



State-By-State Penalties for Unregulated Sales After Cannabis Legalization

Most of the earlier legalization laws removed state penalties for possession of a modest amount of cannabis and regulated commercial activity but did not reduce penalties for unlicensed sales. In several cases, even low-level sales remained felonies. Now, legalization states are increasingly working to reduce the harsh penalties for low-level sales to avoid harshly penalizing individuals who are simply trying to make ends meet.

At least seven states reduced penalties for some or all unregulated sales either as part of legalization or shortly thereafter. Three of those states — Connecticut, New Jersey, and New York — “decriminalized” low-level sales as part of legalization. (Connecticut and New Jersey’s laws apply to first offenses only.)

MPP embraces the benefits of a regulated cannabis market. The illicit market can be dangerous for all parties involved — illicit products can have dangerous additives and pesticides, and all parties are at risk of robbery and violence. However, harsh sentences for low-level sales are not an effective or just approach. The primary reason bootleg alcohol is vanishingly rare in modern times is because the legal market is more efficient and more desirable. Legalization states that want to have a quicker and more complete transition to the legal market should also avoid unnecessary, costly regulatory burdens and excessive taxes, and should license enough stores to meet demand.

To foster equity, legalization states should also prioritize communities that have been devastated by discrimination and the war on drugs in business licensing and create training programs and other incentives for employment for impacted individuals.

Here are penalties for low-level sales and for larger amounts in each legalization state:*

State	Penalty After Legalization for Low-Level Sales	Penalty After Legalization for Sales of Larger Amounts	Notes and Citations
Alaska	Amount: Under 1 oz. Penalty: Up to 1 year in jail, \$25,000 fine (Class A misdemeanor)	Amount: 1 oz. or more Penalty: Up to 5 years in prison, \$50,000 fine (Class C felony)	A.S. § 11.71.050, 11.71.040; 12.55.135; 12.55.125, 12.55.035.
Arizona	Amount: Less than 2 lbs. Penalty, first time: 2.5-7 years, up to \$150,000 in fines (Class 3 felony)	Amount: Less than 2 lbs. Penalty, first time: 2.5-7 years, up to \$150,000 in fines (Class 3 felony)	A.R.S. § 13-3405, 13-702, 13-801

* Most or all of the states have higher penalties in some cases, such as near schools or sales to minors. Also, legalization states typically have no penalties for gifting modest amounts to other adults.

The information in this chart is for informational purposes only and does not constitute legal advice.

State	Penalty After Legalization for Low-Level Sales	Penalty After Legalization for Sales of Larger Amounts	Notes and Citations
California	Amount: Any Penalty: Misdemeanor, 6 months, \$500 fine, with exceptions where the sentence can be 2, 3, or 4 years	Amount: Any Penalty: Misdemeanor, 6 months, \$500 fine, with exceptions where the sentence can be 2, 3, or 4 years	Cal. Health & Safety Code § 11360
Connecticut	Amount: Up to 8 oz. Penalty, first offense: Up to a \$500 fine Subsequent offense: Misdemeanor, up to 90 days, and/or up to a \$500 fine	Amount: More than 8 oz. Penalty, first offense: Misdemeanor, up to 6 months, and up to \$1,000 fine Subsequent offense: Misdemeanor, up to 1 year, and up to a \$2,000 fine	Before legalization, first-offense sales of under a kilogram (~ 2.2 lbs.) was a felony punishable by up to seven years in prison. Second offenses carried up to 15 years. Larger amounts could result in five to 20 years for a first offense. Not yet codified: June Sp.Sess., P.A. 21-1, § 13
Colorado	Amount: 4 oz. or less Penalty: Up to 6-18 months, \$5,000 fine (level 1 drug misdemeanor)	Amount: 12 oz. to 5 lbs. Penalty: 2-6 years, \$2,000-500,000 fine (level 3 drug felony)	C.R.S.A. § 18-18-406, 18-1.3-501, 18-1.3-401.5.
Illinois	Amount: >10 grams to 30 grams (around an oz.) Penalty: 1-3 years, up to \$25,000 fine; if the offender is a corporation, up to \$50,000 fine (Class 4 felony)	Amount: >30 grams to 500 grams (1.1 lbs.) Penalty: 2-5 years, up to \$25,000 fine; if the offender is a corporation, up to \$50,000 fine (Class 4 felony)	Sales of under 10 grams is a misdemeanor. 720 ILCS 550/5, 730 ILCS 5/5-4.5-45, 730 ILCS 5/5-4.5-50.
Maine	Amount: 1 lb. or less Penalty: Less than one year, \$2,000 (Class D crime)	Amount: More than 1 lb. Penalty: Up to five years, \$5,000 fine (Class C crime)	17-A M.R.S.A. § 1103, 17-A M.R.S.A. § 1604, 1102
Mass.	Amount: Less than 50 pounds Penalty, first offense: Up to 2 years, fine of \$500-5,000 Penalty, subsequent offense: Up to 2.5 years, \$1,000-10,000 fine	Amount: Less than 50 pounds Penalty, first offense: Up to 2 years, fine of \$500-5,000 Penalty, subsequent offense: Up to 2.5 years, \$1,000-10,000 fine	Mass. Gen. Laws. ch. 94C, § 32C

State	Penalty After Legalization for Low-Level Sales	Penalty After Legalization for Sales of Larger Amounts	Notes and Citations
Michigan	<p>Amount: 5 kg or fewer (~11 lbs.)</p> <p>Penalty: Up to 4 years, up to \$20,000 fine (felony)</p>	<p>Amount: 5 kg or fewer (~11 lbs.)</p> <p>Penalty: Up to 4 years, up to \$20,000 fine (felony)</p>	M.C.L.A. § 333.7401
Montana	Possession with intent to distribute up to 2 oz. carries a civil fine or drug education/counseling.	<p>Amount: Unclear; either any amount or 2 oz. or more</p> <p>Penalty: Up to 25 years, up to \$50,000 fine</p>	MCA § 45-9-101, 16-12-106
Nevada	<p>Amount: Under 50 lbs.</p> <p>Penalty, first offense: 1-5 years, fine of up to \$10,000 (Category C felony)</p> <p>Second offense: 2-10 years, fine of up to \$20,000 (Category B felony)</p> <p>Subsequent offense: 3-15 years, fine of up to \$20,000 (Category B felony)</p>	<p>Amount: Under 50 lbs.</p> <p>Penalty, first offense: 1-5 years, fine of up to \$10,000 (Category C felony)</p> <p>Second offense: 2-10 years, fine of up to \$20,000 (Category B felony)</p> <p>Subsequent offense: 3-15 years, fine of up to \$20,000 (Category B felony)</p>	N.R.S. § 453.321, 193.130
New Jersey	<p>Amount: 1 oz. or less</p> <p>Penalty, first offense: Written warning only</p> <p>Subsequent offense: Up to 18 months, \$25,000 fine</p>	<p>Amount: More than 1 oz., less than 5 lbs.</p> <p>Penalty: Up to 3-5 years, \$25,000 fine, felony (crime in third degree)</p>	<p>Before legalization, sales of up to an ounce carried a felony conviction and up to 18 months' incarceration.</p> <p>N.J.S.A. § 2C:35-5, 2C:43-6</p>
New Mexico	<p>Amount: Any</p> <p>Penalty: Less than one year, up to \$1,000 fine (misdemeanor)</p>	<p>Amount: Any — if in a location or manner that would lead a reasonable person to believe it was a licensed cannabis business</p> <p>Penalty: Up to 18 months, up to \$5,000 fine (4th degree felony)</p>	<p>Before legalization, the penalty for first-offense sales was up to 1.5 years and/or a fine of up to \$5,000. A second offense carried up to three years.</p> <p>NMSA, § 26-2C-28, 31-19-1, 31-18-15</p>

State	Penalty After Legalization for Low-Level Sales	Penalty After Legalization for Sales of Larger Amounts	Notes and Citations
New York	<p>Amount: Up to 3 oz.</p> <p>Penalty: Fine of up to \$250, violation</p>	<p>Amount: More than 3 oz. to 1 lb.</p> <p>Penalty: Up to 364 days in jail, up to \$1,000 fine (Class A misdemeanor)</p>	<p>Prior to legalization, the penalty for selling up to 25 grams included up to a year in jail. Selling four ounces or more carried up to four years.</p> <p>Penal Law § 222.45, 222.5, 222.55, 70.15, 80.05</p>
Oregon	<p>Amount: Generally, under 1 lb. (less than 16x the possession limit)</p> <p>Penalty: Up to 364 days in jail, up to \$6,250 fine (Class A misdemeanor)</p>	<p>Amount: Generally, more than 1 lb. (less than 16x the possession limit)</p> <p>Penalty: Up to five years in prison, up to \$125,000 fine (Class C felony)</p>	<p>Until 2017, sale of any amount was punishable by up to 10 years in prison.</p> <p>O.R.S. § 475B.346, 161.615, 161.635, 161.605, 161.625</p>
Vermont	<p>Amount: Up to 1 oz.</p> <p>Penalty: Up to 2 years and/or up to a \$10,000 fine</p>	<p>Amount: More than 1 oz., less than 1 lb.</p> <p>Penalty: Up to 5 years and/or up to a \$100,000 fine (felony)</p>	<p>Starting July 2021, the threshold for the up-to-five-year sentence was increased from half an ounce or more to more than one ounce.</p> <p>18 V.S.A. § 4230</p>
Virginia	<p>Amount: Up to 1 oz.</p> <p>Penalty: Up to 12 months in jail, up to \$2,500 fine (Class 1 misdemeanor)</p>	<p>Amount: More than 1 oz. to 5 lbs.</p> <p>Penalty: Up to 10 years, up to \$2,500 fine (Class 5 felony)</p>	<p>VA Code Ann. § 18.2-248.1, 18.2-11, 18.2-10</p>
Washington	<p>Amount: Any</p> <p>Penalty: Felony, up to 5 years, \$10,000 fine</p>	<p>Amount: Any</p> <p>Penalty: Felony, up to 5 years, \$10,000 fine</p>	<p>RCWA § 69.50.401, 9A.20.021 (c)</p>