



FACT SHEET

WYOMING LEGISLATIVE SERVICE OFFICE

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MARIJUANA LAWS IN REGIONAL STATES

Table 1, below, depicts the constitutional or statutory citations of marijuana laws in eight Western/Midwestern states and Wyoming. The table below lists the controlling definition of cannabis or marijuana and summarizes penalties for marijuana possession in each state. When available, information relating to possible jail sentences and fines is also listed. All of the regional states listed utilize a penalty system based upon the weight of the amount of marijuana in possession.

Table 1. Marijuana Laws in Surrounding States.

State	Constitutional or Statutory Citation	Definitions	Penalty Summary
Arizona	Arizona Revised Statutes: §13-3401 ; §13-3405 ; §13-702 ; §13-801 ; §13-821	13-3401 . Definitions. "In this chapter, unless the context otherwise requires: ... 4. "Cannabis" means the following substances under whatever names they may be designated: (a) The resin extracted from any part of a plant of the genus cannabis, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or its resin. Cannabis does not include oil or cake made from the seeds of such plant, any fiber, compound, manufacture, salt, derivative, mixture or preparation of the mature stalks of such plant except the resin extracted from the stalks or any fiber, oil or cake or the sterilized seed of such plant which is incapable of germination."	Possession of less than two pounds is a Class 6 Felony (jail term minimum of six months, maximum of 1 ½ years), more than two pounds but less than four pounds is a Class 5 Felony (jail term minimum of nine months, maximum of two years) and possession of 4 pounds or more is a Class 4 Felony (jail term minimum of 1 ½ years, maximum of three years). Fines in all felony cases may not exceed \$150,000.

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State	Constitutional or Statutory Citation	Definitions	Penalty Summary
Colorado	Colo. Const. Art. XVIII, Section 16(2) and (3); C.R.S. §18-18-406(3)	Colo. Const. Art. XVIII, Section 16(2) “... (f) "Marijuana" or "marihuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, in marihuana concentrate. "Marijuana" or "marihuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.”	Possession of one ounce or less or up to six mature plants as long as they are not made available for sale (three or fewer being considered mature, flowering plants in an enclosed, locked space) if over the age of 21 is considered legal. Open, public use and possession of marijuana or more than one ounce to two ounces is considered a petty offense with a fine of no more than \$100. More than two ounces up to six ounces is considered a level two drug misdemeanor, more than six ounces up to twelve ounces or not more than three ounces of marijuana concentrate is considered a level one drug misdemeanor and greater than twelve ounces or more than three ounces of marijuana concentrate is considered a level four drug felony.
Kansas	Kansas Code: 65-4101 ; 65-4105 ; 21-5706 ; 21-6611 ; 21-5701(j) ; 21-6602 ; Kansas HB 2462	65-4101 . Definitions. “... (o) "Marijuana" means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination.”	Marijuana is considered a Schedule I substance in Kansas. Effective as of July, 2016, Kansas HB 2462 changes the penalties for to a first offense charge to a nonperson Class B misdemeanor, the second offense is considered a Class A misdemeanor, and any subsequent offenses are considered a level five felony. Prior statutes indicated a charge of possession of less than 450 grams for the first offense was to be considered a misdemeanor, and subsequent offenses or possession with the intent to distribute was considered a level five felony.
Montana	Montana Code Ann. §50-32-101 ; §50-32-222(4)(x)	50-32-101 . Definitions. “(b)(ii)... (18) "Marijuana (marihuana)" means all plant material from the genus Cannabis containing tetrahydrocannabinol (THC) or seeds of the genus capable of germination.”	Less than sixty grams for a first or second offense is a misdemeanor, greater than sixty grams or any amount with the intent to distribute is considered a felony charge. Marijuana is listed as a Schedule I drug.
Nebraska	Nebraska Revised Statutes: §28-416 ; § 28-105 ; §28-405(c)(7) and(16) ; Title 316, Chapter 94- Nebraska Department of Revenue: REG-94-003	28-401 . Terms, defined. “... (13) Marijuana means all parts of the plant of the genus cannabis, whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds, but does not include the mature stalks of such plant, hashish, tetrahydrocannabinols extracted or isolated from the plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, the sterilized seed of such plant which is incapable of germination, or cannabidiol obtained pursuant to sections 28-463 to 28-468. When the weight of marijuana is referred to in the Uniform Controlled Substances Act, it means its weight at or about the time it is seized or otherwise comes into the possession of law enforcement authorities, whether cured or uncured at that time.	First offense of possession of one ounce or less is considered an infraction, subject to a \$300 fine. Second offense is considered a Class IV misdemeanor with a \$400 fine and up to five day jail sentence. Third and subsequent offenses are considered a Class IIIA misdemeanor, \$500 fine and up to a seven day jail sentence. Possession of more than one ounce but less than but no more than one pound is considered a Class III misdemeanor. Possession of more than one pound is considered a Class IV felony with a maximum two year jail sentence. In addition, the State of Nebraska charges a drug tax stamp that must be affixed when drugs enter the state. The stamps are purchased anonymously, and are at a taxable rate for marijuana of \$100 per ounce or portion of an ounce.

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		When industrial hemp as defined in section 2-5701 is in the possession of a person as authorized under section 2-5701, it is not considered marijuana for purposes of the Uniform Controlled Substances Act;"	
New Mexico	New Mexico Statutes Annotated: §30-31-6 C(10) ; §30-31-23	30-31-2 . Definitions. "...N. "marijuana" means all parts of the plant cannabis, including any and all varieties, species and subspecies of the genus Cannabis, whether growing or not, the seeds thereof and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds. It does not include the mature stalks of the plant, hashish, tetrahydrocannabinols extracted or isolated from marijuana, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination;"	Marijuana is considered a Schedule I substance in the State of New Mexico. One ounce or less is considered a petty misdemeanor with a fine of not more than \$100 and no more than a fifteen day jail sentence. Second and subsequent offenses of possession of one ounce or less are considered a misdemeanor with a fine of no more than \$1000 or up to one year of jail or both. More than one ounce but less than eight ounces is considered a misdemeanor with a possible fine of up to \$1000 or up to one year of jail time or both. Possession of more than eight ounces is considered a fourth degree felony. These provisions also apply to synthetic cannabinoids.
South Dakota	S.D. Codified Laws: § 22-42-6 ; § 22-6-1 ; § 22-6-2	22-42-1 . Definition of terms. "... (7) 'Marijuana,' all parts of any plant of the genus cannabis, whether growing or not, in its natural and unaltered state, except for drying or curing and crushing or crumbling. The term includes an altered state of marijuana absorbed into the human body. The term does not include fiber produced from the mature stalks of such plant, or oil or cake made from the seeds of such plant;"	Possession of two ounces or less is considered a Class I misdemeanor, with a jail sentence of up to one year or a fine of \$2000, or both. More than two ounces but less than ½ pound is considered a Class 6 felony with a jail sentence of up to two years, a fine of up to \$4000, or both. More than ½ pound but less than one pound is considered a Class 5 felony with a jail sentence of up to five years, with a possible fine of up to \$10,000, or both. One pound to ten pounds is considered a Class 4 felony with a jail sentence of up to ten years, a fine of up to \$20,000, or both. More than ten pounds is a Class 3 felony with a jail sentence of up to fifteen years with a possible fine of \$30,000, or both.
Utah	Utah Code Annotated: §58-37-8 ; §76-3-204 ; §76-3-203 ; §76-3-301 ; §58-37-4(a)(ii)(S)	58-37-2(1) . Definitions. "... (aa) 'Marijuana' means all species of the genus cannabis and all parts of the genus, whether growing or not; the seeds of it; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from them, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination. Any synthetic equivalents of the substances contained in the plant cannabis sativa or any other species of the genus cannabis which are chemically indistinguishable and pharmacologically active are also included."	Marijuana is considered a Schedule I substance. First and second offenses of marijuana possession are considered a Class B misdemeanor with a jail sentence not to exceed six months and a fine not to exceed \$1000. The third offense is a Class A misdemeanor with a jail sentence not to exceed one year and a fine not to exceed \$2500. Fourth or subsequent offenses are considered a third degree felony, with a jail sentence not to exceed five years and a fine not to exceed \$5,000. Possession of 100 pounds or more is considered a second degree felony with a jail sentence of not less than one year nor more than fifteen years and a fine not to exceed \$10,000.

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State	Constitutional or Statutory Citation	Definitions	Penalty Summary
Wyoming	Wyo. Stat. Ann. §35-7-1014 ; 35-7-1031(c)(i) ; 35-7-1031(c)(iii)	35-7-1002 . Definitions. "... (a)(xiv) 'Marihuana' means all parts of the plant of the genus Cannabis, whether growing or not; the seed thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination;"	Marijuana is defined as a Schedule I substance in Wyoming. Possession of plant form marijuana in the amount of three ounces or less, liquid form in the amount of three-tenths of a gram, or pill, capsule and crystalline form in the amount of three grams is considered a misdemeanor punishable by a jail sentence of not more than twelve months, a fine of not more than \$1000, or both for first and second offenses. A third offense is a felony punishable by a jail sentence of not more than five years, a fine of not more than \$5,000, or both. Possession of more than the amounts previously detailed is a felony punishable by a jail sentence of no more than five years, a fine of no more than \$10,000, or both.

Source: LSO Research staff summary of information provided by the National Conference of State Legislators, the Nebraska Department of Revenue, and state statutes.

If you need anything further, please contact LSO Research at 777-7881.