 750 mg of THC in products	Adults 21 and older: no penalty; ages 18-20: \$100 civil fine; under 18: may be referred to counseling, treatment, or other intervention services	Same as first offense	N/A for adults 21 and older, civil violation for minors	Del. Code Ann. Title 16 § 4764; § 4764A	In April 2023, legalization laws HB 1 and HB 2 became law without the governor's signature. Consuming cannabis in public or in a moving vehicle carries up to five days in jail and/or a fine of up to \$200. Cannabis must be stored in a closed container in a moving vehicle and can't be readily accessible.
District of Columbia	2014	For adults 21 and older: Up to two ounces outside the home, plus six plants and the marijuana from the plants at home For those under 21: fine applies to up to one ounce	No penalty for adults 21 and older; \$25 fine for those under 21	Same as first offense	N/A for adults 21 and older; civil violation for others	D.C. Official Code §§ 48-904.01 & 48-1203	In November 2014, voters approved Initiative 71, which legalized personal possession and cultivation of marijuana for adults 21 and older. Consuming cannabis in public is a misdemeanor carrying a fine of up to \$500 or up to 60 days in jail.
Hawaii	2019	Three grams	\$130 fine	Same as first penalty	Non-criminal	H.R.S. 712-1249	

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Illinois	2019 (legal for adults 21 and up); 2016	Residents: No penalty for up to 30 grams, five grams concentrates, or products with up to 500 mg THC; Non-residents: half those amounts	No penalty for adults 21 and older	Same	N/A for adults 21 and older	410 ILCS 705/10-5, 705/10-10.	In 2019, Illinois became the first state to adopt a regulatory system for legal cannabis via a state legislature. The public consumption of cannabis remains illegal. For minors, possession of up to 10 grams of cannabis is punishable by a \$100-200 fine. Cultivation of up to five plants is punishable by a fine. Cannabis transported in a vehicle must be in a secured, sealed, or resealable, odor-proof, child-resistant container. Failure to do so carries a fine of up to \$2,500 or up to a year in jail.

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Louisiana	2021	14 grams	Fine of up to \$100. For indigent, the court must find alternatives, such as community service or installment payments.	Same	Unclear	L.R.S. 40:966(C) (2)(a))	The penalty for paraphernalia solely for ingesting, inhaling, or otherwise consuming marijuana is a fine of up to \$100 for a first offense, with the fine increasing to up to \$500 for a second offense. Subsequent convictions for paraphernalia for cannabis use carry a fine of up to \$2,500.
Maine	2016 (legal for adults 21 and up); 1976 and 2009	2.5 ounces; six mature plants, 12 immature plants, and the cannabis from the plants	No penalty for adults 21 and older; those under 21: \$350 - \$1,000 fine	Same as first offense	N/A for adults 21 and up; civil violation for others	7 M.R.S.A. §2452; 22 M.R.S.A. § 2383	In 2016, voters approved Question 1 to legalize, regulate, and tax marijuana for adult use. Using cannabis in public is a civil violation carrying a fine of up to \$100.

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Maryland	2022	Up to 1.5 ounces of cannabis, 12 grams of concentrates, or products with up to 750 mg of THC; up to two plants	Adults 21 and older: no penalty; under 21: up to a \$100 fine, possible drug education and/or substance abuse assessment	No penalty for adults; For minors, same as first offense.	No penalty for adults; civil offense for minors	Md. Code Ann., Crim. Law § 5-601	In November 2022, voters approved a legislatively referred legalization initiative. The legislature enacted a contingent companion bill in 2022, and in 2023 it approved legal, regulated sales. Public smoking of cannabis is punishable by a fine of up to \$50 for a first offense.
Massachusetts	2016 (legal for adults 21 and up); 2008	One ounce, six plants and marijuana from the plants	Adults 21 and older: no penalty; ages 18-20: \$100 fine; minors: fine, drug awareness class	Same as first offense	N/A for adults 21 and up; civil offense for others	M.G. L.A. 94G, Section 7; 94C § 32L-32N	In 2016, voters approved Question 4 to legalize, regulate, and tax marijuana for adult use. The consumption of marijuana in public is a civil violation, carrying a fine of up to \$100. Possession of an open container in a motor vehicle carries a civil fine of up to \$500.

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Michigan	2018	At home, in a locked or secured area or container: 10 ounces, six plants, and marijuana from the plants Elsewhere: 2.5 ounces	No penalty for those 21 and older	No penalty for those 21 and older	N/A for adults 21 and older	M.C.L.A. 333.27955, 333.27954	Voters approved Prop. 1 in 2018 to legalize, regulate, and tax marijuana for adults 21 and older. Possession by those under 21 remains a civil offense. The public consumption of cannabis is also illegal, with a first offense carrying a civil fine of up to \$500.

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Minnesota	2023	Two ounces, eight grams of concentrate, and edibles with up to 800 mg of THC; at home: two pounds and up to eight plants (four flowering)	Adults 21 and older: no penalty; under 21: unclear	Adults 21 and older: no penalty; under 21: unclear	Adults 21 and older: no penalty; under 21: unclear	Minn. St. § 342.09; possibly §645.241	In 2023, the legislature and governor approved an adult-use legalization law. Vaping or smoking cannabis in a multi-family home, including balconies and patios, is punishable by a \$250 fine. Having an open container in a car carries up to 90 days in jail. Cities may impose fines for public consumption. The legalization law does specify a penalty for minors in possession, but a default penalty applies — a petty misdemeanor carrying up to a \$300 fine.

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Mississippi	1977	30 grams (a little more than an ounce) or less	\$100-\$250 fine	Second conviction within two years is a \$250 fine and 5-60 days jail, plus counseling; third conviction in two years is a misdemeanor	Civil summons (first or second); criminal misdemeanor (third conviction within two years)	Miss. Code Ann. § 41-29-139 (c) (2)	Offenders who provide proof of identity and agree in writing to appear in court are not subject to arrest. The Bureau of Narcotics maintains a record of first and second convictions, but the record does not constitute a criminal record, and the record of each conviction is expunged after two years. Possession of paraphernalia remains a jailable offense.

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Missouri	2023	Three ounces of cannabis, and the equivalent; six mature plants with cultivation card	Adults 21 and older: no penalty; under 21: \$250 to \$1000 fine	Adults 21 and older: no penalty	No penalty for adults; Class D misdemeanor (infraction) for minors	Mo. Const, Art XIV, Sec. 2; Mo. St. §579.015.	In November 2022, Missouri voters approved an adult-use legalization measure. The penalty for minors is for up to 10 grams. Cannabis cannot be smoked where tobacco smoking is prohibited. It also cannot be smoked in a motor vehicle or other motorized transport while it is in operation.
Montana	2020	One ounce with no more than eight grams being concentrates, four plants, four seedlings	No penalty for adults 21 and older; for minors, a civil fine not to exceed \$100 or up to four hours drug education/ counseling	No penalty for those 21 and older; for minors, same as first offense	N/A for adults 21 and up; civil violation for others	Not yet codified	In 2020, Montanans passed two complementary ballot initiatives to legalize, regulate, and tax marijuana for adults 21 and older. Smoking cannabis in public carries a civil fine of up to \$50. Possessing a previously opened container of cannabis in the passenger section of a vehicle carries a civil fine of up to \$100.

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Nebraska	1978	One ounce or less	\$300 fine and a course if judge deems appropriate	Second conviction: \$400 fine, up to five days in jail; third conviction: \$500 fine, up to seven days in jail	Civil infraction (first); criminal misdemeanor (second and third)	Neb. Rev. Stat. § 28-416 (13)	The first offense is an infraction. A citation is issued in lieu of arrest or continued custody. A citation is also issued for second and third convictions, and thus, they are also not arrestable offenses.
Nevada	2016 (legal for adults 21 and up); 2001	2.5 ounces; for those living 25 miles from retailers: six plants, and marijuana from the plants	No penalty for adults 21 and older; under 21: up to a \$600 fine, in some circumstances, treatment and rehabilitation	Second conviction: up to \$1,000 fine and treatment; subsequent penalties include possible jail sentences	N/A for adults 21 and up; criminal misdemeanor for others	Question 2 § 6; N.R.S. § 453.336 (4)	In 2016, voters approved Question 2 to legalize, regulate, and tax marijuana for adults' use. Consuming cannabis in public carries a fine of up to \$600 for a first offense.

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New Hampshire	2017	3/4 ounce; five grams of hashish and marijuana-infused products containing up to 300 mg of THC, if they were purchased from states where they were legally sold and are stored in the properly labeled, child-proof containers.	Adults: \$100 fine; Minors: determined by juvenile court	Second offense: \$100 civil fine; third offense: \$300 civil fine; fourth offense within three years: up to a \$1,200 criminal fine	Civil violation	RSA 318-B:2-c	Also, an open container law imposes a \$150 fine and possible license suspension for transporting cannabis (other than therapeutic cannabis) in a location other than the trunk or — if there is no trunk — the glove compartment or the compartment least accessible to the driver. For those under 21, the cannabis need not be in an “open container” to result in a possible drivers license suspension.
New Jersey	2021	Adults 21+: no penalty for up to six ounces or 17 grams of hashish	Adults 21+: no penalty; Those under 21: Warning to the minor only	Minors: Subsequent warnings include more information on accessing services Those under 18: Subsequent warnings go to the parent, too	N/A for adults 21 and up For minors: warning	N.J.S.A. C. 24:6I- 31, C.2C:33-15	Smoking cannabis in a place covered by the New Jersey Smoke-Free Air Act, which includes parks and beaches, is punishable by a fine of up to \$250 for first offense.

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New Mexico	2021 (legal for adults 21 and up); 2019 (civil fine)	Adults 21+: no penalty for two ounces; 16 grams of concentrates, and 800 milligrams of edible cannabis; six mature and six immature plants Minors: Fine for up to a half an ounce or less	Adults 21+ no penalty Minors: four hours of community service or a free four-hour drug education and legal rights program	Same as first penalty	N/A for adults 21 and up For minors: non- criminal	L. 2021, 1st Sp. Sess., Ch. 4, § 25, § 30	Smoking cannabis in public is punishable by a \$50 fine.
New York	2021 (legal for adults 21 and up); 1977, expanded in 2019	Adults 21+: three ounces of cannabis and 24 grams of concentrates, plus at home: three mature plants, three immature plants and five pounds of trimmed cannabis	Adults 21+: No penalty; Under 21: A fine of up to \$50 payable to the office of cannabis management, minors are also "provided with information related to the dangers of underage use of cannabis and information related to cannabis use disorder."	Same as first penalty	N/A for adults 21 and up; For minors: non- criminal	N.Y. Pen Law § 222.05; § 132 (4)	It is illegal to smoke or vape cannabis anywhere tobacco smoking is prohibited. This includes parks, beaches, and indoor public places. The penalty is a \$25 fine and up to 20 hours off community service. Smoking cannabis in a place covered by the New Jersey Smoke-Free Air Act, which includes parks and beaches, is punishable by a fine of up to \$250 for first offense.

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North Carolina	1977	A half ounce or less	Up to a \$200 fine, possible suspended sentence	Second to fifth offenses: up to \$200 fine, 0-15 days in jail, suspended; on sixth offense, up to 20 days in jail, suspended at judges' discretion	Criminal misdemeanor (Class 3)	N.C.G.S.A. § 90-95 (d)(4)	Any sentence of imprisonment imposed must be suspended and the judge may not require that the defendant serve a period of imprisonment as a special condition of probation.
North Dakota	2019	Up to half an ounce	For adults 21 and older: infraction, up to \$1,000 fine	Third infraction within a year may become Class B misdemeanor, with up to 30 days in jail	Infraction	ND Cent. Code 19-03.1-23	Paraphernalia is also decriminalized. The law classifies consumption of marijuana by a person under the age of 21 as a Class B misdemeanor.

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Ohio	2023	Adults 21+: 2.5 ounces, 15 grams of concentrate, plus six plants securely at home. See "other information" for important limitations	Adults 21 and older: no penalty; under 21: \$150 fine	Adults 21 and older: no penalty; under 21: \$150 fine	No penalty for adults; minor misdemeanor for minors	O.R.C. Sec. 3796.221, 3796.06, 3796.062	In 2025, the Ohio Legislature passed a law creating new cannabis crimes including: storing edibles in anything but their original container, possessing cannabis obtained from anywhere other than an Ohio retailer or a home grow, smoking or vaping cannabis somewhere other than a residential or agricultural property, and transporting a previously opened container of cannabis or previously used paraphernalia in the passenger area of a motor vehicle. Most offenses are minor misdemeanors punishable by a \$150 fine.

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Oregon	2014 (legal for adults 21 and older); 1973 (fining possession)	For adults 21 and older: no penalty for up to eight ounces, four plants For those under 21: fine applies to less than one ounce	No penalty for adults 21 and older; \$650 presumptive fine for those under 21	Same as first offense	N/A for adults 21 and older; civil violation for others	OR Rev. Stat § 475.864	In 2014, voters approved Measure 91 to legalize, regulate, and tax marijuana for adults' use. Using marijuana in public is a Class B violation with a presumptive fine of \$265.
Rhode Island	2022	Adults 21+ at home: up to 10 ounces, three mature and three immature plants; Elsewhere: one ounce of flower or the equivalent	Adults 21 and older: no penalty; under 21: 17-20 year old, \$150 civil fine plus drug-awareness program	Adults 21 and older: no penalty; under 21: Same	No penalty for adults; civil penalty for minors	R.I. Gen. Laws § 21-28-4.01	In 2022, the legislature and governor approved an adult-use legalization law. Penalties for minors vary based on age and may include an appearance in family court, substance abuse treatment, and a fine. Smoking or vaping cannabis in public is illegal.
Vermont	2018 (legal for adults 21 and up), 2013	Adults 21+: one ounce of flower, five grams of hashish, two mature cannabis plants, or four immature cannabis plants (at home)	For adults, no penalty; if under 21, generally diversion	For adults, no penalty; if under 21, generally diversion	N/A for adults 21 and up; infraction for others	18 V.S.A. § 4230a-b	In 2018, the legislature approved a law allowing adults to cultivate and possess limited amounts of marijuana. Consuming cannabis in public remains illegal, with a first offense punishable by a fine of up to \$100. Possessing an open container of cannabis in the passenger area of the motor vehicle is punishable by a civil penalty of up to \$200.

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Virginia	2021 (legal for adults 21 and up); 2020 (civil fine)	Adults 21+: No penalty for up to one ounce of cannabis or the equivalent amount of products and up to four plants at primary residence	Minors in possession or exceeding limits but possessing under a pound: \$25 fine	Same as first offense	N/A for adults 21 and up; civil offense for others	VA Code Ann. § 4.1-1100, 4.1-1101, 4.1-1108, 4.1-1107	The public consumption of cannabis is punishable by a \$25 fine for a first offense. Using cannabis while driving or being a passenger in a motor vehicle is a Class 4 misdemeanor, which carries a fine of up to \$250.
Washington	2012	Allows adults 21 and older to possess up to one ounce	No penalty for those 21 and older	No penalty for those 21 and older	N/A for those 21 and older; misdemeanor for those under 21	RCW 69.50.325- 69.50.359, 69.50.445	In 2012, voters approved I-502 to legalize, regulate, and tax marijuana for adults' use. The law does not allow home cultivation. Possession by those under 21 remains a crime. Using cannabis in a public place, or having an open container in public, is a civil infraction, which generally carries a \$50 fine. It is a traffic infraction to have a previously opened container of cannabis in the passenger area of a motor vehicle.

Disclaimer: This chart is not intended for or offered for legal advice. It is for informational and educational purposes only. Please consult with an attorney licensed to practice in the state in question for legal advice