



RUEDA ABADI PEREIRA



A Comparison of the World's First Three Jurisdictions to Legally Regulate Marijuana: Colorado, Washington and Uruguay

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	COLORADO	WASHINGTON	URUGUAY
Level of law	State constitution, laws and regulations	State law and regulations	National Law and Executive Order
Regulatory agency	Colorado Department of Revenue (CDR)	Washington State Liquor Control Board (LCB)	Institute for the Regulation and Control of Cannabis (IRCCA) - a public, non-state entity
Definition of marijuana	All parts of plant, seed, resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate, which is cultivated, manufactured, distributed, or sold by a licensed retail marijuana establishment. Does not include industrial hemp or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.	All parts of the plant with a THC concentration greater than 0.3% on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.	Flowering tops with or without the fruit of the female cannabis plant, except the seeds and leaves separated from the stem, including the oils, extracts, preparations for potential pharmaceutical use, syrups and the like, of which the natural THC content is equal to or more than 1% of its volume.
Quantity for personal Possession	1 ounce (28.5 grams)	1 ounce (28.5 grams)	40 grams (1.4 ounces)
Domestic cultivation for personal consumption	6 plants, with 3 in flower and possession of the marijuana	None	Up to 6 flowering plants per household with a maximum production

	produced by the plants at the cultivation site.		quantity of 480 grams per year
Minimum age	21	21	18
Retail transaction limitation	1 ounce (28.5 grams) of marijuana or its equivalent in retail marijuana product to Colorado residents. Up to a quarter of that amount for out of state residents.	1 ounce (28.5 grams) usable marijuana, 16 ounces of marijuana-infused product in solid form, 7 grams of marijuana-infused extract for inhalation, and 72 ounces of marijuana-infused product in liquid form	40 grams (1.4 ounces) of marijuana per month
Residency requirements	For purchasing, see above. For obtaining a license, a minimum of 2 years residency is required.	None for purchasing. For obtaining a license, a minimum of 3 months residency is required.	For purchasing, domestic cultivation and membership in cannabis clubs, Uruguayan legal or naturalized citizenship or permanent Uruguayan residency required. None specified for licenses.
User registry for non-medical purposes	None	None	Registration with the IRCCA required for purchase in pharmacies, domestic cultivation or membership in cannabis clubs
Consumption in public spaces	No “open and public” consumption. Smoke-free zones included. Drug petty offense of \$100 fine and 24 hours community service	Unlawful to use marijuana in view of general public. \$50 civil fine	Consumption in public spaces permitted with the exception of: a) closed public spaces, b) workplaces, c) public transport, d) education centers, health establishments or sports institutions
Driving under the influence	New 5ng THC / mL blood <i>per se</i> DUID creates a rebuttable presumption	New 5ng THC / mL blood <i>per se</i> DUID	Zero tolerance
Outdoor commercial cultivation	Allowed	Allowed	Allowed for those registered for domestic cultivation, cannabis clubs or authorized producers
Commercial Cultivation	Licensed marijuana cultivation facilities	Licensed marijuana producers	Licensed marijuana producers

Commercial retail outlets	Licensed retail marijuana store	Licensed retailer	Licensed pharmacies
Market integration	Allowed	Prohibited	Allowed by the law but not implemented
Taxes	15% excise tax from cultivation to processing or retail. 10% excise tax on sale in addition to any existing local or state sales tax.	25% excise tax at each stage of sales (producer to processor to retailer to customer).	Taxed by Value Added Tax under a VAT suspension regime, allowing the producers to deduct VAT from their purchases and preventing the transfer of the tax to the final price. There is no tax on agricultural assets.
Production and Distribution Limits	Up until September 2014, establishments must grow at least 70 percent of the marijuana they sell and sell no more than 30 percent of what they grow to other outlets.	Producers, processors and retailers are limited to 3 licenses, no more allowed to hold more than 33 percent of the allowed licenses in any county or city. Maximum cultivation is 2 million sq feet statewide. Maximum limit of retail licenses issued by LCB based on population. Currently at 334.	Not specified in the law or regulations. The regulatory body will define the authorized production quantity.
Packaging and labeling regulations	Yes: quantity, serving size, ingredients, potency	Yes: quantity, serving size, ingredients, potency	Yes: specifications, security conditions and maximum quantity of 10 grams
Product warning labels of health effects	Yes	Yes	Yes
Child-resistant packaging	Required for final sale of marijuana retail product	Required for marijuana-infused products meant to be eaten, swallowed, or inhaled	To be established during the call for applications for production licenses
Advertising	Permitted but restricted to avoid reaching minors under 21 for retail establishments. Signage permitted at place of business in compliance with local ordinances	Restricted to no more than a sign for retailers at place of business. Prohibited for producers and processors	Not permitted
Advertising Warnings	No misleading or safety claims can be made	Detailed and required	No advertising allowed, either directly or indirectly

Internet sale	Prohibited	Prohibited	Prohibited
Security systems	Required and detailed	Required and detailed	Required and to be specified during the call for applications for production licenses
Cannabis clubs	Not permitted	Not permitted	Permitted. Between 15 and 45 members can collectively grow up to 99 plants, proportional to the number of members, with the maximum annual allotment of 480 grams of dried product per year per member
Medical marijuana	Yes, continuing in existence with new laws and are tax exempt. Prorated fees when converting medical retailer to non-medical.	Yes, continuing in existence with new laws	Yes, regulations currently being elaborated
Tax and fee distribution	First \$40M to Public School Capital Construction Assistance Fund; remainder to General Fund to later be distributed to local governments. The established Marijuana Cash Fund will be used to pay for enforcement of regulations	Dedicated marijuana fund run by State Liquor Control Board. \$125K to Healthy Use Survey; \$50K to social and health reports; \$5K to UW for web-based marijuana education; \$1.5M to State Liquor Control Board; remainder: 15% to drug treatment; 10% for drug education; 1% to state university research; 50% to Washington Health Plan; 5% to community health care; 0.3% to building bridges program; remainder to General Fund	Not specified
Administrative sanctions and fines for violations or noncompliance	Yes, tiered schedule that includes up to \$100,000 fines and suspension and/or revocation of license	Yes, tiered schedule that includes up to \$2,500 fine and suspension and/or cancellation of license	Yes, fines of up to \$63,000, seizures, and suspension or withdrawal of license
Prevention and Treatment	Yes, law mandates that state agency will establish educational materials regarding appropriate retail	Yes, some taxes generated will go to treatment	Yes, the national health and education systems required to promote treatment and prevention

	marijuana use and prevention of marijuana use by those under 21.		
Monitoring and Evaluation	Yes, required by law for Department of Health to monitor health effects of law every two years starting in 2015.	Yes, required by law to independently by Washington state institute for public policy to evaluate policies and impacts related to health, security, economic impacts, etc. for years, starting in 2015 until 2032.	Yes, by a specialized independent unit to evaluate the impact of the policy year by year.