



Cannabis- What is legal and what is not?

Marijuana occupies a legal gray zone in the United States in so far as medical and/or recreational (adult use) cannabis is legal in some states and illegal in others. Even in states where cannabis is legal, there are restrictions. Cannabis in all forms remains illegal at the federal level. What does this mean exactly and how does it affect patients and consumers?

Due to its illegality at the federal level, it is against the law to transport cannabis across state lines, even if cannabis is legal in both states or jurisdictions (e.g., from MD to DC or VA). It is also illegal to carry cannabis on a plane, even if you are flying within the same state (e.g., from LA to San Francisco). If you are caught by TSA traveling with cannabis, they are instructed to hand you over to local law enforcement who may confiscate your cannabis or choose to prosecute you. It is also illegal to use or possess cannabis on federal government property such as the National Mall, National Parks, etc. Finally, it is illegal for federal government employees to use cannabis in any form, including recreationally or medically.



Some states and jurisdictions offer employees protections for using cannabis and others do not. For example:

–Maryland law allows employers to deny employment and/or discipline a prospective or current employee after testing positive for marijuana based on company policy.

–Virginia law prohibits an employer from “discharging, disciplining, or discriminating against an employee for the lawful use of cannabis oil (including those containing THC) based on a valid written certification.”

–In the District of Columbia, employers may not refuse to hire, fire, suspend, fail to promote, or otherwise penalize a protected individual based

on: The individual’s marijuana use, their status as a medical marijuana program patient, or the presence of marijuana on a drug test, absent additional factors indicating that the individual is impaired.

In all states and jurisdictions in which cannabis is legal, it is against the law to consume cannabis products in public, to drive while intoxicated, or to provide it to minors.

In DC, MD, VA, and DE it is legal to possess certain amounts of marijuana in public.

–In Maryland, adults 21 or older may possess up to 1.5 ounces of cannabis flower, 12 grams of concentrated cannabis, or a total amount of cannabis products that do not exceed 750 mg THC.

–In Virginia, adults 21 or older can legally possess up to 1 ounce of marijuana in public.

–In the District of Columbia, adults 21 or older can legally possess up to 2 ounces of marijuana in public.

–In Delaware, adults 21 or older can legally possess up to 1 ounce of marijuana leaf or equivalent amounts of marijuana products in other forms.

While DC allows Maryland and Virginia medical cannabis patients to go to dispensaries in the District of Columbia, Maryland and Virginia only allow patients certified in their own states to go to their dispensaries.

In Maryland, Virginia, and Delaware, Recreational (adult use) cannabis has been signed into law. In Maryland, cannabis can be purchased by anyone age 21 and older at the same dispensaries where medical cannabis is sold. However, recreational products are fewer in number, are lower in potency, and are taxed. In Virginia and Delaware, there are currently no recreational cannabis dispensaries. Although the District of Columbia has sought to legalize recreational cannabis, they have been overruled by Congress. In the District of Columbia, there is what is called “gifting” of cannabis where you can go to stores and buy products such as pictures, T-shirts, or other merchandise and be “gifted” cannabis products in return. However, unlike cannabis in the DC medical program, however, these products are not regulated and tested for purity.

When using cannabis in the DMV or Delaware, it is important to be aware of all applicable laws so that you can use it without incurring legal ramifications or penalties.