




CANNABIS REGULATIONS  
**FACT SHEET**

## Youth Access Regulations and Enforcement in Adult-Use States

### I. Introduction

In the United States, 19 states and the District of Columbia have legalized adult-use cannabis for people ages 21 years or older. States that have chosen to legalize adult-use cannabis have cited in their reasons for doing so, economic benefits as well as public policy concerns. For example, adult-use cannabis is likely to bring increased tax revenue, job growth, and investment opportunities to states with such laws. Public policy reasons, such as the disproportionate impact that cannabis laws have been used to criminalize communities of color, has also been discussed and considered. At the federal level, cannabis remains prohibited for any use under the Controlled Substances Act of 1970; however, the Justice Department has generally not enforced federal law in states that have legalized adult-use cannabis. In December 2020, [H.R.3617, Marijuana Opportunity Reinvestment and Expungement Act \(the MORE Act\)](#) was introduced to remove cannabis from the Controlled Substances Act and was passed by the House but was not voted on by the Senate. There have since been no other federal reform bills. Legalization of adult-use marijuana is a hotly contested and complicated issue and will likely remain high on legislative agendas for the foreseeable future. As more states discuss legalization, there are lessons to be learned from the states that have already begun the work. This fact sheet surveys the legal landscape surrounding enforcement in the 20 jurisdictions that have legalized adult-use cannabis. The survey examines five variables, three of which have subcategories: (1) penalties for sale to an individual under 21 years of age including (a) fine amount, (b) sanction on license, (c) retailer training; (2) enforcement authority including (a) whether law enforcement has authority over licensed retailers and (b) whether a regulatory body retains authority over licensed retailers; (3) funding sources and purposes including whether it covers (a) youth access education, (b) retailer training, and (c) enforcement operations; (4) retailer training requirements; (5) whether ID scan is required for product purchase.



Section II of this fact sheet provides a research summary that defines each policy variable and describes the variation in state law. Section III contains a table that compares the laws of each state and allows side-by-side comparison. Section IV provides pin cites and further details of the information provided in the chart, organized by state.

## II. Research Summary:

This section examines and describes the use of each variable and how states have regulated the specific issue. Although 20 U.S jurisdictions have legalized adult-use cannabis, Washington D.C. and Virginia have not yet enacted laws permitting and regulating licensed cannabis retailers. In Washington, D.C., possession under two ounces for people over age 21 is legal, but adult-use retailers are not. Since there are no legal adult-use retailers, the chart reads N/A for the variables surveyed. In Virginia, it is legal for adults over age 21 to possess less than an ounce of cannabis, but it remains illegal to distribute or sell it to another person. Therefore, retailers have not yet been legalized and the chart reads N/A for this jurisdiction as well. As a result of these qualifications the sample set for this survey is 18 states.

### A. Penalties for Sale to an Individual Under 21 Years of Age

This variable addresses the fines for selling product to a person under age 21, whether a license may be sanctioned for selling cannabis to an underage person, and if a retailer may be required to complete training as a consequence of the illegal sale.

#### i. Fine Amount

**Seventeen** states specify the amount a retailer may be fined for selling cannabis to a person under age 21. Arizona does not name a financial penalty for a retailer who effectuates such a sale. There is significant variation in financial penalties with a minimum of \$250 per sale in Alaska to up to \$500,000 in New Jersey. Six states include an escalating fee schedule for retailers who continue to violate the law within a specific period of time. The majority of states classify these sales as civil violations and penalties, however, a minority of states, namely Massachusetts and Connecticut, categorize these as criminal in nature.

#### ii. Sanction on License

In addition to financial penalties, **all jurisdictions**, but for Washington D.C. and Virginia, allow for sanctions on the retailer license such as suspension or revocation, if an underage sale is made.

#### iii. Retailer Training

**Oregon** is the only state that requires retailer training when a retailer is caught selling cannabis to a person under age 21.



## B. Enforcement authority

This variable indicates whether law enforcement and/or a governing body or agency have been granted authority by the state legislature to conduct enforcement efforts against adult-use cannabis retailers.

Each jurisdiction has either created a regulatory body or relies on an existing body/government agency to oversee the adult-use cannabis program and licensure. However, only **11 states also expressly reference law enforcement** as having authority to investigate or enforce any provisions of law relating to adult-use cannabis. In Massachusetts and Connecticut, a retailer commits a crime if it sells cannabis to a person under age 21. Therefore, sworn law enforcement retains authority to issue a criminal citation and/or criminal charges. These states are marked with a “Y.” California and New Jersey are marked with a “Y” because state law specifically requires retailer employees to present a retailer license and identifying information when requested by state and local law enforcement. Illinois, Michigan, and Montana include provisions that authorize law enforcement to enter the licensed facilities to conduct inspections or investigate unlawful activity. Oregon and Washington law contain provisions providing express authority to law enforcement to enforce provisions of the state code. In Vermont and Rhode Island, law enforcement is specifically authorized to seize cannabis product in violation of the relevant titles. In states where the law is silent on law enforcement authority, there will be an “N” in that cell.


## C. Funding

This variable refers to whether there are provisions of law which establish funding sources for: (1) youth access education, (2) retailer training, (3) enforcement. Although Alaska has a dedicated fund relating to cannabis, it is not clear whether it is used for the purposes highlighted in this chart and is marked with an “N.”

### i. Youth Access Education

This subset refers to whether a state’s specified cannabis funding may cover efforts to provide education to youth and the public relating to youth use and access. **Seven states** included funding for youth access education in their laws. This type of education is meant for retailers and the general population and includes lessons on things like the scientific basis for restricting access of cannabis and cannabis products to persons under age 21, public health and safety awareness and educational programs and campaigns, and evidence-based and evidence-informed substance use prevention and treatment and substance use early intervention services. These states include California, Illinois, Maine, Massachusetts, New Jersey, Rhode Island, and Washington.

### ii. Retailer Training



**No jurisdiction** has funding designated specifically for retailer training purposes. However, some states do require retailer training which is discussed in greater detail in section D below.

**iii. Enforcement**

This subset refers to whether funding is designated for regulatory enforcement efforts and/or oversee the adult-use program pursuant to existing law. **Every jurisdiction but for Washington, D.C., Virginia, and Alaska** require their cannabis funding to be used for enforcement-related efforts. For example, Arizona requires funding to be used to implement or enforce the provisions of this chapter (adult-use cannabis). California’s fund is used for the establishment and support of regulatory activities. All states use similar language when describing the enforcement purpose of their funding.

**D. Retailer Training Requirements**

**Thirteen states** require retailer and/or employee training. However, the requirements differ significantly. **Nine states** (Alaska, California, Illinois, Massachusetts, Michigan, Montana, Nevada, New Mexico, Oregon) require training for the employees and not the licensee. However, **four states** (Colorado, New Jersey, Vermont, and Washington) require that the retailer/licensee obtain the training. In either circumstance, a “Y” appears in the chart. Some states require that the licensee submit and obtain approval from the regulatory agency/board when educating employees. Others require that retailers/employees complete a specifically named course. A few states require that the relevant actors complete a certain number of hours of training/education. Rhode Island requires the state commission to issue regulations requiring training, but the agency has not yet done so because the law only recently became effective.

**E. ID scan required for purchase**

**Illinois and Nevada** are the only states that require a person’s identification be scanned prior to making a sale, although all states require that identification be examined before completing a purchase. New York and Washington state law explicitly permit their state’s regulatory agency to issue regulations requiring that identification be electronically scanned, but neither state has yet adopted any such regulation.

**III. State Survey Research**

This table contains the policy research for the twenty jurisdictions with adult-use cannabis. N/A stands for “not applicable” and is further explained in Section IV.

**Table#6: Regulation of Youth Access**

	Penalties for Sale to an Individual Under 21 Years of Age			Enforcement Authority		Funding Provided For				
State	Fine Amount	Sanction on License	Retailer Training	Law Enforcement	Regulatory Body	Youth access education	Retailer Training	Enforcement	Is Retailer Training Required	ID scan required for purchase
AK	\$250-\$1,000	Y	N	N	Y	N	N	N	Y	N
AZ	None specified	Y	N	N	Y	N	N	Y	N	N
CA	No less than \$1,000	Y	N	Y	Y	Y	N	Y	Y	N
CO	Up to \$100,000	Y	N	N	Y	N	N	Y	Y	N
CT	Up to \$2,000	Y	N	Y	Y	N	N	Y	N	N
DC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
IL	Up to \$20,000	Y	N	Y	Y	Y	N	Y	Y	Y
ME	Up to \$100,000	Y	N	N	Y	Y	N	Y	N	N
MA	Up to \$2,000	Y	N	Y	Y	Y	N	Y	Y	N
MI	Up to \$10,000	Y	N	Y	Y	N	N	Y	Y	N
MT	Up to \$3,000	Y	N	Y	Y	N	N	Y	Y	N
NV	\$25,000-\$75,000	Y	N	N	Y	N	N	Y	Y	Y

NJ	Up to \$500,000	Y	N	Y	Y	Y	N	Y	Y	N
NM	Up to \$10,000	Y	N	N	Y	N	N	Y	Y	N
NY	Up to \$5,000	Y	N	N	Y	N	N	Y	N	N
OR	Up to \$10,000	Y	Y	Y	Y	N	N	Y	Y	N
RI	Up to 10,000	Y	N	Y	Y	Y	N	Y	N	N
VT	\$15,000-\$20,000	Y	N	Y	Y	N	N	Y	Y	N
VA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
WA	\$1,250-\$7,500	Y	N	Y	Y	Y	N	Y	Y	N

#### IV. Pin Cites

The information in the chart in Section III is further explained below. All citations include active links to pin cites below. Because the information responsive to the variables were found in so many different laws and regulations in each state, it is easier to access the pin cite in the explanations for each state below.

#### Alaska

##### *Penalties for Sale to an Individual Under 21*

A licensed retail marijuana store may not sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver, marijuana or a marijuana product to a person under 21 years of age. [3 Alaska Administrative Code 306.310](#)

The Marijuana Control Board located in the Department of Commerce, Community, and Economic Development sets a fine schedule and license suspension/revocation schedule that may be amended periodically. The most up-to-date schedule is available at [Marijuana Regulations, Board of Alcoholic Beverage Control \(alaska.gov\)](#).

##### *Enforcement Authority*



The Marijuana Control Board is established in the Department of Commerce, Community, and Economic Development shall control the cultivation, manufacture, and sale of marijuana in the state. [Alaska Statutes, § 17.38.121](#)

#### *Funding*

There is a “Marijuana Treatment and Education Fund” referenced in the Marijuana Tax provision, however, it is not clear whether this goes toward youth access/education, and there is no express mention of retailer training or enforcement costs. [Alaska Statutes, § 43.61.010](#)

#### *Retailer Training/ID Scan*

A marijuana establishment license application must include the applicant's operating plan, in a format the board prescribes, describing to the board's satisfaction the proposed marijuana establishment's plans for employee qualification and training. [3 Alaska Administrative Code 306.020](#)

Photographic identification is required for purchase, but it need not be electronically scanned. [3 Alaska Administrative Code 306.350.](#)

### **Arizona**

#### *Penalties for Sale to an Individual Under 21*

The Responsible Adult Use Marijuana Chapter does not permit the sale to persons under age 21. [A.R.S. § 36-2851](#)


The Department of Health Services may take suspension/revocation action on the license if the marijuana establishment does not comply with law. [A.A.C. R9-18-316](#)

#### *Enforcement Authority*

The Department of Health Services shall adopt rules to implement and enforce this chapter and regulate marijuana, marijuana products, marijuana establishments and marijuana testing facilities. [A.R.S. § 36-2854](#)

#### *Funding*

A consumer law provides for the Smart and Safe Arizona fund which pays for administration of the law. Any extra money goes to colleges and public programs, but there is language that money can go towards “any other mandatory expenditure of state revenues required by this chapter to implement or enforce the provisions of this chapter.” It does not appear that money can go to youth access education and retailer training. [A.R.S. § 36-2856](#)



### *Retailer Training/ID Scan*

Age affirmation is required prior to engaging in dialogue with the consumer, but it need not be electronically verified. [A.R.S. § 36-2859](#)

### **California**

#### *Penalties for Sale to an Individual Under 21*

Grounds for disciplinary action include, but are not limited to, the intentional and knowing sale of cannabis or cannabis products by an adult-use licensee to a person under 21 years of age. [California Business and Professions Code, Division 10, Chapter 3 26030](#)

The minimum fine amount for any disciplinary action shall not be less than \$1,000. [Department of Cannabis Control Disciplinary Guidelines](#)

The Department of Health may, as part of each citation, assess an administrative fine not to exceed five thousand dollars (\$5,000) per violation by a licensee and thirty thousand dollars (\$30,000) per violation by an unlicensed person. Each day of violation shall constitute a separate violation. [California Business and Professions Code, Division 10, Chapter 3 26031.5.](#)

#### *Enforcement Authority*

There is in the Business, Consumer Services, and Housing Agency, the Department of Cannabis Control under the supervision and control of a director. The director shall administer and enforce the provisions of this division related to the department. [California Business and Professions Code, Division 10, Chapter 2 26010](#)

All retailer employees must present their retailer license and identification upon request to state and local law enforcement. [California Business and Professions Code, Division 10, Chapter 9, § 26090](#)

#### *Funding*

The State Department of Health Care Services establishes and runs a public information program which describes the provisions of the Control, Regulate and Tax Adult Use of Marijuana Act of 2016, the scientific basis for restricting access of cannabis and cannabis products to persons under the age of 21 years, the penalties for providing access to cannabis and cannabis products to persons under the age of 21 years, information regarding the dangers of driving a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation while impaired from cannabis use, the potential harms of using cannabis while pregnant or breastfeeding, and the potential harms of overusing cannabis or cannabis products. [California Business and Professions Code, Division 10, Chapter 21 26211](#)





### *Retailer Training/ID Scan*

Upon initial application and application for renewal, the applicant must employ, or will employ within one year of receiving or renewing a license, one supervisor and one employee who have successfully completed a Cal-OSHA 30-hour general industry outreach course offered by a training provider that is authorized by an OSHA Training Institute Education Center to provide the course. [California Business and Professions Code, Division 10, Chapter 5 26051.5](#)

A retailer must examine a photographic idea to ensure that a consumer is over age 21, but it need not be electronically verified. [California Business and Professions Code, Division 10, Chapter 14, § 26140](#)

## **Colorado**

### *Penalties for Sale to an Individual Under 21*

Selling marijuana to a person under the age of 21 is a violation affecting public safety which is the most severe category. The range of penalties for this category of violation may include license suspension, a fine per individual violation, a fine in lieu of suspension of up to \$100,000, and/or license revocation depending on the mitigating and aggravating circumstances. Sanctions may also include restrictions on the license. [Code of Colorado Regulations 8-235](#)

### *Enforcement Authority*


The Marijuana Enforcement Division is tasked with licensing and regulating the Medical and Retail Marijuana industries in Colorado. [Marijuana Enforcement Division](#)

### *Funding*

The marijuana cash fund receives its money from fees, fines, and appropriations. It may be used to support funds for enforcement efforts. The marijuana tax cash fund is where the marijuana tax revenue is placed. The state was initially supporting agency operating costs with tax revenue, but eventually repealed these provisions and now relies on money it receives from fees, fines, and appropriations, which are placed in the marijuana cash fund to support enforcement efforts. [C.R.S.A. § 44-10-801](#)

### *Retailer Training/ID Scan*

Businesses shall comply with the 3-500 Series Rules to be designated a “responsible vendor” of Regulated Marijuana. To be designated a “responsible vendor” all Controlling Beneficial Owners with day-to-day operational control of the Licensed Premises, management personnel,



and Employee Licensees involved in the handling and Transfer of Regulated Marijuana shall attend and successfully complete an Approved Training Program. [Code of Colorado Regulations 3-505](#)

A consumer must produce identification indicating that they are 21 years of age or older, but it does not need to be electronically examined. [Code of Colorado Regulations 212-3-6-110](#)

## **Connecticut**

### *Penalties for Sale to an Individual Under 21*

Any cannabis retail licensee or the licensee's employee who sells or delivers cannabis or cannabis paraphernalia to any person under 21 is guilty of a Class A misdemeanor. In Connecticut, Class A misdemeanors are the most serious misdemeanors, punishable by up to one year in jail and a fine of up to \$2,000. [Chapter 420h, Sec. 21a-421aaa](#)

A retailer license may face disciplinary action for failing to comply with any provisions of the law. [Chapter 420h, Sec. 21a-421p](#)

### *Enforcement Authority*


The Department of Consumer Protection is responsible for licensing and regulating medical and adult-use cannabis establishments in Connecticut. [Adult Use Cannabis Licensing Program](#) However, law enforcement retains some authority because it is a misdemeanor for a retailer to sell to a person under age 21.

### *Funding*

Beginning in the fiscal year ending June 30, 2023, fees collected by the Department shall be paid to the State Treasurer and credited to the General Fund or the Social Equity and Innovation Fund. Money in the Social Equity and Innovation Fund shall be allocated by the Secretary of the Office of Policy and Management to state agencies for the purpose of (A) paying costs incurred by the Social Equity Council and (B) administering programs to provide (i) access to capital for cannabis businesses, (ii) technical assistance for the start-up and operation of a cannabis business, (iii) funding for workforce education, and (iv) funding for community investments. [Chapter 420h, Sec. 21a-420f](#)

### *Retailer Training/ID Scan*

There is no retailer licensing requirement; however, the Social Equity Council, in coordination with the Department of Economic and Community Development and Labor Department, shall develop a workforce training program to further equity goals, ensure cannabis establishments have access to a well-trained employee applicant pool, and support individuals who live in a disproportionately impacted area to find employment in the cannabis industry. [Chapter 420h, Sec. 21a-421g](#)



The Commissioner of Consumer Protection may require a cannabis establishment to use an online age verification system, but it has not yet done so. [C.G.S.A. § 21a-421ggg](#)

## **DC**

Adult use recreational dispensaries are illegal in DC. Initiative 71 made it legal for a person 21 years or older to possess two ounces or less of marijuana; use marijuana on private property; transfer one ounce or less of marijuana to another person 21 or older, as long as no money, goods, or services are exchanged; and cultivate within a primary residence up to six marijuana plants, no more than three of which are mature. [Initiative 71](#)

## **Illinois**

### *Penalties for Sale to an Individual Under 21*

The Department may issue disciplinary or non-disciplinary citations for minor violations. Any such citation issued by the Department may be accompanied by a fee. The fee shall not exceed \$20,000 per violation. [410 ILCS 705/15-140](#) and [410 ILCS 705/45-5](#) and [410 ILCS 705/1-5](#)

### *Enforcement Authority*

The Department has the authority to suspend or revoke any program license for any violation found under this Article. [410 ILCS 705/25-25](#)


Dispensing organizations are subject to random and unannounced dispensary inspections and cannabis testing by the Illinois State Police and local law enforcement. [410 ILCS 705/15-135](#)

### *Funding*

The law created the Cannabis Business Development Fund with the purpose to provide opportunities for historically disadvantaged groups and communities to participate in the industry. However, this does not support the activities that are the subject of this survey. [410 ILCS 705/7-10](#)

[There is also a Cannabis Regulation Fund 30 ILCS 105/6z-112](#). The fund covers the indirect costs associated with the implementation, administration, and enforcement of the Cannabis Regulation and Tax Act as well as a public education campaign relating to educating youth and adults on the health and safety risks of cannabis.

### *Retailer Training/ID scan*



An applicant shall submit an application that includes a description of the training and education that will be provided to dispensing organization agents. [410 ILCS 705/15-25](#) and [410 ILCS 705/15-30](#)

Before dispensing cannabis to a purchaser, the agent shall verify the age of the purchaser by checking a government-issued identification card by use of an electronic reader or electronic scanning device to scan a purchaser's government-issued identification. [410 ILCS 705/15-85](#)

## **Maine**

### *Penalties for Sale to an Individual Under 21*

A licensee may not sell to a person under age 21. [28-B M.R.S.A. § 504](#). In addition to license suspension and revocation, a licensee may be required to pay the following fines: up to \$10,000 per minor license violation, not more than \$50,000 for a major license violation, and up to \$100,000 per major license violation affecting public safety. [28-B M.R.S.A. § 802](#)

### *Enforcement Authority*

The Department of Administrative and Financial Services is charged with implementing, administering, and enforcing the law. [28-B M.R.S.A. § 104](#) However, the Marijuana Advisory Commission is tasked with conducting a continuing study of the laws relating to marijuana and reporting to the Legislature its findings and recommendations on an annual basis. [28-B M.R.S.A. § 901](#)

### *Funding*

The Adult Use Marijuana Public Health and Safety and Municipal Opt-in Fund, in part, may be used to fund public health and safety awareness and education programs, initiatives, campaigns and activities relating to the sale and use of adult-use marijuana. [28-B M.R.S.A. § 1101](#)


Adult Use Marijuana Regulatory Coordination Fund may be used to implement, administer, and enforce the law. [28-B M.R.S.A. § 1102](#)

### *Retailer Training/ID scan*

A consumer must present a valid, government-issued identification to enable the sale. [28-B M.R.S.A. § 504](#)

## **Massachusetts**

### *Penalties for Sale to an Individual Under 21*



Whoever furnishes marijuana, marijuana products or marijuana accessories to a person less than 21 years of age, either for the person's own use or for the use of the person's parent or another person shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than 1 year or both such fine and imprisonment. [M.G.L.A. 94G § 13](#)

Action may be taken against the license for repeated sales to minors. [Massachusetts Regulations 500.450](#)

### *Enforcement Authority*

The Cannabis Control Commission has all the powers necessary or convenient to carry out and effectuate its purposes. However, presumably law enforcement retains some authority because it is a misdemeanor for a retailer to provide marijuana to a person under age 21. [M.G.L.A. 94G § 4](#)

### *Funding*

There is a Marijuana Regulation Fund which is used for administrative purposes and leftover money goes to : (i) public and behavioral health including but not limited to, evidence-based and evidence-informed substance use prevention and treatment and substance use early intervention services in a recurring grant for school districts or community coalitions who operate on the strategic prevention framework or similar structure for youth substance use education and prevention; (ii) public safety; (iii) municipal police training; (iv) the Prevention and Wellness Trust Fund; and (v) programming for restorative justice, jail diversion, workforce development, industry specific technical assistance, and mentoring services for economically-disadvantaged persons in communities disproportionately impacted by high rates of arrest and incarceration for marijuana offenses. [M.G.L.A. 94G § 14](#)

### *Retailer Training/ID Scan*


The retailer must verify a government-issued photographic identification prior to completing a sale. This may be visually inspected. [935 CMR 500.140](#)

Marijuana establishment agents must complete a Responsible Vendor Training program. [935 CMR 500.105](#)

## **Michigan**

### *Penalties for Sale to an Individual Under 21*

A licensed retailer is only permitted to sell or transfer the product to a person age 21 or older. [Michigan Administrative Code, R. 420.104](#). A licensee may be fined up to \$10,000 or an amount equal to the daily gross receipts, whichever is greater, for any violation of law and/or rules. They may also face license suspension, revocation, and denial for any such violation. [Michigan Administrative Code, R. 420.806](#)



Additionally, [Michigan Compiled Laws, Section 333.27961a](#) creates a cause of action against a licensee, if a person suffers damage or is injured by a minor as a result of the licensee's sale to that minor.

#### *Enforcement Authority*

The Marijuana Regulatory Agency has jurisdiction over the operation of all facilities. It may, through other agents or state police, enter the premises, offices, facilities, or other places of business of a licensee to ensure compliance with the law and rules. [Michigan Compiled Laws, Section 333.27303](#)

#### *Funding*

The Marijuana Regulation Fund, [Michigan Compiled Laws, Section 333.27964](#), created by the Department of Treasury, includes all excise taxes and other fees collected. The money shall be expended for the implementation, administration, and enforcement of the Michigan Regulation and Taxation of Marijuana Act, and until 2022 or at least for two years and provide additional money to one or more clinical trials researching the efficacy of marijuana in treating certain medical conditions among veterans.

#### *Retailer Training/ID Scan*

A customer may not purchase cannabis unless the marijuana sales location was presented with and examined a government-issued identification card with a photographic image that the person is at least 21 years of age. There is no identification scanning requirement. [Michigan Administrative Code, R.420.505](#)


Although licensees are not required to undergo training, their employees are required to receive education and training. [Michigan Administrative Code, R. 420.602](#)

### **Montana**

#### *Penalties for Sale to Person Under Age 21*

If a licensee violates laws/rules, it faces a civil penalty up to \$3,000 and action against the license. Specifically, selling to a person under age 21 will result in a failure to renew or a revocation. [Montana Code, 16-12-109](#)

#### *Enforcement Authority*



The Montana Department of Health and Human Services maintains the sole authority to enforce, regulate, and license the cultivation, manufacture, transport, and sale of marijuana. [Montana Code, 16-12-103](#) However, [Montana Code, 16-12-303](#), expressly states that nothing in this law shall be construed to limit a law enforcement agency's ability to investigate unlawful activity in relation to a person or individual with a license.

### *Funding*

The Marijuana state special revenue account contains license fees, civil penalties paid, and taxes collected pursuant to the Montana Marijuana Regulation and Taxation Act. This money is designated for the purpose of administering the provisions of law. Additionally, some money from the special revenue account is transferred to another account entitled "healing and ending addiction through recovery and treatment" which aims to address substance use disorder prevention, mental health promotion, and crisis, treatment, and recovery for substance use and mental health disorders. [Montana Code, 16-12-111](#)

### *Retailer Training/ID Scan*

Although the retailer or license holder is not required to obtain education or training, a marijuana worker permit is required for an employee who performs work for or on behalf of a marijuana business. To obtain a permit, the person must provide annual proof of having passed training that includes identification, prevention, and reporting for human trafficking, rules and regulations for legal sales of marijuana in the state, and any other training required by the department. [Montana Code, 16-12-226](#)

A marijuana dispensary licensee and its employees must request and examine a person's unexpired, government-issued photo identification that shows a consumer is 21 years of age. However, they are not required to scan the document. [Montana Administrative Rules, 42.39.409](#)

## **Nevada**

### *Penalties for Sale to Individual Under Age 21*

The Nevada Regulations, 4.040, consider selling to a person under age 21, a Category II violation. For a first violation in the immediately preceding 3 years, a civil penalty of not more than \$25,000 may be imposed and a license suspension for not more than 20 days. For a second violation in the immediately preceding 3 years, a civil penalty of not more than \$75,000 may be imposed and a suspension for not more than 30 days. For a third or subsequent violation in the immediately preceding 3 years, revocation may be imposed. [Nevada Cannabis Compliance Regulations, 4.040](#)

### *Enforcement Authority*

The Cannabis Compliance Board has the sole authority and power to carry out the provisions of law. [Nevada Revised Statutes, 678A.440](#)



## *Funding*

The Administrator of the Division or his or her designee may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of this chapter governing the issuance of registry identification cards and letters of approval and the regulation of the holders of such cards and letters. However, this money is not guaranteed. [Nevada Revised Statutes, 678C.820](#). Any money the Administrator or his or her designee receives must be deposited in the State Treasury pursuant to [Nevada Revised Statutes, 678.830c](#) and accounted for separately in the State General Fund. It may only be carried out to: enforce the provisions of the chapter; fund programs for alcohol and substance use disorder, and allow research to be performed at Nevada System of Higher education on services relating to alcohol and other substance use disorders.

## *Retailer Training/ID Scan*

The Cannabis Compliance Board requires any cannabis establishment to ensure that all employees have received training and instruction. [Nevada Cannabis Compliance Regulations 6.072](#)

Cannabis establishment employees must verify a customer's age by checking a government-issues identification card with an age verification scanner. [Nevada Cannabis Compliance Regulations, 7.015](#)

## **New Jersey**

### *Penalties for Sale to Individual Under Age 21*

Selling cannabis to a person under age 21 is considered a major license violation and the license holder faces up to \$500,000 in civil money penalties. [New Jersey Administrative Code, 17:30-17.2](#) and [17:30-17.6](#). A licensee may also face suspension or revocation for selling to a minor in some circumstances. [New Jersey Administrative Code, 17:30-17-7](#) and [17:30-17-8](#)

### *Enforcement Authority*

The Cannabis Regulatory Commission has all powers necessary to carry out its duties functions and powers, including the jurisdiction, supervision, and functions over any person who buys, sells, cultivates, produces, manufactures, transports, or delivers any cannabis or cannabis items within this State. [New Jersey Statutes, 24:6I-34](#)

Certified cannabis handlers are required to present the identification card upon request to State and local law enforcement. [New Jersey Statutes, 24:6I-44](#)





## *Funding*

All fees and penalties collected by the commission, and all tax revenues on retail sales of cannabis items, and all tax revenues collected pursuant to the provisions of the “Jake Honig Compassionate Use Medical Cannabis Act,” except for amounts credited to the Property Tax Reform Account in the Property Tax Relief Fund as well as all revenues, if any, collected for the Social Equity Excise Fees, shall be deposited in a special nonlapsing fund which shall be known as the “Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Fund.” Among other things, the money shall be used to oversee the enforcement activities associated with personal use cannabis. 15% of the monies deposited must be placed into an account within the fund, known as the “Underage Deterrence and Prevention Account.” [New Jersey Statutes, 24:6I-50](#)

## *Retailer Training/ID Scan*

In addition to any workplace trainings required by law, each owner and principal of a license holder that handles cannabis and each employee and volunteer and any management services contractor staff of a license holder shall complete at least eight hours of ongoing training each calendar year. [New Jersey Administrative Code, 24:6I-44](#)

The licensee and/or employees must examine a consumer’s photographic identification before making a sale, but scanning the ID is not required. [New Jersey Statutes, 24:6I-35](#)

## **New Mexico**


### *Penalties for Sale to Individual Under Age 21*

For any offense involving the sale or distribution of cannabis to minors, a retailer faces a fine of up to \$10,000 and revocation of the license. [Code of New Mexico Rules, 16.8.12.13](#)

### *Enforcement Authority*

The Cannabis Control Division is a government agency which regulates and licenses cannabis producers, manufacturers, retailers, couriers and testing and research laboratories operating in the medical and adult-use markets to ensure public health and safety. [New Mexico Statutes, 26-2C-3](#)

## *Funding*



The state has a “cannabis regulation fund” which consists of appropriations, gifts, grants, donations and fees collected by the division pursuant to the Cannabis Regulation Act and the medical cannabis program. The money is for the purposes of carrying out the provisions of the Cannabis Regulation Act and the Lynn and Erin Compassionate Use Act. [New Mexico Statutes, 26-2C-39](#)

#### *Retailer Training/ID Scan*

The licensee is required to develop and implement, with approval by the Cannabis Control Division, and educational training program for employees. [Code of New Mexico Rules, 16.8.2.39](#)

A licensed retailer must inspect a valid form of identification to confirm that an individual is at least 21 years of age before making a sale, however, ID scan is not required. [Code of New Mexico Rules, 16.8.2.40](#)

### **New York**

#### *Penalties for Sale to Individual Under Age 21*

Retailers may not sell cannabis to a person under age 21. [9 NYCRR 116.3](#) and [McKinney's Cannabis Law § 85](#). A person may be required to pay a civil penalty of up to \$5,000 for violation of rule/law. [McKinney's Cannabis Law § 16](#)

Suspension and revocation action may be taken against the license for violations of law. [9 NYCRR 116.8](#)

#### *Enforcement Authority*

The Cannabis Control Board has regulatory and enforcement authority. [McKinney's Cannabis Law § 10](#)

#### *Funding*

The [New York State Cannabis Revenue Fund](#) includes all revenues received by the department of taxation and finance for taxes associated with adult-use cannabis. The money may be used for the reasonable costs associated with implementing, administering, and enforcing the Marihuana Regulation and Taxation Act. It may also be used to study the impact of the laws on public health, public safety issues relating to cannabis, cannabis use rates, among other things.

#### *Retailer Training/ID Scan*

Retailers may scan ID but are not required to do so. [McKinney's Cannabis Law § 85](#)



## Oregon

### *Penalties for Sale to Individual Under Age 21*

The sale of cannabis to a person under 21 is a Category II(b) violation which may result in a civil penalty and/or suspension. The penalty for a licensee may be calculated by multiplying the number of days in a suspension by \$165. The penalty may not exceed \$10,000. The guidelines for penalties are listed in the regulations as Exhibit 1. For 1 violation in a 2-year period, the guideline is a 30-day suspension OR \$4,950 fine. For 2 violations in a 2-year period, the guideline is a 30-day suspension. [Oregon Administrative Rules, 845-025-8520](#) and [Oregon Administrative Rules, OAR 845-025-8590](#)

A licensee may also be required to undergo training if the Commission finds or has reasonable grounds to believe that the licensee or representative sold to a minor. [O.R.S. § 475C.265](#)

### *Enforcement Authority*

The Oregon Liquor and Cannabis Commission has the duties, functions, and powers necessary to carry out the functions at law. [O.R.S. § 475C.017](#) Law enforcement officers have express authority to enforce limited provisions of the code. [O.R.S. § 475C.413](#)

### *Funding*

The Marijuana Control and Regulation Fund is appropriated to the Oregon Liquor and Cannabis Commission and is used to administer and enforce the provisions in the state code. [O.R.S. § 475C.297](#)


### *Retailer Training/ID Scan*

The law permits the Oregon Liquor and Cannabis Commission to adopt rules establishing when an age verification scanner may be used to verify age, but it has not yet been required. [O.R.S. § 475C.109](#)

A marijuana worker permit may only be obtained after passing an examination. [OAR 845-025-5520](#)

## Rhode Island

### *Penalties for Sale to Individual Under age 21*



Permits the governing commission to establish requirements and procedures, utilizing best practices, to prevent the sale, delivery or transfer of cannabis to persons under twenty-one (21) years of age, or the purchase of cannabis on behalf of a person under twenty-one (21) years of age to include, but not limited to, the establishment of age verification procedures. [Gen.Laws 1956, § 21-28.11-5](#)

Minors are not permitted on the premises. [Gen.Laws 1956, § 21-28.11-27.1](#)

A retailer may not be punished if a person under age 21 purchases product but presented valid, state-issued identification. [Gen.Laws 1956, § 21-28.11-24.](#)

A licensed person may be convicted of a felony, face incarceration up to five years, and a fine of up to \$10,000, as well as license forfeiture for knowingly selling to a minor. [Gen.Laws 1956, § 21-28.11-27](#)

#### *Enforcement Authority*

The Cannabis Control Commission shall have all the powers necessary and reasonable to carry out and effectuate the purposes of the program. [Gen.Laws 1956, § 21-28.11-5](#)

A retailer may not be punished if a person under age 21 purchases product but presented valid, state-issued identification. [Gen.Laws 1956, § 21-28.11-24.](#)


Law enforcement has the authority to seize contraband. Also, the Commission may make available information to law enforcement to allow them to ensure compliance with state laws and regulations. [Gen.Laws 1956, § 21-28.11-18](#)

#### *Funding*

In the general fund, is a distinct account known as the “marijuana trust fund.” The fund includes revenue from the state cannabis excise tax, penalties, forfeitures, interest, costs of suit, and fines. The money shall be used for program administration, revenue collection and enforcement, substance use disorder prevention for adults and youth, education and public awareness campaigns, including awareness campaigns relating to driving under the influence of cannabis, treatment and recovery support services, public health monitoring, research, data collection, and surveillance. [Gen.Laws 1956, § 21-28.11-13](#)

#### *Retailer Training/ID Scan*

The Commission must adopt rules requiring that employees of cannabis establishments be properly trained in the performance of their duties as necessary. However, because the bill was signed into law so recently, the Commission hasn't yet promulgated these rules. [Gen.Laws 1956, § 21-28.11-5](#)



A retailer may not be punished if a person under age 21 purchases product but presented valid, state-issued identification. However, there is no ID scan requirement. [Gen.Laws 1956, § 21-28.11-24.](#)

## **Vermont**

### *Penalties for Sale to Individual Under Age 21*

Providing cannabis to a person under age 21, subjects the licensee to the following penalties:

1<sup>st</sup> violation in immediately preceding 3 years: corrective action plan, up to \$15,000 administrative penalty, suspension not more than 20 days

2<sup>nd</sup> violation in immediately preceding 3 years: corrective action plan, up to \$20,000 administrative penalty, suspension not more than 30 days

3<sup>rd</sup> violation in immediately preceding 3 years: corrective action plan, suspension and/or revocation of license to be determined by Cannabis Control Board [Vt. Admin. Code 26-1-4:5](#)

### *Enforcement Authority*

The Cannabis Control Board is charged with safely, equitably, and effectively implementing and administering the laws enabling access to adult-use cannabis in Vermont. [7 V.S.A. § 843](#)

Cannabis possessed unlawfully in violation of this title may be seized by law enforcement and is subject to forfeiture. [7 V.S.A. § 832](#)

### *Funding*


The Cannabis Regulation Fund shall be maintained by the Cannabis Control Board and is composed of application fees, annual license fees, renewal fees, and civil penalties collected by the Board. Monies from the fund shall only be appropriated for the purposes of implementation, administration, and enforcement of law pursuant to Chapter 31 and Chapter 33. [7 V.S.A. § 845](#)

### *Retailer Training/ID Scan*

A licensee shall complete an enforcement seminar every three years conducted by the Board. [7 V.S.A. § 865.](#)

The retailer must confirm that a person is 21 years of age or older to complete a transaction, by examining a photographic identification card, but is not required to scan it for verification. [7 V.S.A. § 907](#)

## **Virginia**



Adults 21 years and older may possess not more than one ounce of cannabis in any public place and may grow up to four plants per household. Virginia’s adult-use legalization law created a Cannabis Public Health Advisory Council to advise the Cannabis Control Authority (CCA) on all health-related matters. However, dispensaries are not yet legal and thus are not regulated.

The CCA, in collaboration with the Cannabis Public Health Advisory Council and interagency partners, is working on several public health initiatives including guidance on: (i) responsible adult consumption of cannabis; (ii) the health risks and dangers associated with cannabis consumption, including information on how cannabis consumption impairs a person’s ability to operate a motor vehicle; and (iii) how cannabis consumption could have an adverse impact on ancillary matters such as causing a person to be ineligible for certain employment opportunities. <https://www.cannabis.virginia.gov/>

## **Washington**

### *Penalties for Sale to Individual Under Age 21*

Licensees face the following penalties for selling cannabis to a person under age 21:

1<sup>st</sup> violation: 5-day suspension OR \$1,250 monetary option

2<sup>nd</sup> violation in a two-year window: 10-day suspension OR \$,7,500 monetary option

3<sup>rd</sup> violation in a two-year window: 30- day suspension

4<sup>th</sup> violation in a two-year window: license cancellation

[WAC 314-55-521](#)

### *Enforcement Authority*

The State Liquor and Cannabis Board carries out the state laws and regulations surrounding alcohol, tobacco, and cannabis. Law enforcement officers are also expressly named as having authority to enforce all provisions of law. [RCWA 69.50.500](#)

### *Funding*

Washington has a “dedicated cannabis account” which outlines the appropriated amounts for multiple categories including for the “administration” of the relevant laws and the creation, implementation, operation, and management of cannabis, vapor product, and commercial tobacco product education and public health programming that contains programs that support development and implementation of coordinated intervention strategies for cannabis use by youth and cannabis cessation treatment services and media-based education campaigns that target youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by cannabis use. [RCWA 69.50.530](#) and [RCWA 69.50.540](#)

### *Retailer Training/ID Scanner*



The Board must develop and implement compliance education for licensed businesses and employees. [RCWA 69.50.342](#) and [WAC 314-55-013](#)

Photographic and valid government identification are required to demonstrate that a person is at least 21 years of age, but scanners are not required. [WAC 314-55-150](#)

**This document was developed by Brooke Torton J.D., and Blair Inniss, J.D., Senior Staff Attorneys 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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