




CANNABIS REGULATION
FACT SHEET

State Regulation of Consumption Sites

I. Introduction

This fact sheet examines the regulation of cannabis consumption sites in states that have legalized adult-use cannabis. Cannabis consumption sites are licensed locations where individuals can legally consume cannabis in public. These locations are an emerging trend in cannabis policy. While often seen as a social venue, they are also a tool for increasing access to cannabis and the economic opportunities of the cannabis market. First, some individuals do not have a legal location to consume cannabis because of the prevalent policy of only allowing cannabis use on private property. This creates issues for individuals who live at properties with policies prohibiting cannabis use (see e.g., public housing). This can be particularly challenging for medical cannabis users. Second, consumption sites can be a low-cost point of entry into the cannabis market because they require a lower upfront investment than a cultivation, processor, or retailer license.

This fact sheet focuses on 10 state policy variables. In addition, since states delegate a considerable amount of authority to local government with regards to consumption sites, this fact sheet also examines the policies of five local jurisdictions in California. Section II of this fact sheet provides a research summary for state and municipal regulation of consumption sites. Section III contains two research tables. One examines state policies and the other the municipal. These tables provide a brief overview of each jurisdiction's policy and allow side-by-side comparison. While 20 jurisdictions (19 states and the District of Columbia) have legalized



adult-use cannabis, the District of Columbia and Virginia do not have a licensed market. As a result, this fact sheet focuses on the 18 states that have licensed adult-use markets.

II. Research Summary:


a. State Law

This section examines 10 state policy variables used to regulate cannabis consumption sites in states that allow adult-use cannabis. The prevalence of each variable is explained, and a range of policy approaches is provided when necessary.

Allow Consumption Sites: 10 of 18 states allow consumption sites either as a separate license or as option for an existing licensee (AK, CA, CO, IL, MA, MI, NV, NJ, NM, and NY). **2 of these 10 states** provide multiple categories of consumption site license (CO and NV). Colorado has two categories of consumption site license: the Marijuana Hospitality Business and Retail Marijuana Hospitality Business. The Marijuana Hospitality Business licensee cannot sell cannabis to customers, but customers can bring their own cannabis to consume at the site. The Retail Marijuana Hospitality and Sales Business licensee can sell cannabis to customers to be consumed onsite. Nevada has two types of cannabis consumption site license: the retail cannabis consumption lounge (RCCL) and the independent cannabis consumption lounge (ICCL). A RCCL is a lounge that is attached or immediately adjacent to an adult-use cannabis retail store. A ICCL is a lounge that is not attached or immediately adjacent to an adult-use cannabis retail store. An ICCL must have at least one contract with an adult-use cannabis retail store for the purchase of the cannabis products for sale at the lounge.

Allow at Retail Licensee: Starting with this policy variable, the sample set will be restricted to states that allow consumption sites (10 states). **6 of 10 states** allow on-site consumption of adult-use cannabis at a retail licensee's location (AK, CA, IL, NV, NJ, NM). In Michigan a retail licensee can secure a consumption site license, but it cannot be on the retailer's premises. In Massachusetts, Social Consumption Establishment Licenses are limited to Economic Empowerment Priority Applicants or Social Equity Program Participants, Microbusinesses, and Craft Marijuana Cooperatives for the first 36 months. Economic Empowerment Priority Applicants or Social Equity Program Participants can be licensed as retailers. However, 935 CMR 500.050(8)(a) prohibits a retailer from selling cannabis for onsite consumption. When the exclusivity period ends, this prohibition will prevent the broader field of retailers from co-locating a consumption site at their retail location. New York prohibits a cannabis retail licensee from holding a social consumption site license

Distinct License: 5 of 10 states have created a distinct state license for consumption sites (CO, MA, MI, NV, NY). In Colorado, both categories of consumption site license are restricted to food retail businesses. As discussed above, Massachusetts currently restricts consumption site licenses to social equity applicants and licensees. In the remaining jurisdictions, existing cannabis establishment licensees can receive a local endorsement to provide an onsite consumption space. However, in Illinois local governments can also allow retail tobacco stores to serve as consumption sites.



Consumption Only License: 3 of 10 states have created consumption site licenses that allow onsite consumption but prohibit onsite sales (CO, IL, MI). Colorado has two categories of consumption site license: the Marijuana Hospitality Business and Retail Marijuana Hospitality Business. The Marijuana Hospitality Business licensee cannot sell cannabis to customers, but customers can bring their own cannabis to consume at the site. The Retail Marijuana Hospitality and Sales Business licensee can sell cannabis to customers to be consumed onsite.

Alcohol: 8 of 10 states explicitly prohibit the sale and/or consumption of alcohol at a consumption site. Michigan and New York do not address the issue of alcohol in their laws.


Food: 6 of 10 states explicitly permit the sale of food at cannabis consumption sites (AK, CO, MA, MI, NV, and NM). In Colorado, both categories of consumption site license are restricted to food retail businesses. In Massachusetts, consumption sites are only allowed to sell pre-packaged and shelf-stable food and drink. New Mexico does not address food specifically but allows licensees to conduct any lawful activity or any combination of lawful activities at a licensed premises, except for the sale off alcohol. New Jersey prohibits consumption sites from operating as a retail food establishment. California, Illinois, and New York do not address the sale of food in their laws.

Tobacco: 7 of 10 states explicitly prohibit the sale and/or consumption of tobacco at cannabis consumption sites (AK, CA, CO, MA, MI, NV, and NJ). Illinois allows tobacco at consumption sites that are located at retail tobacco stores. New Mexico does not explicitly address tobacco in its laws. However, it allows licensees to conduct any lawful activity or any combination of lawful activities at a licensed premises. New York does not cover tobacco in its consumption site laws.

Indoor: Every state allows indoor consumption sites.

Outdoor: Every jurisdiction, except Michigan and New Jersey, permit cannabis consumption on the “premises” of the licensed consumption site. Premises is not defined in the consumption site provisions, but the general definition of the term includes “the building or buildings and surrounding land that a business or person owns or uses.”¹ New Jersey specifically states that both indoor and outdoor consumption sites are permitted. Michigan uses the term “designated areas” when addressing consumption sites.² However, this term is not defined in statute or regulation. This term is ambiguous and requires further clarification. Based on this ambiguity, **9 out of 10** states have permitted outdoor consumption sites.

Zoning: 7 of 10 states subject consumption sites to state zoning restrictions. 6 of these states subject consumption sites to general zoning restrictions that are applicable to multiple categories of licensees (AK, CA, MA, MI, NV, and NM). For example, Nevada subjects all cannabis establishments to a 1000-foot buffer zone around schools, a 300-foot buffer zone around community centers, and a 1,500-foot buffer zone around gaming facilities. New York is the only state that has zoning restrictions specific to consumption sites. New York requires a 500-foot buffer zone around schools and a 200-foot buffer zone around places of worship. Colorado,



Illinois, and NJ do not have state zoning restrictions applicable to consumption sites. New Mexico's zoning law is unique in that places a ceiling on local zoning authority. Rather than setting a default buffer zone, it allows locals to set a buffer zone up to 300 feet.

Visibility Restrictions: 7 of 10 states require that cannabis use at consumption sites be shielded from public view (AK, CA, CO, MA, NV, NJ, and NM). There are several approaches to restricting visibility. For example, California requires that cannabis consumption is not visible from any public place or nonage-restricted area. While Alaska, evaluates the use of sight obscuring walls or fences when determining if a site is suitable for an outdoor consumption site. Illinois, Michigan, and New York do not have visibility restrictions in their statutes or regulations.

b. Local Regulation

To provide additional perspective, this fact sheet surveys the policies of five municipalities in California. Each of these jurisdictions allows consumption sites. The five municipalities are San Francisco, Oakland, West Hollywood, the City of Alameda, and Port Hueneme. The local policies are analyzed with the same variables as the states, with one exception. Rather than looking at requirement of a distinct state license, this survey reviews the need for an additional local permit.


Allow at Retail Licensee: All the municipalities allow on-site consumption of adult-use cannabis at a retail licensee's location. This reflects the fact that state law only permits consumption sites at cannabis retailers and microbusinesses.

Additional Permit: 3 of 5 municipalities require the licensee to secure an additional local permit to operate a consumption site. The City of Alameda and Port Hueneme do not require an additional local permit. San Francisco has created three categories of permit. The first permit allows the consumption of pre-packaged cannabis products at the consumption site. The second permit allows the consumption of pre-packaged cannabis products and preparation of cannabis products on-site. Preparation of cannabis products is defined as the heating, re-heating, or serving of cannabis products, and does not include cooking or infusing. The third permit allows the consumption of all the aforementioned products and the use of smokable products.

Consumption Only License: None of the jurisdictions allow a consumption only license. Again, this reflects state law, which links consumption sites to retailers and microbusinesses.

Alcohol: Every municipality, except Oakland prohibits that sale and/or consumption of alcohol at a consumption site. Oakland does not address this issue in its ordinance. However, this issue may be addressed in another unearthed policy-document. Oakland's omission and local policy in this area are overshadowed by the state's prohibition of alcohol use at consumption sites.

Food: West Hollywood explicitly permits the sale of food at consumption sites. San Francisco does not explicitly state that food sales are permitted. However, it does require consumption sites follow the California Retail Food Code and discusses the possibility of further food safety regulation.³ As a result, it appears that San Francisco allows food at consumption sites. The remaining



jurisdictions do not address the issue of food in their ordinances. This should be viewed in conjunction with the state’s lack of explicit direction on this issue as well.

Tobacco: Every municipality except Oakland explicitly prohibits tobacco at consumption sites. Oakland’s omission and local policy in this area are overshadowed by the state’s prohibition of tobacco use at consumption sites.

Indoor: All jurisdictions allow the consumption area to be inside the licensed facility.

Outdoor: Only Port Hueneme specifically prohibits outdoor cannabis consumption. The remainder of the municipalities allow cannabis consumption on “premises”. As discussed above, this term denotes the structures and the surrounding land. As a result, premises denotes that outdoor consumption is permitted. In fact, Oakland defines premises in its cannabis ordinances to include the land and structures.⁴

Zoning: Only the City of Alameda and Port Huemene have zoning restrictions in their ordinances. Port Huemene has a 600-foot buffer zone around schools. This matches the state’s existing policy. However, the City of Alameda has a 1000-foot buffer zone around schools which is more protective than the state’s buffer zone. With regards to daycares and youth centers, the City of Alameda matches the state mandated 600-foot buffer zone. In addition, the City of Alameda requires a 600-foot buffer zone around tutoring centers which is not mandated by state law.

Visibility Restrictions: Oakland is the only municipality that does not specifically require that cannabis consumption is shielded from public view. However, Oakland’s omission and local policy in this area are overshadowed by the state’s requirement that cannabis use at consumption sites be shielded from public view.

III. Research Tables

This section contains two tables: (1) State Consumption Site Laws and (2) On-site Consumption Ordinances from Select Jurisdictions in California. N/A stands for “not applicable.” N/A is used when the variable is not applicable because (1) the state does have a licensed adult-use market (D.C. and VA) or (2) the state does not allow consumption sites. N/C stands for “not covered in statute or administrative code.” N/C is only used when a jurisdiction does not address the use of alcohol, food, or tobacco at a consumption site.


Table 1: State Consumption Site Laws

State	Citation	Allow Consumption Sites	Allow at Retail	Distinct License	Consumption only	Alcohol	Food	Tobacco	Indoor	Outdoor	Zoning	Visibility Restrictions
AK	Alaska Admin. Code tit. 3 § 306.200 (Local options) Alaska Admin. Code tit. 3 § 306.370 (Onsite Consumption Endorsement) Alaska Admin. Code tit. 3 § 306.010 (General Retail Zoning Restriction)	Yes	Yes	No	No	No	Yes	No	Yes	Yes	500 feet ⁵	Yes
AZ	Ariz. Rev. Stat. § 36-2851	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CA	Cal.Bus. & Prof.Code § 26200 (Local Control) Cal.Bus. & Prof.Code § 26054 (General Establishment Restrictions)	Yes	Yes	No	No	No	N/C	No	Yes	Yes	600 feet ⁶	Yes
CO ⁷	Colo. Rev. Stat §44-10-609(Marijuana Hospitality Business) COLO. CODE REGS §§ 212-3-6-905-940	Yes	No	Yes	Yes	No	Yes	No	Yes	Yes	No	Yes
	Colo. Rev. Stat §44-10-610 (Retail Marijuana Hospitality and Sales Business) COLO. CODE REGS §§ 212-3-6-905-940	Yes	No	Yes	No	No	Yes	No	Yes	Yes	No	Yes
CT	Conn. Gen. Stat. § 19a-342 (Restrictions on cannabis smoking)	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

State	Citation	Allow Consumption Sites	Allow at Retail	Distinct License	Consumption only	Alcohol	Food	Tobacco	Indoor	Outdoor	Zoning	Visibility Restrictions
	Conn. Gen. Stat. § 19a-342a (Restrictions on electronic cannabis delivery system) Licensing and Enforcement: Department of Consumer Protection											
DC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
IL	410 ILCS 705/55-25⁸ (Local Authority) 410 ILCS 705/15-70 (Operational Requirements) 410 ILCS 82/10 (Retail Tobacco Definitions) 410 ILCS 82/35 (Retail Tobacco)	Yes	Yes	No	Yes (retail tobacco stores)	No	N/C	Yes (retail tobacco stores)	Yes	Yes	No	No
ME	28-B Me. Rev. Stat. § 508 28-B Me. Rev. Stat. § 1501	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MA	Mass. Gen. Laws ch. 94G § 3 (Local Control) 935 Mass. Code Regs 500.050 (Pilot Program) 935 Mass. Code Regs 500.105 (General Establishment Requirements) 935 Mass. Code Regs 500.141 (Operational Requirements) 935 Mass. Code Regs 500.110 (zoning)	Yes	Yes	Yes	No	No	Yes	No	Yes	Yes	500 feet ⁹	Yes
MI	Mich. Comp. Laws § 333.27956 (Municipal Power) Mich. Comp. Laws § 333.27961 (Tobacco)	Yes	No ¹⁰	Yes	Yes	N/C	Yes	No	Yes	No ¹¹	1000 feet ¹²	No

State	Citation	Allow Consumption Sites	Allow at Retail	Distinct License	Consumption only	Alcohol	Food	Tobacco	Indoor	Outdoor	Zoning	Visibility Restrictions
	Mich. Admin. Code R 420.1 (definitions) Mich. Admin. Code R 420.22 (Establishment Requirements) Mich. Admin. Code R 420.203 (Food) MICH. COMP. LAWS. § 333.27959 (zoning)											
MT	Mont. Admin. R. 42.39.122 MCA 16-12-108	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NV	Nev. Rev. Stat. § 678A.087 (types of licenses)¹³ Nev. Rev. Stat. § 678A.157 (Independent Cannabis consumption lounge) Nev. Rev. Stat. § 678A.237 (retail cannabis consumption lounge) Nev. Rev. Stat. § 678D.465 (visibility restriction) N.C.C.R. § 15.040 (Food) N.C.C.R. § 15.050 (Indoor consumption) N.C.C.R. § 15.065 (Tobacco and alcohol prohibition) N.C.C.R. § 15.090 (visibility restrictions) Nev. Rev. Stat. § 678B.250 (zoning for all establishments)	Yes	Yes	Yes	No	No	Yes	No	Yes	Yes	1000 feet (schools) 300 feet (community centers) 1500 feet (gaming facilities) ¹⁴	Yes

State	Citation	Allow Consumption Sites	Allow at Retail	Distinct License	Consumption only	Alcohol	Food	Tobacco	Indoor	Outdoor	Zoning	Visibility Restrictions
NJ	N.J. Stat. Ann. § 24:6I-21 (Requirements) N.J. Admin. Code. § 17:30-5.1 (Municipal Authority)	Yes	Yes	No	No	No	No	No	Yes	Yes	No	Yes
NM	N.M. Stat. Ann. § 26-2C-12 (Local Control) NM Code §16.8.2.8 (General Operational Requirements REQUIREMENTS) NM Code §16.8.2.49 (Types o Consumption Sites) NM Code §16.8.2.54 (Standards for Consumption Sites)	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes	300 feet ¹⁵	Yes
NY	New York Cannabis Law § 77	Yes	No	Yes	No	N/C	N/C	N/C	Yes	Yes	500 feet (schools) 200 feet (places of worship) ¹⁶	No
OR	Or. Rev. Stat. § 475C.377 Or. Admin. R 845-025-2840	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
RI	R.I Gen. Laws §21-28.11-5(d)(5)¹⁷ R.I Gen. Laws § 21-28.11-29	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
VT	Vt. Stat. Ann. tit. 7 § 833 Vt. Stat. Ann. tit. 7 § 907	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
VA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
WA	Wash. Rev. Code § 69.50.445 Wash. Rev. Code § 66.04.010(36)	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A



State	Citation	Allow Consumption Sites	Allow at Retail	Distinct License	Consumption only	Alcohol	Food	Tobacco	Indoor	Outdoor	Zoning	Visibility Restrictions
	Wash. Admin. Code § 314-55-086											

Table 2: On-site Consumption Ordinances from Select Jurisdictions in California

Local Jurisdiction	Citation	Allow Consumption Sites	Allow at Retail Licensee	Additional Permit	Consumption Only	Alcohol	Food	Tobacco	Indoor	Outdoor	Zoning	Visibility Restrictions
West Hollywood, CA	WHMC 5.70.041	Yes	Yes	Yes	No	No	Yes	No	Yes	Yes	No	Yes
Oakland, CA	Oakland MC 5.80.025	Yes	Yes	Yes	No	N/C	N/C	N/C	Yes	Yes	No	No
San Francisco, CA	San Francisco Health Code §§ 8a.1-8A.8	Yes	Yes	Yes	No	No	Yes	No	Yes	Yes	No	Yes
City of Alameda, CA	City of Alameda Municipal Code §§ 6-59.10 and 6-59.11	Yes	Yes	No	No	No	N/C	No	Yes	Yes	1,000 Feet (schools) 600 Feet (youth centers, tutoring centers, and day care centers)	Yes



Port Hueneme, CA	Port Hueneme Municipal Code §§ 3983, 3987, 3989.6	Yes	Yes	No	No	No	N/C	No	Yes	No	600 Feet (Schools)	Yes
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This document was developed by Mathew R. Swinburne, J.D., Associate Director for the Network for Public Health Law-Eastern Region. The Network for Public Health Law provides information and technical assistance on issues related to public health. The legal information and assistance provided in this document does not constitute legal advice or legal representation. For legal advice, please consult specific legal counsel.

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¹ Oxford's Learner Dictionary, *available at* https://www.oxfordlearnersdictionaries.com/us/definition/american_english/premises#:~:text=premises%20%5Bpl.%5D,The%20police%20searched%20the%20premises.

² Mich. Comp. Laws § 333.27956

³ See San Francisco Health Code 8A.6 (discussing the applicability of the California Food Retail Code to consumption Sites); See *also* San Francisco Health Code 8A.8 (discussing the regulatory authority and the ability to create more regulations pertaining to food safety).

⁴ Oakland Municipal Code 5.80.010.

⁵ Alaska applies a 500-foot buffer zone around schools, recreation or youth centers, places of worship, and correctional facilities. This buffer zone is not specific to consumption sites but is required of all cannabis establishments.

⁶ California's zoning restriction applies a 600-foot buffer zone around schools, daycare centers, and youth centers. This buffer zone is not specific to consumption sites but is required of all cannabis retail establishments.

⁷ Colorado has two categories of consumption licenses: the Marijuana Hospitality Business and Retail Marijuana Hospitality and Sales Business. The Marijuana Hospitality Business licensee cannot sell cannabis to customers, but customers can bring their own cannabis to consume at the site. The Retail Marijuana Hospitality and Sales Business licensee can sell cannabis to customers to be consumed onsite.


⁸ In Illinois, local government can permit and regulate on-site consumption at dispensing organizations and retail tobacco stores.

⁹ Massachusetts applies a 500-foot buffer zone around schools. This zoning restriction is not specific to consumption sites but is required of all cannabis establishments.

¹⁰ Michigan does not limit the designated consumption establishment license to licensed retailers. The regulatory language is general and refers to "a person" seeking applying for the license. At the same time there are no prohibitions on licensed retailers also applying for the consumption license.

¹¹ Michigan uses the term "designated areas" when addressing consumption sites. However, this term is not defined in statute or regulation. This term is ambiguous and requires further clarification.

¹² Michigan subjects all cannabis establishments to a 1,000-foot buffer zone around schools. This zoning restriction is not specific to consumption sites.



¹³ Nevada has two types of cannabis consumption lounge licenses: the retail cannabis consumption lounge (RCCL) and the independent cannabis consumption lounge (ICCL). A RCCL is a lounge that is attached or immediately adjacent to an adult use cannabis retail store. A ICCL is a lounge that is not attached or immediately adjacent to an adult-use cannabis retail store. An ICCL must have at least one contract with an adult-use cannabis retail store for the purchase of the cannabis products for sale at the lounge

¹⁴ Nevada's zoning restrictions are not specific to consumption sites but is required of all cannabis establishments.

¹⁵ New Mexico allows local governments to set a buffer zone around schools and daycare centers. However, this buffer zone cannot exceed 300 feet.

¹⁶ New York's zoning restrictions are specific to consumption sites.

¹⁷ Rhode Island has given the Cannabis Control Commission authority to study the need for consumption establishments.