



Disclaimer: This is strictly a review of legislative statutes and state websites, supplemented by discussions with affiliates. There is no review of case law. This document is for legislative and reference purposes only, and should not be used as an operational document. For further interpretation of the law, we suggest you contact a local attorney.

*This chart covers an owner/operator's rights to restrict a resident's use of marijuana on community property, not intended to cover laws related to marijuana use by apartment company employees*

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State	Statute	Medical and Recreational Use Allowed	Medical Only	No Legalization Laws *does not include CBD oil	Home Cultivation Allowed	Provisions Applicable to Owners/Operators	Notes
Alabama				X			
Alaska	Alaska Statutes Title 17 § 17.38.030	X			X	§ 17.38.030(a)(3): Residents must have consent from the property owner for home cultivation	
Arizona	Arizona Revised Statute Title 36, Ch. 28 § 36-2801, § 36-2804.02, § 36-2813,		X		X	§ 36-2813(A): No school or landlord may refuse to enroll or lease to and may not otherwise penalize a person solely for his status as a cardholder, unless failing to do so would cause the school or landlord to lose a monetary or licensing related benefit under federal law or regulations	§ 36-2801(1)(b)(ii), § 36-2804.02 (f): If approved by the Department, qualifying patients are authorized to cultivate up to 12 marijuana plants contained in an enclosed, locked facility, if the patient or caregiver lives more than 25 miles away from a dispensary.
Arkansas	Constitutional Amendment 98, § 3, § 6		X			§ 3 (f)(1): Owners may refuse to lease to a patient, if leasing to a patient would put the landlord in violation of federal law § 6 (b)(5): Owners may prohibit qualifying patients from smoking on leased property. This does not restrict the patient from consuming marijuana in other forms, such as edibles and vaporization	
California	California Health and Safety Code § 11362.2	X			X	§ 11362.2 (a)(3),(5): Residents may cultivate up to 6 living marijuana plants in their private residence. This includes apartment units.	
Colorado	Constitutional Amendment 64 § 6	X			X	§ 6(d): Owners may prohibit or regulate the consumption and possession of marijuana on the property.	§ 6(d): Owners may prohibit or regulate the cultivation of marijuana on the property.
Connecticut	Connecticut General Statute Chapter 420f, Sec. 21a-408p		X			Sec. 21a-408p (b)(2): Unless required by federal law or required to obtain federal funding, no owner may refuse to lease to a tenant based on their status as a qualifying patient or caregiver.	
Delaware	Delaware Code, Title 16, Ch. 49A § 4905A § 4921A		X		X	§ 4905A (a)(1): Owners may refuse to lease to a patient, if leasing to a patient would cause the owner to lose a monetary or licensing benefit under federal law § 4905A (c): Owners should not be penalized under state law for leasing to a cardholder	§ 4921A (c): Owners are permitted to inquire with the Department of Health to check the qualifying cardholder or caregiver's status
District of Columbia	District of Columbia Code § 48-904.01	X			X	§ 48-904.01 (a)(1)(C-D): A tenant may possess, grow, harvest, or process no more than 6 plants, with 3 or less being mature; all tenants residing in the residence may not possess, grow, harvest, or process more than 12 plants total, with 6 or less being mature. It remains illegal to sell any of the plants used for personal use.	
Florida	Florida Statute § 381.986		X			§ 381.986 (1)(j)(2): No legalization laws pertaining to smoking	
Georgia				X			
Hawaii	Hawaii Revised Statute § 329 (IX)		X		X	§ 329-121: Qualifying patients or caregiver may cultivate up to... "three mature plants, four immature plants, and one ounce of usable marijuana per each mature plant".	
Idaho				X			
Illinois	Public Act 098-0122 Sec. 40		X			section 40 (a)(1): Owners may refuse to lease to a patient, if leasing to a patient would put the owner in violation of federal law. Owners may prohibit qualifying patients from smoking on leased property. This does not restrict the patient from consuming marijuana in other forms, such as edibles and vaporization	
Indiana				X			
Iowa				X			
Kansas				X			
Kentucky				X			
Louisiana	Louisiana Revised Statute § 40:1046		X			No legalization laws pertaining to smoking	
Maine	Maine Statute Title 7, Ch. 417. §2452	X			X	§2452.6: Residents must receive permission from the owner to use marijuana on the property	§2452. 2: Residents must have written permission from the property owner for home cultivation
Maryland	Maryland State Statute § 13-3314		X			§ 13-3314 (a.5.i.ii.b): Residents are not allowed to smoke marijuana on leased property. Vaporization may still occur.	
Massachusetts	Massachusetts General Law Part 1, Title XV, Chapter 94G (Recreational); Code of Massachusetts Regulation 105 CMR 725 (Medical)	X			X	Ch. 94G. Section 2 (d)(1): Owners may prohibit consumption (smoking), display, production, processing, manufacture or sale of recreational marijuana on leased property. This does not restrict the patient from consuming marijuana in other forms on leased property, such as edibles and vaporization, unless doing so would cause the owner to violate federal law or regulation.	725.650 (A): Non-conflict with Other Law. (A) Nothing in 105 CMR 725.000 shall be construed to limit the applicability of other law as it pertains to the rights of landlords, employers, law enforcement authorities, or regulatory agencies.

Michigan	Michigan Compiled Laws 333.26427		X		X	333.26427 (a)(3): (a) <i>The medical use of marihuana is allowed under state law to the extent that it is carried out in accordance with the provisions of this act:</i> (3) <i>A private property owner to lease residential property to any person who smokes or cultivates marihuana on the premises, if the prohibition against smoking or cultivating marihuana is in the written lease.</i>	
Minnesota	Minnesota State Statute § 152.32		X			§ 152.32 (subd. 3)(a): Owners may refuse to lease to a patient, if leasing to a patient would put the owner in violation of federal law	
Mississippi					X		
Missouri	Missouri Amendment 2		X			<i>Regulations have not been released</i>	
Montana	Montana State Code § 50-46-320; § 50-46-307		X		X	§ 50-46-320 (1)(4)(d): Owners may prohibit marijuana use on leased property	§ 50-46-307 (1)(6)(7): Residents must have written permission from the property owner for home cultivation
Nebraska					X		
Nevada	Nevada Revised Statute § 453A (Medical); § 453D (Recreational)	X			X	§ 453D.100 (2)(c): Owners of privately owned property may prohibit smoking, cultivation, processing, manufacture, sale, delivery or transfer of marijuana on the property, for recreational purposes.	
New Hampshire	New Hampshire State Code § 126-X		X			§ 126-X:3(l): Owners may prohibit qualifying patients from smoking on leased property. This does not restrict the patient from consuming marijuana in other forms, such as edibles and vaporization	
New Jersey	New Jersey Statute § 24:6i		X			No provisions applicable to landlords	
New Mexico	New Mexico Statute § 26-2B; New Mexico Administrative Code 7.34.4.18		X		X	7.34.4.18: Residents must have written permission from the property owner for home cultivation	
New York	New York Penal Law Title 5A- Article 33, § 3362		X			§ 3362 (2)(a): No legalization laws pertaining to smoking	
North Carolina					X		
North Dakota	North Dakota Century Code Chapter 19-24.1-34		X			19-24.1-34. (1)(b): (1) <i>This chapter does not require:</i> (b) <i>A person in lawful possession of property to allow a guest, client, customer, or other visitor to possess or consume usable marijuana on or in that property;</i>	19-24.1-34. (1)(c): Owners are permitted to restrict the production or processing of marijuana on rental property
Ohio	Ohio Statute § 3796		X			No legalization laws pertaining to smoking	
Oklahoma	Oklahoma State Question 788		X		X	788 (Sec. 6)(A): Owners may refuse to lease to a patient, if leasing to a patient would cause the owner to lose a licensing or monetary benefit under federal law	
Oregon	Oregon Statute § 475B	X			X	§ 475B.020 (2): <i>ORS 475B.010 to 475B.545 may not be construed: (2) To amend or affect state or federal law pertaining to landlord-tenant matters;... (5) To require a person to violate a federal law;</i>	
Pennsylvania	Pennsylvania Statute § 1141, § 1191		X			No legalization laws pertaining to smoking	
Rhode Island	Rhode Island Statute § 21-28.6		X		X	§ 21-28.6-4 (d): Owners may not refuse to lease to a qualifying cardholder; however, owners may refuse to lease, or continue to lease, to a patient who cultivates marijuana on leased property.	
South Carolina					X		
South Dakota					X		
Tennessee					X		
Texas					X		
Utah	Utah Proposition 2		X			Sec. 38. 26-60b-110 (2): Owners may refuse to lease to a patient, if leasing to a patient would cause the owner to lose a licensing or monetary benefit under federal law	
Vermont	Vermont Statute 18 § 4230a & § 4230e	X			X	§ 4230a (2)(E): Owners are permitted to ban possession or use of marijuana in the lease	§ 4230e (b)(1): Residents must have written permission from the property owner for home cultivation
Virginia					X		
Washington	Revised Code of Washington 69.50 Revised Code of Washington 69.51A	X			X	RCW 69.50.435: It is illegal for a tenant to manufacture, sell, or deliver marijuana on a property that is designated as a public housing project	RCW 69.51A.260 (Medical Marijuana law): Qualifying patients may grow up to fifteen plants for personal use. The plants must be out of normal sight and may not be able to be smelled from another unit.
West Virginia					X		
Wisconsin					X		
Wyoming					X		