



CANNABIS REGULATION
FACT SHEET


Regulation of Home Cultivation in Adult-Use States

I. Introduction

Home cultivation of cannabis is an important policy decision that states need to consider when legalizing cannabis for medical and/or adult-use. Home cultivation is a tool to increase access to cannabis when geographic or financial barriers exist. This is particularly relevant to the medical cannabis market. However, allowing home cultivation can create enforcement challenges, especially with regards to gray markets. For example, as New York stands up its adult-use retail outlets, unlicensed individuals are selling cannabis from their home grows.¹ This fact sheet surveys the legal landscape surrounding medical and adult-use home cultivation in the 20 jurisdictions (19 states and the District of Columbia) that have legalized adult-use cannabis. The fact sheet examines 10 variables: (1) does the state allow home cultivation, (2) individual cultivation limits, (3) household cultivation limits, (4) registration of medical grows, (5) permissibility of indoor grows, (6) permissibility of outdoor grows, (7) grow security, (8) visibility restrictions, (9) odor control, and (10) landlord authority. The medical registry requirement is only relevant to the state's medical cannabis program. None of the adult-use programs required individuals to register their home grow with the state. Section II of this fact sheet provides a research summary that discusses the prevalence of each policy variable and the variation in policy within each. Section III contains a table that covers the policy approach of each state and allows side-by-side comparison of each state's medical and adult-use home cultivation programs.

II. Research Summary:

This section examines the ten different policies that states use to regulate home cultivation within their medical and adult-use programs. The prevalence of each variable is explained, and a range of policy approaches is provided when necessary.




Permit Home Cultivation: **16 of 20 jurisdictions** allow home cultivation as part of their adult-use program. While only **15 of the 20** jurisdictions have home cultivation provisions specific to their medical program. There are 4 jurisdictions that allow adult-use home cultivation but do not have a specific medical home cultivation provision (AK, DC, NM, and VA). Alaska, the District of Columbia, and Virginia allowed home cultivation for the first time when they legalized adult-use and did not create a separate medical cultivation system. New Mexico on the other hand repealed its medical home cultivation provision when it legalized adult use and created its more inclusive adult-use home cultivation provision. There also states that allow medical home cultivation but not adult-use home cultivation (CT, IL, and WA). New Jersey is the only jurisdiction that does not allow home cultivation at all.

Individual Cultivation Limit: Every jurisdiction that allows home cultivation places a limit on the amount of cannabis an individual can grow. However, these limits vary greatly between states. For example, Oregon allows an individual to grow up to 4 plants for personal use, while Michigan has set the limit at 12 plants. States will often treat medical and adult-use cultivation differently with regards to individual cultivation limits by allowing larger grows for medical purposes. For example, Arizona allows an individual 6 plants for adult-use and 12 plants if they are part of the medical program. Of the 12 jurisdictions that have specific home cultivation provisions for both medical and adult-use, 9 set a greater cultivation limit for their medical program and 3 utilize the same standard for both. Furthermore, some jurisdictions break down the individual grow limit into mature and immature plants. For example, New Mexico allows an individual to cultivate up to 6 mature and 6 immature plants at any given time. California has a unique limit for its medical home cultivation. The state originally placed a default limit of 6 mature and 12 immature plants. However, this limit was found to be unconstitutional because it contravened the state constitutional provision enabling medical cannabis. Now a patient in California may cultivate an amount reasonably related to their medical needs.

Household Cultivation Limit: **15 of 16 jurisdictions** that allow adult-use home cultivation have a household cultivation limit. This limit is meant to cap the amount of cannabis that can be grown at one location regardless of the number of eligible individuals living at the location. Maine is the only state without a household limit. Interestingly, **10 of 15 jurisdictions** with specific medical home cultivation programs utilize a household cultivation limit for their patients. Regardless of the program, adult-use or medical, most states set the household limit twice as high as the individual limit. For example, in New York's adult-use program an individual can grow three mature and three immature plants at one time, while the household limit is set at six mature and six immature plants. However, in CA, MI, OR, R, VT, and VA the household limit is the same as the limit for one individual in the adult-use program. For example, in Virginia's an individual is allowed to grow up to four plants and the household limit is 4 plants regardless of the number of adults at the location. The medical home grow in Illinois also restricts a household to the grow limit of one individual. There are two outliers in household cultivation structures. First, as discussed above, California does not set a numerical restriction on its medical home grow. Instead, a patient is permitted to grow the amount of cannabis necessary to meet their medical needs. This baseline leaves the household limit without a clear numerical standard. Second, Colorado has three "household limits" for medical home cultivation. The default limit on a residential property is 12 plants. However, if a patient lives in a county that does not limit the number of plants that can be cultivated, they can grow up to 24 plants but must register their grow with the state and the local jurisdiction. Also, a patient can grow up to 99 plants if the grow occurs on non-residential property.

Registration of Medical Grow: **6 of 15 jurisdictions** (AZ, CO, MA, OR, RI, and WA) with medical home cultivation have registration provisions. Colorado and Massachusetts have voluntary grow registration provisions. In Massachusetts, a patient can register with the state to receive a



Hardship Cultivation Registration. This registration is granted if the patient has verified financial hardships or challenges accessing transportation to a dispensary. Hardship Cultivation Registration allows the patient to grow sufficient plants to provide a 60-day supply of cannabis. Contrast this limit with the default of 12 mature plants and 12 immature plants. Registration of a medical home grow with the state is a requirement in the four remaining states.

Indoor Cultivation: If a jurisdiction does not explicitly restrict a cultivation location (indoor or outdoor), then it is assumed that cultivation is permitted in that location. Indoor cultivation is universally permitted in medical and adult-use home grow programs.

Outdoor Cultivation: If a jurisdiction does not explicitly restrict a cultivation location (indoor or outdoor), then it is assumed that cultivation is permitted in that location. **11 of 16** adult-use home cultivation programs permit outdoor grows. AK, CO, DC, MA, and RI prohibit outdoor adult-use home cultivation. **13 of 15** medical-use home cultivation program permit outdoor grows. CT and RI are the two states that prohibit the outdoor home cultivation.

Secure Location: For this variable, jurisdictions were included if they indicated that access to the grow had to be restricted, had to be secure, or provided for specific security measures such as a locked grow site. **11 of the 16** adult-use home cultivation programs required that the grow location be secure. **10 of 15** medical cannabis home cultivation programs required a secure grow location.

Visibility Restrictions: **10 of the 16** adult-use home cultivation programs and **6 of the 15** medical home cultivation programs require the grow be restricted from public view. For example, Oregon restricts adult-use home grows that “can be seen by normal unaided vision from a public place.”² Arizona provides another version of this prohibition by requiring that adult-use home “cultivation takes place in an area where the marijuana plants are not visible from public view without using binoculars, aircraft or other optical aids.”³

Odor Control: Only two medical home cultivation programs (RI and WA) require patients to undertake efforts to manage the odor from their grow. Rhode Island requires patients to take reasonable efforts “to prevent marijuana plant odors from exiting the building to an extent that would significantly alter the environmental odor outside.”⁴ Washington prohibits medical home grows that can be “readily smelled from a public place or the private property of another housing unit.”⁵

Landlord Provisions: **7 of the 16** adult-use and **5 of the 15** medical home cultivation programs explicitly preserve a landlord’s authority to restrict home cultivation on their property. **New York’s** medical program is the only program that limits a landlord’s authority. Under New York’s regulations a landlord may not refuse to lease, or otherwise penalize a certified patient or designated caregiver solely for medical cannabis activity authorized by the state. This covers medical home cultivation. However, a landlord may act if the home cultivation would result in the landlord losing a monetary or licensing benefit under federal law.

III. State Survey Research

This table contains the policy research for the twenty jurisdictions with adult-use cannabis. N/A stands for “not applicable.” N/A is used when the variable is not applicable because (1) the state does not permit home cultivation, (2) the state does not have rules for medical cultivation but has a system for adult-use cultivation, or (3) the variable is medical cannabis specific (medical registration) and the column is not relevant to the adult-use system. N/C stands for “not covered in statute or regulations.” This designation is only relevant to per home plant limit.

State	Citation	Allow Home Grow	Plants/Person	Plants/Home	Medical Registration	Indoor	Outdoor	Secure Location	Visibility Restriction	Odor Control	Landlord
AK	Adult: AK ST § 17.38.020(2) ALCOHOL & MARIJUANA CONTROL OFFICE (Indoor only) ⁶	Y	6 (up to 3 mature)	12 (up to 6 mature)	N/A	Y	N	N	N	N	N
	Med.: No Med. Specific Provision	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
AZ	Adult: AZ ST § 36-2852(A)(2)	Y	6	12	N/A	Y	Y ⁷	Y	Y	N	N
	Med.: AZ ST § 36-2801 A.R.S. § 36-2804.02	Y ⁸	12	N/C	Y	Y	Y	Y	N	N	N
CA	Adult: CA Health & Safety § 11362.2 CA Health & Safety § 11362.45 (landlord)	Y	6	6	N/A	Y	Y	Y	Y	N	Y
	Med.: Cal. Health & Safety Code § 11362.77 found to be unconstitutional by People v. Kelly 47 Cal. 4th 1008, January 21, 2010.	Y	A patient may cultivate an amount reasonably related to their medical needs.	A patient may cultivate an amount reasonably related to their medical needs.	N	Y	Y	N	N	N	N
CO	Adult: CO CONST Art. 18, § 16(3)(b) C.R.S. § 18-18-406 (private residence limit)	Y	6 (up to 3 mature)	12	N/A	Y	N ⁹	Y	Y	N	N
	Med.: C.R.S. § 25-1.5-106	Y	6	12 or 24 on residential property ¹⁰ 99 on nonresidential property	Y (voluntary)	Y	Y	N	N	N	N
CT	Adult: N/A	N	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Med.: C.G.S. § 21a-408d	Y	6 (up to 3 mature)	12	N	Y	N	Y	N	N	N

State	Citation	Allow Home Grow	Plants/Person	Plants/Home	Medical Registration	Indoor	Outdoor	Secure Location	Visibility Restriction	Odor Control	Landlord
DC	Adult: DC CODE § 48-904.01(a)(1)(C)	Y	6 (up to 3 mature)	12 (up to 6 mature)	N/A	Y	N	N	N	N	Y
	Med.: DC ST § 7-1671.02 ¹¹	N	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
IL	Adult: N/A	N	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Med.: 410 ILCS 705/10-5	Y	5	5	N	Y	Y	Y	Y	N	Y
ME	Adult: ME ST T. 28-B § 1501, 1502	Yes ¹²	3 mature, 12 immature, & unlimited seedlings	N/C	N/A	Y	Y	Y	Y	N	Y
	Med.: 22 M.R.S.A. § 2423-A	Yes	6 mature, 12 immature, & unlimited seedlings	12 mature, 24 immature, & unlimited seedlings ¹³	No	Y	Y	Y ¹⁴	N	N	N
MA	Adult: MA ST 94G § 7(a)(2) Cannabis Control Commission-Home Cultivation Guidance 935 CMR 500.840 (landlords)	Yes	6	12	N/A	Y	N	Y	Y	N	Y
	Med.: 935 CMR 501.027 935 CMR 500.840 (landlords)	Yes	12 flowering & 12 vegetative	N/C	Y ¹⁵	Y	Y	Y	Y	N	Y
MI	Adult: MI ST 333.27955	Yes	12	12	N/A	Y	Y	N	N	N	N
	Med.: MI ST 333.26424	Yes	12	N/C	N	Y	Y	Y	N	N	N
MT	Adult: MT ST 16-12-106	Yes	2 mature & 2 seedlings	4 mature and 4 seedlings	N/A	Y	Y	Y	Y	N	Y
	Med.: MT ST 16-12-106	yes	4 mature and 4 seedlings	8 mature and 8 seedlings	No	Y	Y	Y	Y	N	Y
NV	Adult: NV ST 678D.200	Yes	6	12	N/A	Y	Y	Y	Y	N	N
	Med.: NV ST 678C.200	Yes ¹⁶	12	N/C	N	Y	Y	Y	N	N	N
NJ	Adult: N/A	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Med.: N/A	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NM	Adult: NM ST § 26-2C-25 (grow limits) NM ST § 26-2C-26	Yes	6 mature & 6 immature	12 mature	N	Y	Y	N	N	N	Y
	Med.: No Med. Specific Provision ¹⁷	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NY	Adult: NY PENAL § 222.15	Yes ¹⁸	3 mature & 3 immature	6 mature & 6 immature	N/A	Y	Y	Y	N	N	N

State	Citation	Allow Home Grow	Plants/Person	Plants/Home	Medical Registration	Indoor	Outdoor	Secure Location	Visibility Restriction	Odor Control	Landlord
	Med.: CANNABIS LAW § 41 NY PENAL § 222.15 9 NYCRR 115.1-115.3	Yes ¹⁹	3 mature & 3 immature	6 mature & 6 immature	N	Y	Y	Y	Y	N	Y
OR	Adult: OR REV. STAT. § 475C.305(1-5) OR. REV. STAT. § 475C.309	Yes	4	4	N/A	Y	Y	N	Y	N	N
	Med.: OR. REV. STAT. § 475C.806 OR. REV. STAT. § 475C.792	Yes	6 mature & 12 immature	12 mature & 24 immature	Y	Y	Y	N	N	N	Y
RI	Adult: § 21-28.11-22	Yes	3 mature & 3 immature	3 mature & 3 immature	N/A	Y	N	Y	N	N	N
	Med: RI ST. § 21-28.6-4 230-RICR-80-05-1.12 Office of Cannabis Regulation Home-Grow Plant Tag System User Guide	Yes	12 mature & 12 immature	24 mature	Y ²⁰	Y	N	Y	Y	Y	Y
VT	Adult: VT ST T. 18 § 4230e	Yes	2 mature and 4 immature	2 mature and 4 immature	N/A	Y	Y	Y	Y	N	Y
	Med: Vt St. T. 7 § 952	Yes	2 mature & 7 immature	N/C	N	Y	Y	N	N	N	N
VA	Adult: VA ST § 4.1-1101(A)	Yes	4	4	N/A	Y	Y	Y	Y	N	N
	Med.: No Med. Specific Provision	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
WA	Adult: N/A	No	NA	N/A	N/A	NA	NA	N/A	N/A	N/A	NA
	Med.: RCW 69.51A.210 RCWA 69.51A.230 (Authorization database) RCWA 69.51A.260 (Household limit) DOH-FAQ regarding Home Cultivation	Yes	6 ²¹	15	Y	Y	Y	N	Y	Y	N

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¹ *New York Lawmakers Take On The Cannabis Gray Market To Protect The State's \$4.2 Billion Industry*, Will Yakowicz, Forbes (April 29, 2022) available at <https://www.forbes.com/sites/willyakowicz/2022/04/29/new-york-lawmakers-take-on-the-cannabis-grey-market-to-protect-the-states-42-billion-industry/?sh=5b496e0d399d>.

² [OR. REV. STAT. § 475C.309.](#)

³ [AZ ST § 36-2852\(A\)\(2\).](#)

⁴ [230-RICR-80-05-1.12.](#)

⁵ [RCWA 69.51A.260.](#)

⁶ While Alaska's statutory language does not restrict outdoor cultivation, the regulatory agency states that the grow must be "in-home" on its website.

⁷ Arizona requires the grow to be in an "enclosed area" without clarifying the term. This could capture outdoor grows that are in a fenced enclosure.

⁸ Medical home cultivation is only allowed under if the patient lives greater than 25 miles from a dispensary.

⁹ Colorado law states that cannabis must be grown in an enclosed and locked space. This cultivation cannot be conducted openly or publicly. The state has stated that this is a prohibition on outdoor grows <https://cannabis.colorado.gov/legal-marijuana-use/home-grow-laws>.

¹⁰ The default limit on residential property is 12 plants. However, if a patient lives in a county that does not limit the number of plants that can be cultivated, they can grow up to 24 plants if they register their grow with the state and the local jurisdiction. A patient can grow up to 99 plants if the grow occurs on non-residential property.

¹¹ D.C. restricts medical patient to cannabis sold at dispensaries. However, all adults are allowed to grow under the adult-use laws.

¹² Maine requires that each cannabis plant have a tag with the following information: the person's name, driver's license number or identification number, a notation that the marijuana plant is being grown for personal adult use, and if the cultivation is on a parcel or tract of land owned by another person, the name of that owner.

¹³ Maine law limits a household to two cultivation areas if there are two or more patients growing their own cannabis at the location. This appears to permit a doubling of the individual cultivation limit.

¹⁴ Maine indicates that access to the cultivation area must be restricted to the patient or caregiver. This infers that it must be secured to prevent access for others.

¹⁵ In Massachusetts, a patient can register with the state to receive a Hardship Cultivation Registration. This registration is granted if the patient has verified financial hardships or challenges accessing transportation to a dispensary. Hardship Cultivation Registration allows the patient to grow sufficient plants to provide a 60-day supply of cannabis. Contrast this limit with the default of 12 mature plants and 12 immature plants.

¹⁶ Medical home grows are only allowed under certain circumstances. First, you cannot home cultivate if there is a dispensary in your county. However, this restriction is waived if you live more than 25 miles from the dispensary, the dispensary closes, you are unable to travel due to illness or lack of transportation, or the dispensary cannot provide the quantity or cultivar needed.

¹⁷ New Mexico removed personal production license from medical program when adult-use was legalized.

¹⁸ Home grow for consumer use is not allowed until regulations addressing the practice are passed. Regulations have yet to be proposed

¹⁹ Home grow for patient use is not allowed until regulations addressing the practice are passed. Regulations have been proposed and last revised on 5/4/2022 available at <https://dos.ny.gov/system/files/documents/2022/05/050422.pdf>

²⁰ The grow site must be registered with the state and the patient must buy plant tags from the state for their plants.

²¹ If the patient is registered in authorization database, they are limited to 6 plants. If they do not register, they are limited to 4 plants. Health care provider can increase the plant limit up to 15 plants.