Model Adult-Use Legalization and Regulation
Bill Summary

MPP’s model legislation to regulate marijuana like alcohol is based primarily on the voter initiatives enacted in 2012 in Colorado, in 2014 in Alaska, and in 2016 in Massachusetts. Here are key features of the bill.

Adult Cultivation and Possession Limits

Adults who are 21 or older may:

- possess up to one ounce of marijuana, five grams of concentrates, and cannabis-infused products containing no more than 500 milligrams of THC;
- cultivate up to six marijuana plants in a secure location that is not visible from outside of the property and that is not accessible to minors;
- possess marijuana produced from those plants in the same secure location where the marijuana was cultivated; and
- give up to one ounce of marijuana to other adults 21 and older.

State Regulation and Licensing

- The bill provides for six types of regulated marijuana businesses: retailers, on-site consumption establishments, cultivation facilities, product manufacturers, transporters, and laboratories.
- The department that is charged with regulating alcohol would develop comprehensive rules, including governing security, laboratory testing, packaging, labeling, recordkeeping, and inspections; prohibiting dangerous pesticides and additives; and restricting advertising.

Local Control

- Localities could enact regulations and licensing requirements, limit the number of marijuana establishments, or ban marijuana businesses altogether.
- The state regulatory agency must forward each marijuana business application to the locality where it would operate and consider the locality’s input.
- On-site consumption cafés could only operate with local approval and license.

Taxation and Fees

- Marijuana would be taxed at a rate of $50 per ounce for flowers, $15 per ounce for other parts
of marijuana, and $25 per immature plant. This tax would be imposed on sales from a cultivator and rates would be adjusted for inflation.

- Non-refundable application fees of up to $5,000 would be imposed on marijuana establishments, with the amount adjusted for inflation.
- After paying for regulatory costs, the revenue from taxes and fees would be allocated as follows:
  - 15% would be used for education;
  - 15% would be allocated to jail diversion, expungement, re-entry programs, and workforce development, technical assistance, and/or mentoring services for economically disadvantaged persons in communities disproportionately impacted by marijuana enforcement;
  - 10% would be spent on treatment and prevention for substance abuse;
  - 10% would be used for a public education campaign about the risks of alcohol, tobacco, marijuana, and other substances; and
  - 50% would be allocated to the General Fund.

Employers and Private Property

- Landlords could prohibit the growing or smoking of marijuana at their rentals. They could not prohibit possession or non-smoked consumption by tenants.
- Other property owners may prohibit the consumption and display of cannabis.
- Employers would not have to accommodate employees who are under the influence or the possession of marijuana at work.

Expungement, Penalty Reduction, and Resentencing

- Parole and probation may not be revoked for conduct allowed by the bill unless the specific individual's marijuana use could create a danger.
- Drafters should consider reducing other marijuana penalties, including for first-offense possession of a modest amount that exceeds the possession limit.
- While the language will vary by state, laws should include expungement and re-sentencing for conduct legalized or downgraded by the bill.

Prohibited Conduct and Penalties

- Smoking marijuana in public would be punishable by a civil fine of up to $100 or up to 10 hours of community service.
- Consuming marijuana while driving would be a violation punishable by a fine of up to $200 and/or suspension of one’s drivers license by up to six months for a first offense.
- Growing marijuana in a location that is not secure or in an area open to the public would be punishable by a fine of up to $750 or up to 50 hours of community service.
- Using a fake ID or otherwise falsely misrepresenting one’s age in order to obtain marijuana would be punishable by a fine of up to $150 or up to 15 hours of community service.
The department could suspend or revoke the registration of a marijuana establishment for multiple or serious violations.

Optional Provisions: Medical Marijuana, Hemp, and Decriminalization

- If the state already has a medical marijuana law, the law should provide that those provisions are not affected. Some harmonization may be useful, such as allowing adult-use retailers to serve patients.
- If the state has a medical marijuana program with licensed businesses, a state may choose to grant priority in licensing to those businesses.
- If the state does not already allow the cultivation and sale of hemp without federal permission, hemp cultivation should be allowed.
- Marijuana possession by those under 21 should be made a civil offense if it is not already one.