



# 2023 Cannabis Policy Reform Legislation

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Because [less than half of U.S. states allow citizen-initiated ballot measures](#), in most states, the only way to reform cannabis laws is via the state's legislature. Polls show [over two-thirds of Americans support making cannabis use legal](#) and around [90% support allowing medical cannabis](#), but lawmakers lag far behind the public.

Only 21 states have legalized cannabis for adults, and only seven of those laws have been enacted by state legislatures (two additional states' legislatures referred the issue to voters). Meanwhile, 13 states are even further behind the times — lacking even a medical cannabis law. And 19 states continue to jail their residents for even simple possession of cannabis.

Most legislatures have convened their 2023 sessions, and dozens of cannabis policy reform bills have already been filed.

Here is a list of states where bills have been proposed to legalize cannabis for adults, to decriminalize cannabis (i.e., issuing a fine-only ticket for simple possession), or to legalize medical cannabis. You can find additional cannabis policy bills — including to expand existing decrim and medical cannabis laws — at the bottom of each of our [state webpages](#), courtesy of BillTrack50.

## Cannabis Legalization Legislation

### States with proposed bills to legalize cannabis for adults: 13 + U.S. Virgin Islands

- **Delaware** — HB 1 would legalize simple possession of cannabis for adults 21 and older. HB 2 would legalize and regulate cannabis sales. The House Health and Human Development Committee passed HB 1 on January 24 and is now on the House floor, where it needs 21 votes (a simple majority). On January 25, the House Revenue and Finance Committee approved HB 2, which must now be considered by the House Appropriations Committee before heading to the House floor, where it will need 25 votes ( $\frac{3}{5}$ ) to pass because it includes taxes and fees.
- **Hawaii** — HB 1216, HB 1425, HB 237, SB 375, SB 1043, SB 464, and SB 669 would legalize and regulate cannabis for adults 21 and older. HB 452 would send voters an advisory referendum, if passed.
- **Indiana** — HB 1039 would legalize medical and adult-use cannabis. SB 70 would decriminalize up to an ounce of cannabis.
- **Iowa** — SF 73 would legalize and regulate cannabis for adults. SB 70 would remove all penalties for possession of up to an ounce. HB 1297 would remove all penalties from up to two ounces of cannabis. HB 1356 would remove all penalties from up to two ounces and five grams of cannabis, but would also set an unscientific 10 nanogram/ milliliter per se limit for driving with THC in one's system.
- **Kentucky** — HB 22 and SB 51 would legalize and regulate cannabis for adults. HB 47 would

legalize cannabis possession for adults. HB 48 proposes referring to voters a constitutional amendment to legalize cannabis for adults.

- **Minnesota** — H.F. 100 and S.F. 73 would legalize and regulate cannabis for adults. H.F. 100 has advanced out of five committees as of Jan. 31, 2023, and S.F. 73 has passed out of three. Both have several more committee stops before the House and Senate floor.
- **Mississippi** — HB 338 would legalize and regulate cannabis for adults. SB 2097 would legalize possession of up to 70 grams of cannabis for adults without setting up a regulatory system. SB 2771 would also legalize cannabis without setting up a regulatory system.
- **Nebraska** — **LB 634 would legalize and regulate cannabis.** HB 639 would legalize and regulate cannabis for adults, with private sales. HB 544 and HB 643 would legalize cannabis for adults and have a state monopoly on retail sales. HB 639 and HB 544 were referred to the Commerce and Consumer Affairs Committee.
- **South Carolina** — S 211 would legalize and regulate for adults.
- **Tennessee** — HB0085 and SB0168 would set up the regulatory structure for cannabis for adults
- **Texas** — SB 209 would legalize and regulate cannabis for adults. SJR 22, HJR 91, and HJR 89 propose referring a "constitutional amendment directing the legislature to authorize and regulate the possession, cultivation, and sale of cannabis to voters on November 5, 2024. SB 208 would remove penalties for up to an ounce, and reduce other penalties.
- **West Virginia** — HJR 21 would refer to voters a state constitutional amendment to legalize cannabis
- **U.S. Virgin Islands** — Bill No. 34-0345 would legalize and regulate cannabis for adults. The Senate passed a legalization bill by 11-1 and sent it to Gov. Albert Bryan Jr. (D), who is a vocal supporter of legalization.
- In addition, a legalization ballot measure has qualified for the March 2023 ballot in **Oklahoma**. In **Ohio**, the first stage of signature gathering for a ballot measure is complete. As part of that formal process, the Ohio Legislature first has four months to decide whether to act on the issue. If it does not pass legalization by early May, there will be a second phase of signature gathering to put the measure on the November 2023 ballot. [Twenty-one states](#), Guam, the Northern Mariana Islands, and the U.S. Virgin Islands have already passed laws to legalize and regulate cannabis.

In addition, a legalization ballot measure has qualified for the March 2023 ballot in Oklahoma. In Ohio, the first stage of signature gathering for a ballot measure is complete. As part of that formal process, the Ohio Legislature first has four months to decide whether to act on the issue. If it does not pass legalization by early May, there will be a second phase of signature gathering to put the measure on the November 2023 ballot. [Twenty-one states](#), Guam, the Northern Mariana Islands, and the U.S. Virgin Islands have already passed laws to legalize and regulate cannabis.

## **Bills to Remove Possible Jail Time — Often Imposing a Fine — for Simple Possession (“Decriminalization”)**

### **States with decriminalization bills: 5**

- **Georgia** — SB 30 would reduce penalties for possession of up to half an ounce of cannabis to a misdemeanor fine-only offense.
- **South Carolina** — H 3561 would reduce the penalty for up to an ounce of cannabis or 10

grams of hashish to a civil citation and make other drug policy reforms. It was referred to the House Judiciary Committee. H 3803 would reduce the penalty for possession of up to an ounce of cannabis, or up to 10 grams of hashish, to a fine-only offense, with a first offense carrying between \$100-200.

- **Texas** — HB 218 and HB 388 would reduce the penalty for simple possession of cannabis to a fine-only, Class C misdemeanor. HB 218 would also set up an expungement process.
- **Tennessee** —HB309 would reduce the penalty for simple possession of cannabis to a civil fine of \$25 or community service.
- **West Virginia** — SB 90 would reduce the penalty for simple possession of cannabis to a violation.

[Thirty-one states](#) and Washington, D.C. have decriminalized or legalized cannabis possession. Check out [MPP's report](#) on the 19 states that have not even stopped jailing cannabis consumers.

## Effective Medical Cannabis Bills

### States with bills to create comprehensive medical cannabis programs: 8

- **Indiana** — HB 1039 would legalize both medical and adult-use cannabis. HB 1263 and SB 0237 would establish comprehensive medical cannabis programs.
- **Kansas** — SB 135 would establish a comprehensive medical cannabis program.
- **Kentucky** — HB 107 and SB47 would establish comprehensive medical cannabis programs. Both have been referred to their respective committees.
- **Nebraska** — LB588 would establish a comprehensive medical cannabis program.
- **North Carolina** —S3 would establish a comprehensive medical cannabis program
- **South Carolina** — H3226 and H3486 would establish comprehensive medical cannabis programs. Both have been referred to the House “3M” committee (Medical, Military, Public and Municipal Affairs). S 423 would establish a comprehensive medical cannabis program. It was referred to the Committee on Medical Affairs.
- **Tennessee** — HB 172 would establish a comprehensive medical cannabis program.
- **Texas** — SB 121 and SB 127 would establish comprehensive medical cannabis programs.

[Thirty-seven states](#), D.C., Puerto Rico, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands have effective medical cannabis laws.

## Don't see your state?

If you live in a state that still prohibits cannabis and no lawmakers have taken the lead to change that, send your state legislators a note to ask them to stand up for humane and sensible cannabis policies. Take a few moments to email them in support of [medical cannabis](#), [decriminalization](#), or [legalizing and regulating cannabis](#).

If you live in a state that has already legalized and regulated cannabis for adults, check out the [state's page](#) to find out what bills are pending to improve (or undermine) the law.