

## Threshold quantities by state in the Federal Republic of Germany

In 1994 the Federal Constitutional Court (BVerfG) cleared the way to decriminalise the use of cannabis (BverfGE 90,145). Four requirements must be met: a) solely for personal use, b) it must be a small amount of narcotic drugs, c) the offender's guilt would be deemed to be minor and d) there is no public interest in prosecution. Possession of cannabis is decriminalised with different thresholds in various states.

Nevertheless, one can get a criminal record for possession, and the cultivation and trade of cannabis are still forbidden. A driving license can also be revoked if a driver is caught with traces of cannabis in his blood. "Small amounts" of cannabis are still prohibited and must be confiscated. Below the threshold prosecution is possible in case of harm to others such as use in public, in the vicinity of youth, schools and hospitals or while driving a vehicle, etc. (Fremdgefährdung)

The significance of the threshold is not the same everywhere: In some federal states cases involving quantities up to that limit "should" be dropped, in other federal states, they "might" be dropped, depending on the circumstances.

State	Cannabis/hashish	Coca/cocaine	Opium/heroin	Amphetamine/ecstasy	Year
Baden Württemberg	Up to 3 units for consumption (± 6 grams) Fremdgefährdung *				January 2017
Bavaria	Up to 3 units for consumption of 2 grams = 6 grams Fremdgefährdung				August 2009
Berlin	Up to 10 grams no prosecution; with quantities between 10-15 grams prosecution might be waived. Official police report. Fremdgefährdung.				August 2009
Brandenburg	6 grams				August 2009
Bremen	Up to 10 grams no prosecution; with quantities between 10-15 grams prosecution might be waived. Official police report.	2 grams	1 gram		January 2004 April 2020 (new guidelines for cannabis)
Hamburg	6 grams				August 2009
Hessen	6 grams no prosecution; 6-15 grams prosecution may be waived	1 gram 30 grams coca leaf or tea	1 gram 3 grams opium	1 gram amphetamine 20 ecstasy tablets (120mg)	February 2004
Mecklenburg-Vorpommern	5 grams on a case by case basis				February 2004
Lower Saxony	For each amount the case will be brought to the court, which can shelve the case after examining the person and the circumstances, but only with small amounts of cannabis (6 grams) and ecstasy.				August 2009
North Rhine-Westphalia	10 grams	3 gram	1 gram	3 gram or three units	June 2011
Rhineland-Palatinate	6 grams; prosecution may be waived in case of subsequent offences. Fremdgefährdung				August 2009
Saarland	6 grams Fremdgefährdung	In the event of other drugs than cannabis the prosecution may waive the charges.			August 2009
Saxony	No guidelines for small quantities. Decision on an individual case with only 2 or 3 units of cannabis or hashish. Varies depending on prosecutor. Fremdgefährdung.				November 2008
Saxony-Anhalt	6 grams Fremdgefährdung	In the event of other drugs than cannabis the prosecution may waive the charges.			August 2009
Schleswig-Holstein	6 grams; also in case of repetition	3 grams; also in case of repetition	1 gram; also in case of repetition	3 gram amphetamine; also in case of repetition	August 2009
Thuringia	10 grams Fremdgefährdung				January 2017

Sources: [Legal framework Germany](#) (EMCDDA); [Eigenbedarfs Grenzen der einzelnen Bundesländer](#) (Drug-InfoPool); and [Bundesland-Vergleich der Richtlinien zur Anwendung des § 31a BtMG](#) (Deutscher Hanfverband)  
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