



## Can I travel on an airplane with marijuana?

Federal law classifies marijuana with over 0.3% THC as a Schedule I drug under the federal Controlled Substances Act of 1970<sup>1</sup>. Because TSA security stations are under federal jurisdiction and abide by federal laws, transporting marijuana through a TSA security checkpoint could lead to criminal charges. For many years, airport security was a huge risk for those in possession of marijuana.

However, things have changed in recent years, particularly as states started legalizing marijuana for adults. So while marijuana is *officially* prohibited, TSA also has made it clear that its workers do not search for marijuana.

Below is TSA's official stance on marijuana (including medical marijuana):

“Marijuana and certain cannabis-infused products, including some Cannabidiol (CBD) oil, remain illegal under federal law except for products that contain no more than 0.3 percent THC on a dry weight basis [...] TSA officers are required to report any suspected violations of law to local, state, or federal authorities. TSA security officers do not search for marijuana or other drugs. If a substance that appears to be marijuana is observed during security screening, TSA will refer the matter to a law enforcement officer.”<sup>2</sup>

No doubt there are cases in which people are caught in possession, but they are increasingly rare.

Be aware that in addition to federal laws and TSA policies, some airports have their own rules or warnings about carrying marijuana. For example, LAX's statement is as follows:

“As of January 1, 2018, California law allows for individuals 21 years of age or older to possess up to 28.5 grams of marijuana and 8 grams of concentrated marijuana for personal consumption. With the change in state law, the policy and procedures of the Los Angeles Airport Police Division (APD) regarding marijuana were updated to reflect this change. APD officers, who are California Peace Officers, have no jurisdiction to arrest individuals if they are complying with state law. However, airport guests should be aware that Transportation Security Administration (TSA) screening stations are under federal jurisdiction. Also, passengers should be aware that marijuana laws vary state by state and they are encouraged to check the laws of the states in which they plan to travel.”<sup>3</sup>

New York airports have also made it legal to possess less than three ounces of marijuana. Nonetheless, travelers should remain cautious. Although certain airports have more lenient marijuana policies, some adult-use states still have airports that prohibit marijuana on their property, such as Denver International Airport in Colorado and McCarran International Airport in Las Vegas.<sup>4</sup> If TSA happens to find marijuana in a passenger's bag, it is required by law to notify local law enforcement, which depending on the state, can land a person in real trouble. This may not be an issue in legal

adult-use states such as Colorado or New York, where TSA agents may just turn a blind eye because they know local law enforcement does not consider it illegal.

Finally, it's worth mentioning that security dogs used at airports are no longer trained to detect the odor of marijuana.<sup>5</sup> As cannabis has become more common, it would be confusing for dogs who might smell it on passenger clothing, and isn't the core purpose of security in airports (which is keeping people safe from terrorist or other threats).

The bottom line is that when it comes to airport security, there simply are not enough resources available to check for personal possession drug violations, as the main security concern for TSA agents are terrorist threats. While federal law controls within airports and on flights and cannabis remain illegal and therefore a serious issue, security is no longer focusing attention on detection and prosecution for cannabis possession. But this lack of enforcement should not be seen as a new attitude by federal authorities - they still don't like marijuana. Rather it is a practical response in light of limited enforcement resources.

**For more on this, here are some additional resources:**

["What Can I Bring?" -TSA](#)  
[TSA Check: 'We're Cool' And We're Not Looking For Your Weed](#)  
[Cannabis Travel Guide for 2022](#)

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<sup>1</sup> Schedule of Controlled Substances, 21 U.S. Code § 812 (1970),  
<https://www.law.cornell.edu/uscode/text/21/812>

<sup>2</sup> Transportation Security Administration, Medical Marijuana, accessed July 7, 2022,  
<https://www.tsa.gov/travel/security-screening/whatcanibring/items/medical-marijuana>

<sup>3</sup> "LAX Marijuana Policy," Los Angeles World Airports, accessed July 7, 2022,  
<https://www.flylax.com/lax-marijuana-policy>

<sup>4</sup> Daniel Gillaspia, "TSA Marijuana Rules Explained (Flying with Weed) [2022]," May 1, 2022,  
<https://www.uponarriving.com/tsa-marijuana/#:~:text=In%20the%20event%20a%20substance,to%20a%20law%20enforcement%20officer.>

<sup>5</sup> Amanda Bartlett, "What will TSA actually do with your weed if you're traveling between two states where it's legal?," April 11, 2019,  
<https://www.mysanantonio.com/cannabis/article/What-will-TSA-actually-do-with-your-weed-if-13760201.php#:~:text=Do%20TSA%20dogs%20sniff%20for,species%20into%20a%20foreign%20ecosystem.>