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Citation: 56 Va. L. Rev. 1170 1970

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In calmer times, the authors believe that legislators would not be resisting reconsideration of the marijuana issue to the degree that they have thus far. A significant crosscurrent of public opinion, colored by preference for individuality and privacy, has swept aside many of the public policies which took root in the same soil as twentieth century drug policy. Today while we have expanded government's role in the economy of the nation, we have seen a consistent retreat from the glib paternalism that underlay laws restricting sexual practices among husband and wife, harsh definitions of pornography and the development of specialized courts for juveniles in which the state would, without benefit of established legal procedures, guard and protect the best interest of the child. To a large degree, the federal courts have been the vehicle by which this crosscurrent has affected public policy. Yet, in deference to the political process, the courts have thus far refused to intervene on the marijuana issue.

As the number of deviants continues to increase, fundamental alteration of drug policy, particularly with regard to marijuana, is inevitable. Because of the volatility of the issue and the current overextension of the courts, we believe that such alteration should be achieved in the legislatures. Yet despite an overwhelming volume of scientific criticism of existing law, legislatures have taken only token action. The source of the law is now its defense—ignorance. Even though independent researchers have disproved all of the old assumptions, the status quo is maintained on the ground that the evidence is not yet in on long-range effects of repeated use. A poor basis for a criminal law in any case, this argument is defectively open-ended. Because concerted scientific research is occurring only for the first time, waiting for these conclusions could preserve the status quo for a decade or more, even though no positive evidence supports prohibition.

If the legislative process continues to stall, however, we predict that the judiciary will no longer restrain itself. As some comments and peripheral rulings from the bench have already demonstrated, the courts too have been affected by the changing use patterns, media commentary, and commission and academic recommendations. Although we would prefer that the courts not be forced to enter still another political thicket, we do believe, as illustrated above, that a declaration of unconstitutionality is analytically justifiable.

To summarize, during the two criminalization stages, 1915 to 1937, the public opinion process was not invoked because of the number and

identity of marijuana users. Accordingly, the political decision-makers made incorrect factual assumptions which went unquestioned by the judiciary and the general public. Nevertheless, criminalization probably comported with general community values if those assumptions were made, and even perhaps if they were not.

Apart from its general consistency with community instincts for paternalism and preference for cultural homogeneity, the new law had a significant independent effect. As had been the case with the earlier anti-narcotics laws, the very existence of a criminal law generated a positive morality where none had existed before. In Sumner's terms, the new stateway *did* create a new folkway with respect to marijuana. This could occur with regard to marijuana and not to alcohol precisely because of the wholly different number and character of the users. We conclude that where a deviant group is outside the public opinion process and the dominant group is unfamiliar with their deviant conduct, stateways, in the form of prohibition of such conduct, *can create folkways* because of the presumption of immorality attaching to violation of the criminal law.

So long as the class of users remained constant, the public opinion process remained inoperative, the factual assumptions remained unquestioned (or new ones were advanced to support the law), and the moral judgment fed upon itself. Thus, the 1950's witnessed an incredible escalation of penalties and withdrawal of judicial discretion unmatched at any other time in American jurisprudence.

In the late 1960's, however, the number and social identity of the deviants changed radically. The public opinion process became operative on the marijuana issue for the first time in its history, generating massive scientific inquiry into the drug's effects. As a product of this process, it is at least clear that there is no longer a community consensus in favor of marijuana prohibition. First, the continuing consensus regarding narcotics use has been demonstrated conclusively to be factually inapposite to marijuana. Second, there is a strong crosscurrent of cultural values preferring privacy, individuality and cultural pluralism inconsistent with the value preferences underlying the marijuana laws. Although we will explore the effect of this phenomenon below, it is important to note now the growing legal recognition of these values in related substantive areas like sexual practices and in the rules of criminal procedure.

It is too soon to state with any assurance that the crosscurrent will

become the consensus. The law itself still exerts a continuing influence; many a middle-class parent intones haplessly that marijuana use is against the law and must therefore be bad; indeed, so does the Attorney General of the United States.<sup>4</sup> The current polarization of society has tended to defer final resolution of this value clash and therefore of the marijuana problem.

Nevertheless, we do not believe that the broader social polemics should obscure rational consideration of the marijuana problem. This Article was designed to provide the historical perspective which we believe so material to this consideration; hopefully, an understanding of the origins of the law will set aside some irrelevant issues and permit incisive consideration of the core issues, one of which is the nature of the contemporary value crosscurrent, to which we now turn.

### *B. Twentieth Century Values and the Marijuana Laws*

As we suggested at the outset and again in the preceding discussion of the policy formation process, the history of marijuana regulation presents an ideal case study of the evolution of American cultural values in the twentieth century. Basically it describes an alteration in the individual's sphere of independence in the society.

In a time when the individual's economic and political independence had not yet been suffocated by the weight of massive impersonal institutions, society insisted on conformity to the dominant personal moral code. Because of the blessings of a free economy, economic eccentricity was encouraged in the ideological trappings of the self-made man. Similarly, the political reforms of this period—the initiative, referendum and recall—manifested faith in individual political judgments of every man.

At the same time, however, each individual's fulfillment of his political and economic promise demanded his adherence to the tenets of the Protestant Ethic—hard work and productivity. To insure a continuing march toward political and economic progress, society tightened the reins on personal behavior. Every new immigrant class had to be integrated into the system, to learn the American way. There was no room for "misfits." Society had the *duty* to keep the individual from

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<sup>4</sup>"One thing young people should really recognize is the fact that marijuana is illegal, even possession is illegal, and they should realize that their future in society can be damaged severely." Attorney General John N. Mitchell, *quoted in* NEWSWEEK, Sept. 7, 1970, at 22.

falling by the wayside. Thus, the juvenile court movement began in 1899 to reach out early and reform the errant youth; society was his true parent. Similarly, the temperance and anti-narcotics movements, and the later anti-marijuana "movement," were designed to protect the individual, particularly the new immigrant classes, from inhibiting their own capacity to reap the benefits of the American economic and political system.

Naturally, restraints on individuality were not always rationalized in this way. There was a certain self-righteousness about the moral superiority of the American way. Thus, the insistence on assimilation of immigrant ethnic groups was designed not only to stimulate their own success but also to protect the superior, divinely inspired, American way from contamination. For example, as we noted above, many Americans who supported alcohol prohibition were opposed not so much to the drinking of alcohol but rather to the licensed saloon and the political power of the Italian and Irish minorities who used the saloons as the center of their social orders in the new country. In the same way strong ethnic bias against the Chinese on the West Coast was the prime motivation for those states' early anti-opium laws. Likewise in the Southwest the primary impetus for the criminalization of marijuana use was prejudice against the growing Mexican communities in those states. Laws were passed against the Mexicans and "their weed."

The point cannot be understated that much of the "reform" legislation at the turn of the century, including the sumptuary laws, was designed to protect and extend the dominant way of life—that of Protestant, rural, white, Scotch-Irish and English America. That way of life was making the country great, and the succeeding waves of immigrants had to be assimilated as quickly as possible, for they posed a threat to the dominant order. Much of the prohibitory movement was designed to meet that threat—to root out cultural differences and impose the dominant values. Open prejudice and public ethnic slurs commonly accompanied passage of the drug and liquor laws and other paternal legislation. Similarly, in 1912, Theodore Roosevelt could run for President with "Onward Christian Soldiers" as his campaign song.

Utilizing a police power defined broadly in terms of self-protection, the dominant segment of society sought to protect itself from contamination and to promote homogeneity. Legislatures and reviewing courts focused only on society's interests, not on the "right" of the individual to deviate from the majority's cultural norms; the courts were

essentially closed to assertions of minority rights. Similarly, the criminal process was administered not from the perspective of protecting the "rights" of the criminal defendant but rather of protecting the society against deviance. Thus, during the period of Prohibition enforcement, fourth and fifth amendment rights were consistently ignored.

This, then, was the cultural milieu in which early twentieth century drug legislation took root and the continuing effect of which also fostered the later suppression of marijuana. The society imposed severe restraints on individual personal and social conduct in order both to reap the societal benefits from the individual's supposed economic and political independence and to perpetuate the dominant cultural outlook.

In contemporary society, however, the perspective is quite the reverse. Economic and political institutions have become increasingly omnipotent; the individual is increasingly dependent on the system rather than the system dependent on him. More and more the individual views himself as a cog in the massive, impersonal, technological machine, the gears for which are beyond his grasp. Consequently, a higher value has been placed on personal fulfillment in the noneconomic, non-political sphere; a new emphasis has been placed on personal identity, and the individualized, deinstitutionalized pursuit of happiness. Concurrently, as economic productivity demands less of each individual's time and energy, and the work-week continues to shorten, a leisure value has emerged. The society has less and less economic interest in what the individual does with his leisure time.

Particularly in the last decade, this new value preference has been recognized in laws and judicial decisions recognizing the individual's right to differ—intellectually, spiritually, socially and sensually. A new, sometimes extreme, emphasis is placed on individual privacy; as an incredibly sophisticated technology continually expands society's control over the individual, he is insisting that the wall around his private life be fortified. Similarly, the search for identity has extended to groups of individuals; in stark contrast to the fervent implementation of the melting-pot syndrome fifty years ago is the increasing group awareness in an admittedly pluralistic society. The proliferation of Black and "Chicano" awareness groups and the resurgence of the American Indian testify to the renaissance of group identity and the bankruptcy of the assimilation ideology.

We believe that marijuana prohibition is as inconsistent with this new cultural climate as it was predictable under the old. As illustrated in

related areas, the focus has shifted decidedly from society's interest in protecting itself from deviance to the individual's right to deviate. Laws proscribing deviant forms of private sexual conduct—nudism, homosexuality—are being repealed or invalidated. Laws interfering with familial decision-making—abortion, contraception, miscegenation—are meeting the same fate. Laws rigidly defining the woman's place in the society and restricting her individual pursuit of happiness are under attack. Society's highly paternalistic treatment of adolescents—reflected in the pre-1967 juvenile court system and in the hands-off policy regarding school administration—is being reversed. Society's highly moralistic treatment of narcotics addiction, generated by the Harrison Act in 1914, is being replaced by a more humane medical outlook. Finally, official and unofficial suppression of ethnic and racial differences—and the related prejudice—has been replaced by official encouragement of such differences and suppression of discrimination, both public and private.

In sum, then, we believe that values which fostered and sustained the criminalization of marijuana have changed radically in the last decade. In fact, the widespread violation of the marijuana laws is itself proof of that proposition; the users and many nonusers see no possible societal objection to an individual's use of an apparently harmless euphoriant. In the words of Leroy Mitchell, whose combat with the law provides an interesting comment on the modern dangers of the "killer weed,"<sup>5</sup>

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<sup>5</sup> *People v. Mitchell*, 244 Cal. App. 2d 176, 52 Cal. Rptr. 884 (Dist. Ct. App. 1966). Advised by Leroy's distraught wife that he smoked marijuana every evening, the police, with her consent, entered the house and arrested Leroy. He was very cooperative with the officers, showing them his hidden supply and his growing plants. Forgiving his wife, Leroy readily admitted using and growing marijuana. At trial, his sole defense was that marijuana was an integral part of his daily life, forming the crux of his religious practice.

"In the sense that I believe that religion is related to law or constitutionality, I was exercising freedom in my own home to smoke something actually better than tobacco." His religious ritual was, "Get up in the morning and have breakfast, lunch at 12:30 evening meal, say between 6:00 and 7:00 and a pipe of marijuana about 8:00 or 9:00."

*Id.* at 180-81, 52 Cal. Rptr. at 885.

To Leroy's free exercise claim, the court responded that he had "offered no evidence that his use of marijuana is a religious practice in any sense of that term." *Id.* at 182, 52 Cal. Rptr. at 886. The first amendment protects only institutionalized religion. Poor Leroy. "In defendant's discourse to the jury," the court continued, "he did refer to the Bible and to the practices of some Hindus, but in essence *he was expressing only his own personal philosophy and way of life.*" *Id.* (emphasis added).

In Leroy's defense, we might then ask, why not? Is there no constitutional precept that the state cannot make his "way of life" a crime, much less a felony unless his private

I have heard the problems of marijuana discussed many times and it has come to my attention that actually the only problem that we are having with marijuana is that young people are being faced with the attitude of criminality . . . .<sup>6</sup>

As we noted above, there is not yet a community consensus on this new value crosscurrent, and there probably will be none until the society becomes depolarized. At the same time, we do predict that the marijuana laws will not long exist in the current climate of changing values *and* increased use among a sizeable segment of the "respectable" public. We should emphasize this latter point. As lawyers by profession, we may tend to focus on and occasionally overestimate the force of the evolution of statutory and case law in changing the legal and social order. For that reason, we note without hesitation that the most potent force for change in the drug laws is the incredible increase in drug use, especially among the middle-class young. No society can long afford to define so large a segment of its population as criminal. It is highly unlikely that this one will continue to do so. This current increase in marijuana use stands in stark contrast to the public attitudes and opinions about drug use which were prevalent as late as 1956. And it is this phenomenon which in turn will hasten a wider community recognition of the emerging values.

Perhaps the single best illustration of the mutual influence of these two factors on public attitudes toward drug use in the last ten years is a recent broadcast commentary on the apprehension of Robert Kennedy, Jr. and R. Sargent Shriver, III, for possession of marijuana. After showing pictures of the boys and their prominent families emerging from a Massachusetts juvenile court, the commentator noted<sup>7</sup> that this case was unusual only in that famous families were involved. He continued that today it is commonplace indeed for parents to accompany their children to court on drug charges. Today a drug charge is "com-

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pursuit of happiness bears some reasonable relationship in fact to some public evil. Sure, Leroy might have been bugging his wife. But she had recourse to civil remedies. Is the chance that Leroy's social and personal use of marijuana would hurt him or anyone else great enough to warrant a felony conviction? We think not; at least we think the courts should ask.

<sup>6</sup> *Id.* at 180, 52 Cal. Rptr. at 888.

<sup>7</sup> "This case is not unusual; more and more parents across the nation find themselves going to court with their children on drug charges. It's becoming an incident of modern living." Walter Cronkite, CBS Evening News, August 8, 1970.

monplace;" in 1958, it was unthinkable criminal. A later commentator wondered whether we could afford "a whole generation of criminals."<sup>8</sup>

As must be clear by now, we do not think this society will or ought to perpetuate this disastrous situation. Either by nonenforcement, repeal or judicial invalidation, the law will be changed. Throughout the earlier discussion of possible constitutional objections to the marijuana laws we expressed our policy preference for judicial restraint in this area; although existing constitutional doctrines would support a judicial invalidation, we prefer legislative reevaluation. We believe that rational legislative reconsideration would result in partial or total repeal and that this task should be commenced immediately. For that reason we will suggest what we consider the minimal acceptable legislative response and the optimum response.

### *1. The Premise*

Whatever the constitutional mandate, we believe legislators ought to begin as a matter of policy with the assumption that conduct harmful only to the actor is not a legitimate subject for the criminal law. In the first place, notions of blameworthiness, if not immorality, should underlie any criminal statute. Yet contemporary western man increasingly regards as blameworthy only that which directly or indirectly harms others; the presumption ought therefore to be that conduct harmful only to the actor should be deterred through means other than the criminal law.

Second, to the degree that the society continues to render moral judgments regarding purely personal conduct, we do not agree with Lord Devlin that the criminal law is ever the appropriate vehicle for the imposition of the dominant personal moral code. In this day of rampant relativism, imposition on the minority of the dominant personal morality is presumptuous and suspicious.

We subscribe the emergent value preference for individuality and freedom of choice described above and share Justice Brandeis' warning that government is most dangerous when it purports to "help" the individual citizen.<sup>9</sup> In fact, we believe that contemporary society is ill advised to insist on homogeneity of conduct, even where the majority continues to attach moral blame. The danger of regimentation and stul-

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<sup>8</sup> CBS Evening News, August 19, 1970. See also K. ERICKSON, *WAYWARD PURITANS* (1966).

<sup>9</sup> *Olmstead v. United States*, 277 U.S. 438, 479 (1928) (Brandeis, J., dissenting).

tifying conformity is one of the paramount disutilities of modern technological society. We feel it incumbent on the legislators as designers of the social order to promote the widest possible latitude for private conduct so as to encourage the diversity that fosters the creative element in any productive society.

A third related reason for this policy premise is that the benevolent societal goal of protecting the actor from his own folly, if it should be effectuated at all, can be achieved by means other than the criminal law. Indeed, use of the criminal law for this purpose is generally less effective than other means because of the difficulty of enforcement, which itself is our final rationale for the initial premise. Laws prohibiting purely personal or consensual conduct have an ancillary effect which causes more harm to the social fabric than the mere offensiveness of deviant personal conduct—the inevitable collision of law enforcement techniques with constitutional limitations. Sacred protection of the individual's right to privacy is, to us, a far more noble end than the protection of the individual from his own folly, as defined by the dominant segment of society.

We do not pretend to have settled or even enriched the continuing philosophic debate regarding "crimes without victims." However, since the only rationale remaining for marijuana prohibition is that it is harmful to the user, legislative adoption of our position on this issue would dictate partial or total repeal of existing law. It should be noted that an increasing number of lawyers, philosophers and social scientists have taken this position. We recommend it to the state and federal legislatures.

## *2. Statutory Recommendations*

We offer first a statutory scheme which might be palatable to legislators who still fear that further study will reveal that marijuana use has long-range ill effects. While we do not think this fear justifies perpetuation of the existing statutes, it will justify a scheme which permits those who choose to smoke marijuana to do so but which inhibits spread of the conduct; that is, it simply takes the user of marijuana out of the criminal process.

For this minimal solution, we propose:

- a) prohibiting possession of more than four ounces of marijuana unless the defendant can show that it was possessed solely for personal use;
- b) prohibiting public use of the drug;

- c) proscribing driving or operating any other dangerous machine while under the influence of the drug;
- d) proscribing transfer to any one party of more than four ounces of marijuana;
- e) prohibiting transfer of any amount to persons below the age of sixteen;
- f) punishing all violators as misdemeanants.

The prohibition of possession or sale of more than four ounces of the drug fulfills the possibly justified legislative goal of limiting mass distribution and proselytizing the use of marijuana. We feel that none of the important values of right to privacy or individual freedom are involved when one individual goes beyond his own private use of the drug to proselytize. However, as we have seen above, the realities of the marketplace are such that the average user might sell to friends to support his own use. Our arbitrary choice of four ounces as the cut-off point for the criminal process reflects an assumption, based on current trade practices, that it will keep the small seller out of the criminal process while ensnaring the mass distributor. Of course, this figure should be raised or lowered if prevalent market conditions change.

Two explanatory notes are in order. First, we choose a presumptive amount approach in order to avoid the complexities of affirmative proof of intent to sell and yet to allow some flexibility for the court to release a defendant unjustly trapped by our arbitrary figure. Second, we acknowledge the inconsistency of legalizing possession for personal use and yet criminalizing conduct which must necessarily precede such possession at some point. However, we believe that this inconsistency is justified as an interim measure both by the need to keep users out of the courts and by the salutary effect of keeping most users out of contact with organized dealers through legitimization of some channels of distribution.

Similarly, the provision outlawing public use, driving under the influence and transfer to minors each serve legitimate public interests. These provisions and the penalty provision are each designed to reflect the treatment accorded the alcohol offender.

It should be reiterated that we view the above statutory scheme as a minimal response that protects what might be perceived as legitimate public goals while not infringing the right to privacy. However, some form of legal dissemination of the drug accords philosophically and practically with the logic of the authors' views. To this end we both

predict and urge that each state adopt a regulatory scheme—either the licensing or state monopoly models—to control cultivation, distribution and consumption of marijuana in the same way those states now regulate the use of alcohol. The benefits of such a system, especially if a state monopoly controls cultivation and distribution, are manifold. First, the state can regulate the quantity and the potency of the drug produced. Second, the state can restrict the age and other eligibility of the purchaser. Third, and most important, the state can tax the purchaser providing a valuable source of revenue to the states in a time when lack of revenues is becoming a more and more serious problem. As a corollary, to the limited extent that organized crime is involved in the marijuana trade, any such regulatory scheme would both divert the revenue from the coffers of the Mafioso and eliminate possible contact between the marijuana user and its henchmen.

APPENDIX A\*  
TABLE I. STATUTORY SCHEMES FOR MARIJUANA PROHIBITION

<i>Jurisdiction</i>	<i>Distinction between marijuana and other narcotics</i>	<i>First offense possession, classified as felony</i>	<i>Suspended sentences, parole, and probation</i>
Alabama	Yes	Yes	Only for 1st offense possession
Alaska	Yes	No	Only for 1st offense possession
Arizona	Yes	No	Only for 1st offense possession
Arkansas	No	Yes	Only for 1st offense
California	Yes	No	Only for 1st offense possession
Colorado	No	Yes	No parole
Connecticut	Yes	No	Only for 1st three offenses
Delaware	No	No	Only for 1st offense
Florida	No	Yes	Only for possession and 1st offense sale
Georgia	No	Yes	Only for 1st offense
Hawaii	No	No	Only for 1st offense possession
Idaho	No	Yes	No prohibition
Illinois	No	No	Only for 1st offense possession
Indiana	No	Yes	Only for 1st offense
Iowa	No	No	Only for 1st offense possession
Kansas	No	Yes	No prohibition
Kentucky	No	Yes	Only for 1st offenses, except sale to a minor—no probation
Louisiana	No	Yes	Only for 1st offense possession
Maine	Yes	No	No prohibition
Maryland	No	Yes	Only for possession and 1st offense sale
Massachusetts	No	No	Only for possession and 1st offense sale
Michigan	No	Yes	Only for 1st offense possession
Minnesota	No	Yes	No prohibition

\* The data appearing in these tables is current as of June 1970. Since that time, some states, such as New Jersey, Georgia and California, have amended their marijuana laws. It should be noted that, in condensing complicated statutory schemes to tabular form, many of the nuances of these schemes are not reported.

TABLE I. STATUTORY SCHEMES FOR MARIJUANA PROHIBITION—CONTINUED

<i>Jurisdiction</i>	<i>Distinction between marijuana and other narcotics</i>	<i>First offense possession classified as felony</i>	<i>Suspended sentences, parole, and probation</i>
Mississippi	No	Yes	Only for 1st offense possession
Missouri	No	Yes	Only for 1st offense possession
Montana	Yes	Yes	No prohibition
Nebraska	Yes	No	No prohibition
Nevada	No	Yes	Only for possession and 1st offense sale (except by an adult to a minor)
New Hampshire	Yes	No	No prohibition
New Jersey	No	Yes	No prohibition
New Mexico	No	No	Only for 1st offense possession of less than one ounce
New York	No	No	No prohibition
North Carolina	No	No	Only for possession and 1st offense sale (except by an adult to a minor)
North Dakota	Yes	No	No prohibition
Ohio	No	Yes	Sale offenses not probational
Oklahoma	Yes	Yes	No prohibition
Oregon	No	Yes	No prohibition
Pennsylvania	No	Yes	Only for 1st offense
Rhode Island	No	Yes	No probation for sale to a minor
South Carolina	No	Yes	Only for 1st and 2d offenses
South Dakota	Yes	No	Only for 1st offense
Tennessee	No	Yes	Only for 1st offense
Texas	No	Yes	Only for 1st offense
Utah	No	No	Only for possession offenses
Vermont	Yes	No	No prohibition
Virginia	Yes	No	No prohibition
Washington	Yes	No	No prohibition
West Virginia	No	Yes	Only for 1st offense
Wisconsin	Yes	No	Only for 1st offense
Wyoming	No	No	No prohibition
District of Columbia	No	No	No prohibition

TABLE II. PENALTY PROVISIONS FOR MAJOR MARIJUANA OFFENSES  
A. POSSESSION

	1st Offense	2d Offense	Subsequent Offense
Alabama	2-10 yrs./\$20,000 maximum	5-20 yrs./\$20,000 maximum	10-40 yrs./\$20,000 maximum
Alaska	0-1 yr./\$1,000 or rehabilitation treatment by state for 1 year		
Arizona	0-1 yr. in county jail/\$1,000 max. or 1-10 yrs.	2-20 yrs.	5-life
Arkansas	2-5 yrs./\$2,000 maximum	5-10 yrs./\$2,000 maximum	10-20 yrs./\$2,000 maximum
California	County jail for up to 1 year or 1-10 years	2-20 yrs.	5-life
Colorado	2-15 yrs./\$10,000 maximum	5-20 yrs./\$10,000 maximum	10-30 yrs./\$10,000 maximum
Connecticut	0-1 yr./\$1,000 max. or up to 3 yrs. to cust. of commissioner		
Delaware	0-2 yrs./\$500 maximum	0-5 yrs./\$3,000 maximum	
Florida	0-5 yrs./\$5,000 max. or hospital until cured	0-10 yrs./\$10,000 max. or hospital until cured	0-20 yrs./\$20,000 maximum or hospital until cured
Georgia	2-5 yrs./\$2,000 maximum	5-10 yrs./\$3,000 maximum	10-20 yrs./\$5,000 maximum
Hawaii	0-5 yrs.	0-10 yrs.	
Idaho	0-10 yrs.		
Illinois	Less than 2.5 grams 0-1 yr./\$1,500 max., over 2.5 grams, 2-10 yrs./\$5,000 maximum	Less than 2.5 grams 2-10 yrs./\$5,000 max., over 2.5 grams, 5-life	
Indiana	2-10 yrs./\$1,000 maximum	5-20 yrs./\$2,000 maximum	
Iowa	Personal use, 0-6 months/\$1,000 max., otherwise, 2-5 yrs./\$2,000 maximum	5-10 yrs./\$2,000 maximum	10-20 yrs./\$2,000 maximum
Kansas	0-7 yrs.		
Kentucky	2-10 yrs./\$20,000 maximum	5-20 yrs./\$20,000 maximum	
Louisiana	Under 21, 0-10 yrs.; over 21, 5-15 yrs.		
Maine	0-11 mos./\$1,000 maximum	0-2 yrs./\$2,000 maximum	
Maryland	2-5 yrs./\$1,000 maximum	5-10 yrs./\$2,000 maximum	10-20 yrs./\$3,000 maximum
Massachusetts	0-3½ yrs. (prison), or 0-2½ yrs. (jail)/\$1,000 maximum		
Michigan	0-10 yrs./\$5,000 maximum	0-20 yrs./\$5,000 maximum	20-40 yrs./\$5,000 maximum
Minnesota	5-20 yrs./\$10,000 maximum	5-20 yrs./\$10,000 maximum	

TABLE II. PENALTY PROVISIONS FOR MAJOR MARIJUANA OFFENSES—CONTINUED

A. POSSESSION

	1st Offense	2d Offense	Subsequent Offense
Mississippi	2-5 yrs./\$2,000 maximum	5-10 yrs./\$2,000 maximum	10-20 yrs./\$2,000 mandatory fine
Missouri	6 mos. to 1 yr. in county jail or 20 yrs. max. in state penitentiary	5 yrs.-life	10 yrs.-life
Montana	If person is under 21 and 1st offense then gets deferred imposition of sentence, 0-5 yrs.	0-5 yrs. maximum	—
Nebraska	25 or more cigarettes, 1-5 yrs. Less than 25, 7 days	1-5 yrs.	—
Nevada	1-6 yrs./\$2,000 maximum	1-10 yrs./\$2,000 maximum	1-20 yrs./\$5,000 maximum
New Hampshire	0-1 yr./\$500 maximum	0-3 yrs./\$1,000 maximum	—
New Jersey	2-15 yrs./\$2,000 maximum	5-25 yrs./\$5,000 maximum	10-life/\$5,000 maximum
New Mexico	Possession of 1 oz. or less, 0-1 yr. in county jail/\$1,000 maximum	1-5 yrs./\$5,000 maximum	2-10 yrs./\$5,000 maximum
New York	2-10 yrs./\$2,000 maximum	5-20 yrs./\$2,000 maximum	10-40 yrs./\$2,000 minimum fine
North Carolina	Less than 25 cigarettes up to 1 yr., 25-99, 1-7 yrs., 100, 1-15 yrs. Less than 1 gm., misdemeanor with fine or imprisonment left to court	—	—
North Dakota	0-5 yrs./\$1,000 maximum	5-10 yrs./\$2,000 maximum	15-life/\$3,000 maximum
	6 mos. min. in county jail/\$2,000 max. or 0-2 yrs. in penitentiary/\$2,000 maximum	0-5 yrs./\$2,000 maximum	—
Ohio	2-15 yrs./\$10,000 maximum	5-20 yrs./\$10,000 maximum	10-30 yrs./\$10,000 maximum
Oklahoma	0-7 yrs./\$5,000 maximum	—	—
Oregon	0-1 yr./\$5,000 maximum or 0-10 yrs./\$5,000 max.	—	—
Pennsylvania	2-5 yrs. separate or solitary confinement and \$2,000 maximum	5-10 yrs. separate or solitary confinement and \$5,000 maximum	10-30 yrs. separate or solitary confinement and \$7,500 maximum
Rhode Island	0-15 yrs. and \$10,000 maximum	0-20 yrs. and \$10,000 maximum	0-30 yrs. and \$10,000 maximum
South Carolina	0-2 yrs./\$2,000 maximum	2-5 yrs./\$2,000-\$5,000	10-20 yrs.

South Dakota	Less than 1 oz.—0-1 yr. in county jail/\$500 max. More than 1 oz.—2-5 yrs./\$5,000 maximum	10-15 yrs./\$10,000 maximum	15-40 yrs./\$20,000 maximum
Tennessee	2-5 yrs./\$500 maximum	5-10 yrs./\$500 maximum	10-20 yrs./\$500 maximum
Texas	2 yrs.-life	10 yrs.-life	6 mos. min. in county jail or 1-5 yrs. in penitentiary
Utah	6 mos. min. in county jail	— —	— —
Vermont	0-6 mos./\$500 maximum	0-2 yrs./\$2,000 maximum	— —
Virginia	0-12 mos./\$1,000 maximum	0-12 mos./\$10,000 max. or 2-20 yrs./\$10,000 max.	— —
Washington	0-6 mos./\$500 maximum	0-1 yr./\$1,000 maximum	0-10 yrs./\$10,000 maximum
West Virginia	2-5 yrs./\$1,000 maximum	5-10 yrs./\$5,000 maximum	10-20 yrs./\$10,000 maximum
Wisconsin	0-1 yr. in county jail/\$500 maximum	0-2 yrs./\$1,000 maximum	— —
Wyoming	0-6 mos./\$1,000 maximum	0-5 yrs./\$2,000 maximum	0-10 yrs./\$2,000 maximum
District of Columbia	0-1 yr./\$100-\$1,000	0-10 yrs./\$500-\$5,000	— —

B. POSSESSION WITH INTENT TO SELL

	1st Offense	2d Offense	Subsequent Offense
Alabama	No such offense		
Alaska	0-25 yrs./\$20,000 maximum	0-life/\$25,000 maximum	0-life/\$25,000 maximum
Arizona	2-10 yrs.	5-15 yrs.	10-life
Arkansas	No such offense		
California	2-10 yrs.	5-15 yrs.	10-life
Colorado	10-20 yrs.	15-30 yrs.	20-40 yrs.
Connecticut	5-10 yrs./\$3,000	10-15 yrs./\$5,000	25 yrs.
Delaware	No such offense		
Florida	No such offense		
Georgia	No such offense		
Hawaii	0-10 yrs./\$1,000 maximum	0-20 yrs./\$2,000 maximum	-- --
Idaho	0-15 yrs.	-- --	-- --
Illinois	No such offense		
Indiana	5-20 yrs./\$2,000 maximum	5 yrs.-life/\$5,000 maximum	-- --
Iowa	2-5 yrs./\$2,000 maximum	5-10 yrs./\$2,000	10-20 yrs./\$2,000 maximum
Kansas	No such offense		
Kentucky	No such offense		
Louisiana	No such offense		
Maine	No such offense		
Maryland	No such offense		
Massachusetts	5-10 yrs.	10-25 yrs.	-- --
Michigan	No such offense		
Minnesota	No such offense		
Mississippi	No such offense		
Missouri	No such offense		
Montana	No such offense		
Nebraska	1-5 yrs.		
Nevada	1-6 yrs./\$2,000 maximum	-- --	-- --
New Hampshire	0-10 yrs./\$2,000 maximum	1-10 yrs./\$2,000 maximum	1-20 yrs./\$5,000 maximum
New Jersey	No such offense	0-15 yrs./\$5,000 maximum	-- --
New Mexico	10-20 yrs./\$5,000 maximum	20-40 yrs./\$10,000 maximum	life/\$20,000 maximum
New York	1-4 yrs.	5-10 yrs./\$2,000 maximum	-- --
North Carolina	0-5 yrs./\$1,000 maximum		15-life/\$3,000 maximum
North Dakota	No such offense		

Ohio	10-20 yrs.		
Oklahoma	0-7 yrs./\$5,000 maximum	15-30 yrs.	20-40 yrs.
Oregon	No such offense		
Pennsylvania	No such offense		
Rhode Island	0-20 yrs.	0-30 yrs.	0-40 yrs.
South Carolina	No such offense		
South Dakota	No such offense		
Tennessee	No such offense		
Texas	No such offense		
Utah	2-10 yrs.	5-15 yrs.	
Vermont	100 cigarettes or more 0-5 yrs./\$5,000 max., 25 cigarettes or more 0-2 yrs./\$2,000 maximum		
Virginia	1-40 yrs./\$25,000 maximum	10-life/\$50,000 maximum	
Washington	3-10 yrs./\$5,000 maximum		
West Virginia	No such offense		
Wisconsin	0-5 yrs./\$5,000 maximum	0-10 yrs./\$5,000 maximum	
Wyoming	0-6 mos./\$1,000 maximum	0-5 yrs./\$2,000 maximum	
District of Columbia	No such offense		0-10 yrs./\$2,000 maximum

C. SALE

	1st Offense	2d Offense	Subsequent Offense
Alabama	5-20 yrs./\$20,000 maximum	10-40 yrs./\$20,000 maximum	10-life
Alaska	0-25 yrs./\$20,000 maximum	0-life/\$25,000 maximum	10-20 yrs./\$2,000 maximum
Arizona	2-10 yrs.	5-15 yrs.	10-life
Arkansas	2-5 yrs./\$2,000 maximum	5-10 yrs./\$2,000	20-40 yrs.
California	5-life	15-30 yrs.	25 yrs.
Colorado	10-20 yrs.	10-15 yrs./\$5,000 maximum	10-20 yrs./\$2,000-\$5,000
Connecticut	5-10 yrs./\$3,000 maximum	7-12 yrs./\$1,000-\$3,000	20-life/\$20,000 maximum
Delaware	3-10 yrs./\$500-\$3,000	0-20 yrs./\$20,000 maximum	10-20 yrs./\$5,000 maximum
Florida	0-10 yrs./\$10,000	5-10 yrs./\$3,000 maximum	—
Georgia	2-5 yrs./\$2,000 maximum	0-20 yrs./\$2,000 maximum	—
Hawaii	0-10 yrs./\$1,000 maximum	—	—
Idaho	0-10 yrs.	—	—
Illinois	10-life	life	—
Indiana	5-20 yrs./\$2,000 maximum	20-life/\$5,000 maximum	—
Iowa	2-5 yrs./\$2,000 maximum	5-10 yrs./\$2,000 maximum	—
Kansas	0-7 yrs.	10-40 yrs./\$20,000 maximum	—
Kentucky	5-20 yrs./\$20,000 maximum	—	—
Louisiana	Seller under 21, 5-10 yrs., Seller over 21, 10-50 yrs.	—	—
Maine	To people over 21, 1-5 yrs., By people under 21, 1-5 yrs.	4-10 yrs.	—
Maryland	2-5 yrs./\$1,000 maximum	5-10 yrs./\$2,000 maximum	10-20 yrs./\$3,000 maximum
Massachusetts	5-10 yrs.	10-25 yrs.	—
Michigan	20 yrs.-life	—	—
Minnesota	5-20 yrs./\$10,000 maximum	—	—
Mississippi	5-10 yrs./\$2,000 maximum	10-20 yrs./\$2,000 mandatory fine	—
Missouri	5 yrs.-life	10 yrs.-life	life
Montana	1 yr.-life	—	—
Nebraska	2-5 yrs.	—	—
Nevada	By minor then 1-20 yrs. w/possible probation	No difference for minor	No difference for minor
New Hampshire	1-20 yrs./\$5,000 maximum	life/\$5,000 maximum	—
New Jersey	0-10 yrs./\$2,000 maximum	0-15 yrs./\$5,000 maximum	—
	2-15 yrs./\$2,000 maximum	5-25 yrs./\$5,000 maximum	10-life/\$5,000 maximum

New Mexico	10-20 yrs./\$5,000 maximum	20-40 yrs./\$10,000 maximum	life/\$20,000 maximum
New York	1-15 yrs.	5-10 yrs./\$2,000 maximum	15-life/\$3,000 maximum
North Carolina	0-5 yrs./\$1,000 maximum	0-5 yrs./\$2,000 maximum	—
North Dakota	6 mos. min. in county jail/\$2,000 maximum or 0-2 yrs. in penitentiary/\$2,000	—	—
Ohio	20-40 yrs.	—	—
Oklahoma	0-7 yrs./\$5,000 maximum	—	—
Oregon	0-1 yr./\$5,000 maximum or 0-10 yrs./\$5,000 max.	—	—
Pennsylvania	5-20 yrs. separate or solitary confinement and \$5,000 maximum	10-30 yrs. separate or solitary confinement and \$15,000 maximum	life/\$30,000 maximum
Rhode Island	40 yrs. maximum	—	—
South Carolina	0-2 yrs./\$2,000 maximum	5-10 yrs./\$2,000-\$5,000	10-20 yrs.
South Dakota	5-10 yrs./\$5,000 maximum	10-15 yrs./\$10,000 maximum	15-40 yrs./\$20,000 maximum
Tennessee	2-5 yrs. and \$500 maximum	5-10 yrs. and \$500 maximum	10-20 yrs. and \$500 maximum
Texas	5 yrs.-life	10 yrs.-life	—
Utah	5 yrs.-life	—	10 yrs.-life
Vermont	0-5 yrs./\$10,000 maximum	10-25 yrs./\$25,000 maximum	—
Virginia	1-40 yrs./\$25,000 maximum	10-life/\$50,000 maximum	—
Washington	3-10 yrs./\$5,000 maximum	—	—
West Virginia	2-5 yrs./\$1,000 maximum	5-10 yrs./\$5,000 maximum	10-20 yrs./\$10,000 maximum
Wisconsin	0-5 yrs./\$5,000	0-10 yrs./\$5,000	—
Wyoming	0-10 yrs.	0-25 yrs.	—
District of Columbia	0-1 yr./\$100-\$1,000	0-10 yrs./\$500-\$5,000	—

## D. SALE TO A MINOR

	1st Offense	2d Offense	Subsequent Offense
Alabama	10-40 yrs./\$20,000 maximum	—	—
Alaska	0-life/\$25,000 maximum	—	—
Arizona	10-life	—	15-life
Arkansas	No such offense	—	—
California	10-life	—	15-life
Colorado	life	life or death	—
Connecticut	No such offense	—	—
Delaware	No such offense	—	—
Florida	10-life/\$10,000 maximum	10-life/\$20,000 maximum	20-life/\$20,000 maximum
Georgia	life or 10-20 yrs.	death or 10-20 yrs.	—
Hawaii	0-20 yrs./\$1,000 maximum	life/\$2,000 maximum	life/\$2,000
Idaho	0-15 yrs.	—	—
Illinois	10-life	life	—
Indiana	No such offense	—	—
Iowa	5-20 yrs.	—	—
Kansas	No such offense	—	—
Kentucky	20-life/\$20,000 maximum	—	—
Louisiana	Seller over 21, death or 30-99 yrs.	—	—
Maine	To people 18-20, 2-6 yrs.	4-10 yrs.	—
	To people under 18, 3-8 yrs.	—	—
Maryland	5-20 yrs./\$1,000 maximum	20-50 yrs.	—
Massachusetts	10-25 yrs.	—	—
Michigan	20 yrs.-life	—	—
Minnesota	10-40 yrs./\$20,000 maximum	—	—
Mississippi	20 yrs.-life/\$20,000 maximum	—	—
Missouri	5 yrs.-life or death	10 yrs.-life or death	—
Montana	1 yr.-life	—	—
Nebraska	2-5 yrs.	—	—
Nevada	If sold by minor 1-20 yrs. with possible probation	Minor receives no privileges after 1st offense	—
	life/\$5,000	life	—
New Hampshire	0-10 yrs./\$2,000 maximum	—	—
New Jersey	2-life/\$2,000-\$10,000 maximum	0-15 yrs./\$5,000 maximum	—
New Mexico	20-life/\$10,000 maximum	—	—

New York	1-25 yrs.	---	---	---
North Carolina	10-life/\$3,000 maximum	---	---	---
North Dakota	5-10 yrs.	---	---	---
Ohio	30 yrs.-life	---	---	---
Oklahoma	0-20 yrs.	---	---	---
Oregon	No such offense	---	---	---
Pennsylvania	No such offense	---	---	---
Rhode Island	0-life	---	---	---
South Carolina	(To a minor under 18 only) 0-5 yrs./ \$5,000 maximum	---	---	---
South Dakota	10-20 yrs./\$10,000	---	---	30-80 yrs./\$40,000
Tennessee	No such offense	---	---	---
Texas	5 yrs.-life	---	---	---
Utah	10 yrs.-life	---	---	15-life
Vermont	0-5 yrs./\$10,000 maximum	---	---	---
Virginia	5-40 yrs./\$50,000 maximum	---	---	---
Washington	0-20 yrs./\$50,000 maximum	---	---	---
West Virginia	No such offense	---	---	---
Wisconsin	0-15 yrs.	---	---	---
Wyoming	0-20 yrs.	---	---	---
District of Columbia	No such offense	---	---	---
		20-30 yrs./\$20,000		
		10 yrs.-life or death		
		10-25 yrs./\$25,000 maximum		
		30-life		life
		0-50 yrs.		

TABLE III. COMPARISON OF PENALTY PROVISIONS FOR MAJOR MARIJUANA OFFENSES

Jurisdiction	POSSESSION		SALE	
	1st Offense	2d Offense	1st Offense	2d Offense
Alabama	2-10 yrs./\$20,000 maximum	5-20 yrs./\$20,000 maximum	5-20 yrs./\$20,000 maximum	10-40 yrs./\$20,000 maximum
Alaska	0-1 yr./\$1,000 max. or rehabilitation treatment by state for 1 year	— —	0-25 yrs./\$20,000 maximum	0-life/\$25,000
Arizona	0-1 yr. in county jail/\$1,000 max.; or 1-10 yrs.	2-20 yrs.	2-10 yrs.	5-15 yrs.
Arkansas	2-5 yrs./\$2,000 maximum	5-10 yrs./\$2,000 maximum	2-5 yrs./\$2,000 maximum	5-10 yrs./\$2,000 maximum
California	County jail for 1 yr. max. or 1-10	2-20 yrs.	5-life	— —
Colorado	2-15 yrs./\$10,000	5-20 yrs./\$10,000	10-20 yrs.	15-30 yrs.
Connecticut	0-1/\$1,000 max. or no more than 3 yrs. to custody of commissioner of correction	— —	5-10 yrs./\$3,000 maximum	10-15 yrs./\$5,000 maximum
Delaware	0-2 yrs./\$500 max.	0-5 yrs./\$3,000 maximum	3-10 yrs./\$500-\$3,000	7-12 yrs./\$1,000-\$3,000
Florida	0-5 yrs./\$5,000 or confinement in hospital until cured	0-10 yrs./\$10,000 max. or confinement in hospital until cured	0-10 yrs./\$10,000 maximum	0-20 yrs./\$20,000 maximum
Georgia	2-5 yrs./\$2,000 maximum	5-10 yrs./\$3,000 maximum	2-5 yrs./\$2,000 maximum	5-10 yrs./\$3,000 maximum
Hawaii	0-5 yrs.	0-10 yrs.	0-10 yrs./\$1,000 maximum	0-20 yrs./\$2,000 maximum
Idaho	0-10	— —	0-10	— —
Illinois	Less than 2.5 grams 0-1 yrs./\$1,500 max.; over 2.5 grams 2-10 yrs./\$5,000 max.	Less than 2.5 grams 2-10 yrs./\$5,000 max.; over 2.5 grams 5 yrs.-life	10-life	life
Indiana	2-10 yrs./\$1,000 maximum	5-20 yrs./\$2,000 maximum	5-20 yrs./\$2,000 maximum	20-life/\$5,000 maximum

Iowa	Personal use, 6 mos./\$1,000; max.; otherwise, 2-5 yrs./\$2,000 maximum	5-10 yrs./\$2,000 maximum	2-5 yrs./\$2,000 maximum	5-10 yrs./\$2,000 maximum
Kansas	0-7 yrs.	---	0-7 yrs.	---
Kentucky	2-10 yrs./\$20,000 maximum	5-20 yrs./\$20,000 maximum	5-20 yrs./\$20,000 maximum	10-40 yrs./\$20,000 maximum
Louisiana	Under 21, 0-10 yrs.; over 21, 5-15 yrs.	---	Seller under 21, 5-10 yrs. Seller over 21, 10-50 yrs.	10-50 yrs.
Maine	0-11 mos./\$1,000 maximum	0-2 yrs./\$2,000 maximum	To people over 21, 1-5 yrs. To people 18-20, 2-6 yrs. To people under 18, 3-8 yrs. By people under 21, 1-5 yrs.	4-10 yrs.
Maryland	2-5 yrs./\$1,000 maximum	5-10 yrs./\$2,000 maximum	2-5 yrs./\$1,000 maximum	5-10 yrs./\$2,000 maximum
Massachusetts	0-3½ yrs. (prison), 0-2½ yrs. (jail)/\$1,000 maximum	---	5-10 yrs.	10-25 yrs.
Michigan	0-10 yrs./\$5,000 maximum	0-20 yrs./\$5,000 maximum	20 yrs.-life	---
Minnesota	5-20 yrs./\$10,000 maximum	---	5-20 yrs./\$10,000 maximum	---
Mississippi	2-5 yrs./\$2,000 maximum	5-10 yrs./\$2,000 maximum	5-10 yrs./\$2,000 maximum	10-20 yrs./\$2,000 maximum
Missouri	6 mos.-1 yr. in county jail or 20 yrs. max. in state penitentiary	5 yrs.-life	5 yrs.-life	10 yrs.-life
Montana	5 yrs. max. prison under 21 gets a deferred in-position of sentence	0-5 yrs. maximum	1 yr.-life	---
Nebraska	25 or more cigarettes-1-5 yrs.	1-5 yrs.	2-5 yrs.	---
Nevada	Less than 25, 7 days 1-6 yrs./\$2,000 maximum	1-10 yrs./\$2,000 maximum	By minor 1-20 yrs. w/possibility of probation	No difference for this offense
New Hampshire	1 yr. max./\$500 maximum	3 yrs. max./\$1,000 maximum	1-20 yrs./\$5,000 maximum	Life and \$5,000 maximum
New Jersey	2-15 yrs./\$2,000 maximum	5-25 yrs./\$5,000 maximum	10 yrs. max./\$2,000 maximum	15 yrs. max./\$5,000 maximum
			2-15 yrs./\$2,000 maximum	5-25 yrs./\$5,000 maximum

TABLE III. COMPARISON OF PENALTY PROVISIONS FOR MAJOR MARIJUANA OFFENSES—CONTINUED

Jurisdiction	POSSESSION		SALE	
	1st Offense	2d Offense	1st Offense	2d Offense
New Mexico	Possession of 1 oz. or less, up to 1 yr. in county jail and \$1,000 max.	1-5 yrs./\$5,000 maximum	10-20 yrs./\$5,000 maximum	20-40 yrs./\$10,000 maximum
New York	Less than 25 cigarettes up to 1 yr.; 25-99, 1-7 yrs.; 100, 1-15 yrs.	— —	1-15 yrs.	— —
North Carolina	Less than one gm., misdemeanor with fine or imprisonment left to court. More than 1 gm., 0-5 yrs./\$1,000 maximum	5-10 yrs./\$2,000 maximum	0-5 yrs./\$1,000 maximum	5-10 yrs./\$2,000 maximum
North Dakota	6 mos. min. county jail or 0-2 yrs. penitentiary/\$2,000 maximum	0-5 yrs./\$2,000 maximum	6 mos. min. county jail or 0-2 yrs. penitentiary/\$2,000 maximum	0-5 yrs./\$2,000 maximum
Ohio	2-15 yrs./\$10,000 maximum	5-20 yrs./\$10,000	20-40 yrs.	— —
Oklahoma	0-7 yrs./\$5,000 maximum	— —	0-7 yrs./\$5,000 maximum	— —
Oregon	0-1 yr./\$5,000 max. or 0-10 yrs./\$5,000	— —	0-1 yr./\$5,000 max. or 0-10 yrs./\$5,000 maximum	— —
Pennsylvania	2-5 yrs. separate or solitary confinement and \$2,000 maximum	5-10 yrs. separate or solitary confinement and \$5,000 maximum	5-20 yrs. separate or solitary confinement and \$5,000 maximum	10-30 yrs. separate or solitary confinement and \$15,000 maximum
Rhode Island	0-15 yrs. and \$10,000 maximum	0-20 yrs. and \$10,000 maximum	40 yrs. maximum	— —
South Carolina	0-2 yrs./\$2,000 maximum	2-5 yrs./\$2,000-\$5,000	0-2 yrs./\$2,000 maximum	5-10 yrs./\$2,000-\$5,000
South Dakota	Less than 1 oz., 0-1 yr. county jail/\$500 max. More than 1 oz., 2-5 yrs./\$5,000 maximum	10-15 yrs./\$10,000 maximum	5-10 yrs./\$5,000 maximum	10-15 yrs./\$10,000 maximum
Tennessee	2-5 yrs. and \$500 maximum	5-10 yrs. and \$500 maximum	2-5 yrs. and \$500 maximum	5-10 yrs. and \$500 maximum
Texas	2 yrs.-life	10 yrs.-life	5 yrs.-life	10 yrs.-life

Utah	6 mos. min. county jail	— —	5 yrs.-life	— —
Vermont	0-6 mos./\$500 maximum	0-2 yrs./\$2,000 maximum	0-5 yrs./\$10,000 maximum	10-25 yrs./\$25,000 maximum
Virginia	0-12 mos./\$1,000 maximum	0-12 mos./\$10,000 max. or 2-20 yrs./\$10,000 maximum	1-40 yrs./\$25,000 maximum	10 yrs.-life/\$50,000 maximum
Washington	0-6 mos./\$500 maximum	0-1 yr./\$1,000 maximum	3-10 yrs./\$5,000 maximum	— —
West Virginia	2-5 yrs./\$1,000 maximum	5-10 yrs./\$0-\$5,000	2-5 yrs./\$1,000 maximum	5-10 yrs./\$5,000 maximum
Wisconsin	0-1 yr./\$500 maximum	0-2 yrs./\$0-\$1,000	0-5 yrs./\$5,000 maximum	0-10 yrs./\$5,000
Wyoming	0-6 mos./\$1,000	0-5 yrs./\$0-\$2,000	0-10 yrs.	0-25 yrs.
District of Columbia	0-1 yr./\$100-\$1,000	0-10 yrs./\$500-\$5,000	0-1 yr./\$100-\$1,000	0-10 yrs./\$500-\$5,000

TABLE IV. MARIJUANA PROHIBITION CITATIONS

<i>Jurisdiction</i>	<i>Anti-Marijuana Statute Citation</i>	<i>General Drug Statute Citation (if different from anti-marijuana statute)</i>	<i>Most Recent Amendment</i>
Alabama	ALA. CODE tit. 22, §§232-258 (1958), as amended, (Supp. 1969).	Same	1969
Alaska	ALASKA STAT. §§17.10.010-.240 (1953), as amended, (Supp. 1970)	Same	1968
Arizona	ARIZ. REV. STAT. ANN. §§86-1001 to -1002.10-.1017 (Supp. 1969).	Same	1961
Arkansas	ARK. STAT. ANN. §§82-1001 to -1020 (1987), as amended, (Supp. 1969).	Same	1955
California	CAL. HEALTH & S. CODE §§11530-11533 (West 1964), as amended, (Supp. 1970).	Same	1968
Colorado	COLO. REV. STAT. ANN. §§48-5-1 to -21 (1963).	Same	1963
Connecticut	CONN. GEN. STAT. ANN. §§19-443 to -485 (1958). Conn. Pub. Act No. 753, §§ 1-42 (1969).	Same	1969
Delaware	DEL. CODE ANN. tit. 16, §§4701-4722 (1953), as amended, (Supp. 1968).	Same	1969
Florida	FLA. STAT. ANN. §§398.01-.24 (1959), as amended, (Supp. 1969)	Same	1965
Georgia	GA. CODE ANN. §§79A-802 to -822, -8910, -8911 (Supp. 1969).	Same	1967
Hawaii	HAWAII REV. LAWS §§329-1 to -32 (1968).	Same	1969
Idaho	IDAHO CODE ANN. §§37-2701 to -3321 (Supp. 1969).	Same	1967
Illinois	ILL. ANN. STAT. ch. 38, §§22-1 to -53 (Smith-Hurd 1964), as amended, (Supp. 1970).	Same	1970
Indiana	IND. ANN. STAT. §§10-3519 to -3552 (1956), as amended, (Supp. 1970).	Same	1969
Iowa	IOWA CODE ANN. §§204.1-.23 (1969), as amended, (Supp. 1970).	Same	1969
Kansas	KAN. STAT. ANN. §§65-2501 to -2522 (1964).	Same	1959

Kentucky	KY. REV. STAT. ANN. §§218.010-245 (1969).	Same	1966
Louisiana	LA. REV. STAT. ANN. §§40.961-.984 (1965).	Same	1963
Maine	ME. REV. STAT. ANN. tit. 22, §§2381-2386 (Supp. 1970).	Me. REV. STAT. ANN. tit. 22, §§ 2361-2380 (1964), as amended, (Supp. 1970).	1969
Maryland	MD. ANN. CODE art. 27, §§276-302 (1957)	Same	1964
Massachusetts	MASS. GEN. LAWS ANN. ch. 94, §§197-217E (1958), as amended, (Supp. 1970).	Same	
Michigan	MICH. COMP. LAWS ANN. §§335.51-77 and 335.151-154 (1967), as amended, (Supp. 1970).	Same	1952
Minnesota	MINN. STAT. ANN. §§18.01-.25 (1964), as amended, (Supp. 1970).	Same	1957
Mississippi	MISS. CODE ANN. §§6844-6869 (1942), as amended, (Supp. 1969).	Same	1966
Missouri	MO. REV. STAT. §§195.010-.210 (1970).	Same	1957
Montana	MONT. REV. CODES ANN. §§54-129 to -138 (Supp. 1969).	Same	1969
Nebraska	Ch. 197, [1969] Neb. Acts	Same	1969
Nevada	NEV. REV. STAT. §§453.010-.240 (1967).	Same	1969
New Hampshire	Ch. 421, [1969] N. H. Laws	Same	1969
New Jersey	N. J. REV. STAT. §§24.13-1 to -47 (1967), as amended, (Supp. 1969).	Same	1966
New Mexico	N. M. STAT. ANN. §§54-7-1 to -51 (1962), as amended, (Supp. 1969).	Same	1965
New York	N. Y. PENAL LAW §§220.00-.95 (1967), as amended, (Supp. 1970).	Same	1969
North Carolina	N. C. GEN. STAT. §§90-86 to -113 (1965), as amended, (Supp. 1969).	Same	1969
North Dakota	N. D. CENT. CODE §§19-03-01 to -32 (1960), as amended, (Supp. 1969).	Same	1969
Ohio	OHIO REV. CODE §§3719.01-3719.99 (Page 1953), as amended, (Supp. 1969)	Same	1969
Oklahoma	OKLA. STAT. ANN. tit. 63, §§451-457 (1961).	OKLA. STAT. ANN. tit. 63, §§ 401-425 and 461-470.12 (1961), as amended, (Supp. 1970-71).	1970
Oregon	ORE. REV. STAT. §§474.010-.990 (1969).	Same	1969
Pennsylvania	PA. STAT. tit. 35, §780 (1964), as amended, (Supp. 1970).	Same	1963

TABLE IV. MARIJUANA PROHIBITION CITATIONS—CONTINUED

<i>Jurisdiction</i>	<i>Anti-Marijuana Statute Citation</i>	<i>General Drug Statute Citation (if different from anti-marijuana statute)</i>	<i>Most Recent Amendment</i>
Rhode Island	R. I. GEN. LAWS ANN. §§21-28-1 to 21-28-98 (1956), as amended, (Supp. 1969).	Same	1962
South Carolina	S. C. CODE ANN. §§32-1461 to -1495 (1962), as amended, (Supp. 1969).	Same	1958
South Dakota	S. D. COMP. LAWS ANN. §§39-17-44 to -155 (Supp. 1970).	Same	1970
Tennessee	TENN. CODE ANN. §§52-1301 to -1323 (1966), as amended, (Supp. 1969).	Same	1955
Texas	TEX. PEN. CODE art. 7256 (1960), as amended, (Supp. 1969-70).	Same	1969
Utah	UTAH CODE ANN. §§58-13a-1 to -44 (1963), as amended, (Supp. 1969).	Same	1969
Vermont	Vt. STAT. ANN. tit. 18, §§4201-25 (1968), as amended, (Supp. 1970).	Same	1969
Virginia	V.A. CODE ANN. §§54-524.1 to .109 (Supp. 1970).	Same	1970
Washington	WASH. REV. CODE ANN. §§69.40.1-69.40.100 (1962), as amended, (Supp. 1969).	WASH. REV. CODE ANN. §§69.33.010-69.33.960 (1962), as amended, (Supp. 1969).	1969
West Virginia	W. VA. CODE §§16-SA-1 to -24 (1966).	Same	1963
Wisconsin	Wis. STAT. ANN. §§161.01 to .275 (1957), as amended, (Supp. 1969).	Same	1969
Wyoming	Wyo. STAT. §§35-348 to -371 (1957), as amended, (Supp. 1969).	Same	1969
District of Columbia	D. C. CODE ANN. §§33-401 to -425 (1968).	Same	1966

TABLE V. STATUTES AMENDED SINCE 1967

Jurisdiction	Year	1ST OFFENSE POSSESSION		1ST OFFENSE SALE	
		Old Statute	New Statute	Old Statute	New Statute
Alabama	1969	5-20 yrs./\$20,000 maximum	2-10 yrs./\$20,000 maximum	5-20 yrs./\$20,000 maximum	5-20 yrs./\$20,000 maximum
Alaska	1968	2-10 yrs./\$5,000 maximum	0-1 yr./\$1,000 maximum or treatment in hospital for 1 yr.	2-10 yrs./\$5,000 maximum	0-25 yrs./\$20,000 maximum
California	1968	1-10 yrs.	County jail for 1 year maximum or 1-10 yrs.	5-life	5-life
Connecticut	1969	0-10 yrs./\$3,000	0-1 yr./\$1,000 max. or no more than 3 yrs. custody of comm'r.	5-10 yrs./\$3,000 maximum	5-10 yrs./\$3,000 maximum
Delaware	1969	3-10 yrs./\$500-\$3,000	0-2 yrs./\$500 maximum	3-10 yrs./\$500-\$3,000	3-10 yrs./\$500-\$3,000
Georgia	1967	Same	2-5 yrs./\$2,000 maximum	Same	2-5 yrs./\$2,000 maximum
Hawaii	1969	0-5 yrs.	0-5 yrs.	To a minor 0-20 yrs./\$1,000 max. otherwise, 0-10 yrs./\$1,000 maximum	0-20 yrs./\$2,000 maximum
Idaho	1967	1-14 yrs./\$1,000 maximum	0-10 yrs.	1-14 yrs./\$1,000 maximum	0-10 yrs.
Illinois	1970	2-10 yrs./\$5,000 maximum	Less than 2.5 grams 0-1 yr./\$1,500 max. over 2.5 grams, 2-10 yrs./\$5,000 maximum	2-5 yrs./\$2,000 maximum	10 yrs.-life
Indiana	1969	2-10 yrs./\$1,000 maximum	2-10 yrs./\$1,000 maximum	5-20 yrs./\$2,000 maximum	5-20 yrs./\$2,000 maximum
Iowa	1969	2-5 yrs./\$2,000 maximum	For: onal use, 0-6 mos./\$1,000 max., otherwise, 2-5 yrs./\$2,000 max.	2-5 yrs./\$2,000 maximum	10-20 yrs./\$2,000 maximum
Maine	1969	2-8 yrs./\$1,000 maximum	0-11 mos./\$1,000 maximum.....	2-8 yrs./\$1,000 maximum	To people over 21, 1-5 yrs.; to people 19-20, 2-8 yrs.; To people under 18, 3-8 yrs.
Montana	1969	1-5 yrs.	5 yrs. max. Person under 21 gets deferred imposition of sentence	1-5 yrs., 5-life for sale to minor	1 yr.-life. Person under 21 gets deferred imposition of sentence for 1st offense

TABLE V. STATUTES AMENDED SINCE 1967—CONTINUED

Jurisdiction	Year	1ST OFFENSE POSSESSION		1ST OFFENSE SALE	
		Old Statute	New Statute	Old Statute	New Statute
Nebraska	1969	2-5 yrs./\$3,000 maximum	25 or more cigarettes- 1-5 yrs.; less than 25- 7 days	2-5 yrs./\$2,000 maximum	2-5 yrs.
New Hampshire	1969	2-5 yrs./\$2,000 maximum	1 yr. maximum/\$500 maximum	5-10 yrs./\$2,000 maxi- mum	10 yrs. maximum/ \$2,000 maximum
Nevada	1967	2-5 yrs./\$2,000 maxi- mum	1-6 yrs./\$2,000 maxi- mum	To 21 yr. old or over, 20-40 yrs.; to under 21 yrs., life/\$10,000	To 21 yrs. or over, 1-20 yrs./\$5,000 maximum; to under 21 yrs., life/\$5,000
North Carolina	1969	0-5 yrs./\$1,000 maximum	Misdemeanor at discre- tion of court	0-5 yrs./\$1,000 maximum	0-5 yrs./\$1,000 maximum
North Dakota	1969	0-5 yrs./\$2,000 maximum	6 mos. min. county jail/ \$2,000 max. or 0-2 yrs./ \$2,000 maximum	0-5 yrs./\$2,000 maximum	6 mos. min. county jail/ \$2,000 max. or 0-2 yrs./ \$2,000 maximum
Ohio	1969	2-15 yrs./\$10,000 maxi- mum	2-15 yrs./\$10,000 maxi- mum	2-15 yrs./\$10,000 maxi- mum	20-40 yrs.
Oregon	1969	0-10 yrs./\$5,000 maxi- mum	0-1 yr./\$5,000 max. or 0-10 yrs./\$5,000	0-10 yrs./\$5,000 maxi- mum	0-1 yr./\$5,000 max. or 0-10 yrs./\$5,000 maxi- mum
South Dakota	1970	0-90 days/\$500 maximum	Less than 1 oz.-0-1 yr. county jail/\$500 max. More than 1 oz.-2-5 yrs./\$5,000 maximum	0-20 yrs.	5-10 yrs./\$5,000 maxi- mum
Texas	1969	2 yrs.-life	2 yrs.-life	2 yrs.-life	5 yrs.-life
Utah	1969	0-5 yrs./\$1,000 minimum	6 mos. min. in county jail	0-5 yrs./\$1,000 minimum	5 yrs.-life
Vermont	1969	N/A	0-6 mos./\$500 maximum	N/A	0-5 yrs./\$10,000 maxi- mum
Virginia	1970	3-5 yrs./\$1,000 maxi- mum	0-12 mos./\$1,000 maxi- mum	3-5 yrs./\$1,000 maxi- mum	1-40 yrs./\$25,000 maxi- mum
Washington	1969	5-20 yrs./\$10,000 maxi- mum	0-6 mos./\$500 maximum	5-20 yrs./\$10,000	3-10 yrs./\$5,000 maxi- mum
Wisconsin	1969	2-10 yrs.	0-1 yr./\$500 maximum	2-10 yrs.	0-5 yrs./\$5,000 maximum
Wyoming	1969	2-5 yrs./\$2,000 maximum	0-6 mos./\$1,000 maxi- mum	2-5 yrs./\$2,000 maxi- mum	0-10 yrs.

## APPENDIX B: BIBLIOGRAPHY

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