



Cannabis 101:

Legislative Overview of Cannabis Policy

State Approaches to Cannabis



Complete prohibition

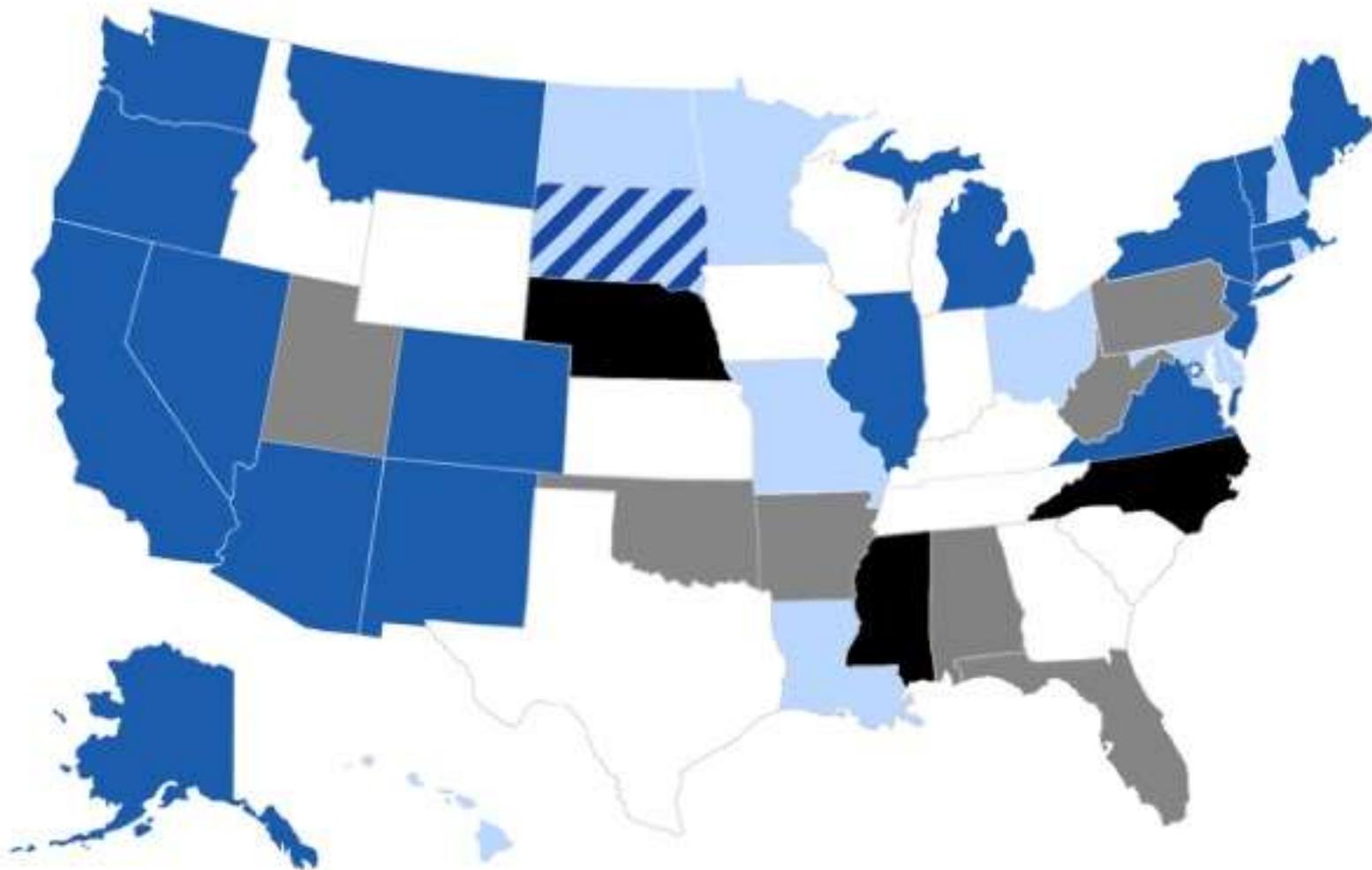
Medical cannabis

“Decriminalization” of low-level possession

Legalization and regulation for adults



Cannabis Policy in the United States



States that have legalized and regulated marijuana for adults 21+

States that both have a medical cannabis law and have removed jail time for possessing small amount of cannabis

D.C. legalized possession and cultivation for adults but does not have legal sales.

States that have removed jail time for possessing small amounts of cannabis

States with medical cannabis laws

Complete Prohibition of Cannabis

11 states have complete or near-complete prohibition of cannabis

- Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, South Carolina, Tennessee, Texas, Wisconsin, and Wyoming

These 11 states do not have:

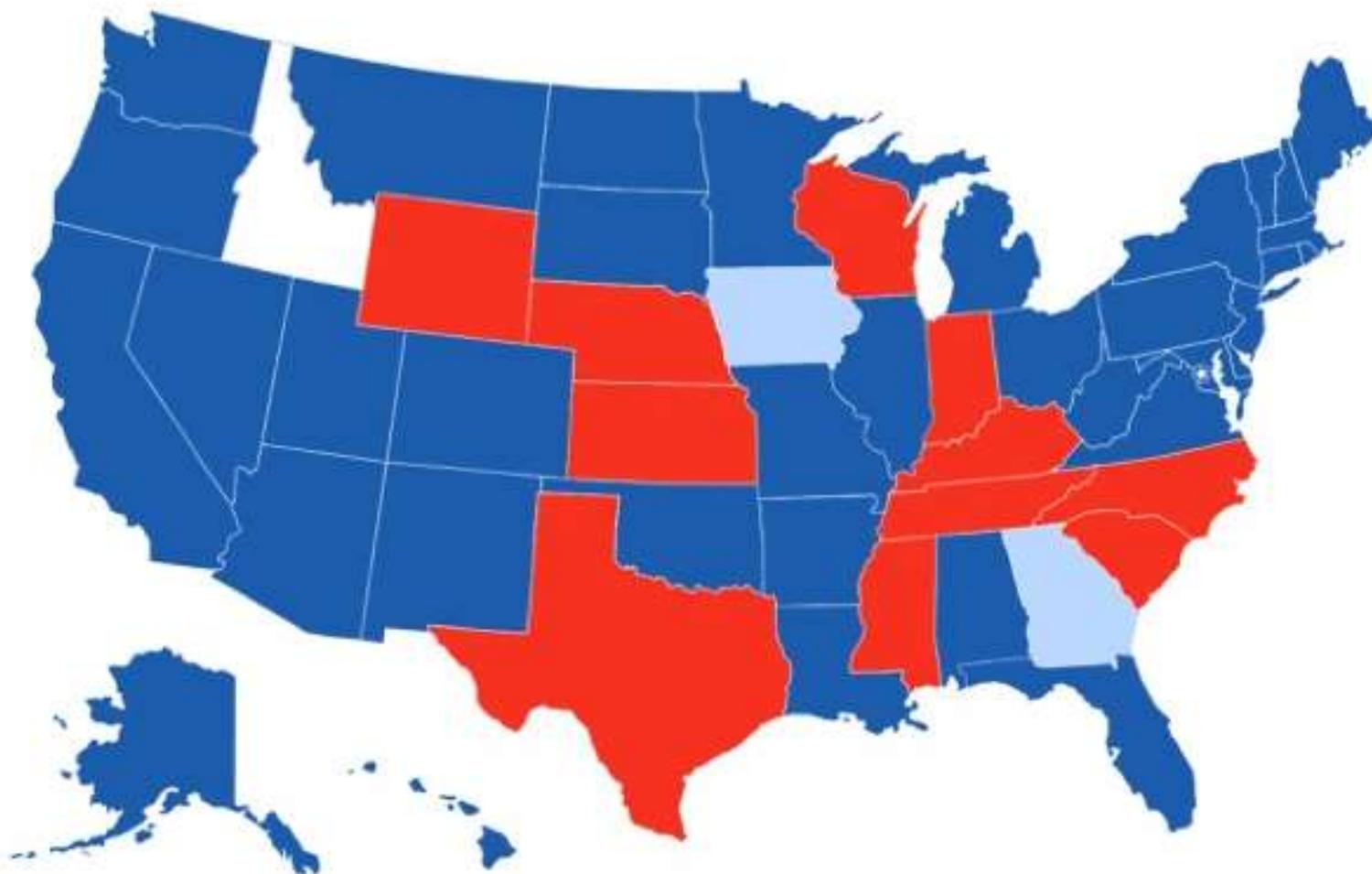
- A medical law that includes more than low-THC cannabis
- A “decriminalization” law
- An adult-use legalization and regulation law

Medical Cannabis

- Federal policies have hindered research into cannabis' benefits.
- A 2017 National Academy of Sciences, Engineering, and Medicine review found evidence for numerous indications and substantial evidence that cannabis reduces chronic pain.
- Some polls show nationwide support exceeding 90%.
- Voters in deep red states easily approved medical cannabis initiatives – including in Arkansas, Mississippi, North Dakota, and Utah.
- More than 60% of medical cannabis enrollees who used opioids were able to reduce or eliminate them.



Medical Cannabis Laws in the 50 States



■ Effective Medical Cannabis Laws ■ Workable Low -THC Laws □ No Medical Cannabis Laws ■ Flawed Low - THC Laws

Policy Recommendations for Medical Cannabis

- Be mindful of federal law
 - Can't use "prescribe" or have the state grow or sell cannabis
- Include chronic pain sufferers, without forcing opiates first
- Avoid onerous burdens on recommending providers
- Avoid "sin taxes" on medicine
- Allow cannabis in its natural plant form
- Require lab testing, labeling, health and safety requirements
- Allow adequate numbers of businesses, ideally no cap, and delivery
- Avoid excessive financial requirements and fees for applicants

“Decriminalization”

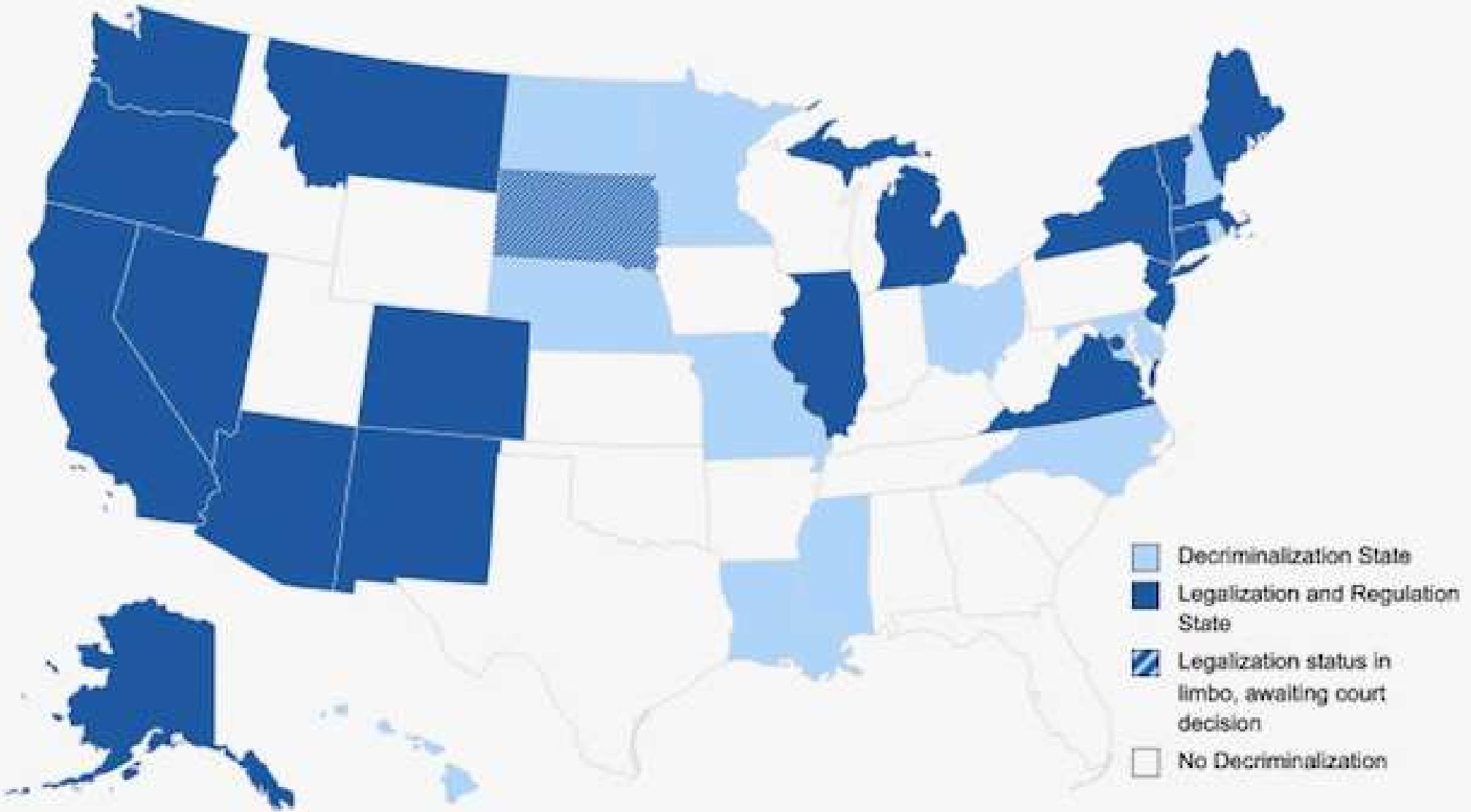
- Reduces possession of personal-use cannabis to a non-jailable offense but leaves sales on the illicit market.
- Stricter than alcohol prohibition
 - Possession of alcohol was not an offense
- Pres. Nixon’s National Commission on Marihuana and Drug Abuse recommended “decriminalization” in 1972
 - Recommended no penalty for private possession, sharing up to one ounce
 - \$100 fine for public possession, public use

**marihuana:
a signal of
misunderstanding**

First Report
of the National
Commission on
Marihuana and
Drug Abuse
March 1972



Decriminalization and Adult-Use Legalization Laws in the 50 States



Policy Recommendations for “Decriminalization”

- Simple possession should be a civil, not criminal, offense.
 - Avoids life-altering scarlet letter, collateral consequences
- Fines should be modest, with community service alternative.
 - Drug education is a better approach for minors.
- Must include paraphernalia (the baggies, etc.)
- The odor of cannabis should not be grounds to search.
- Individuals should not be taken into custody for cannabis.
- Prior convictions should be automatically expunged.

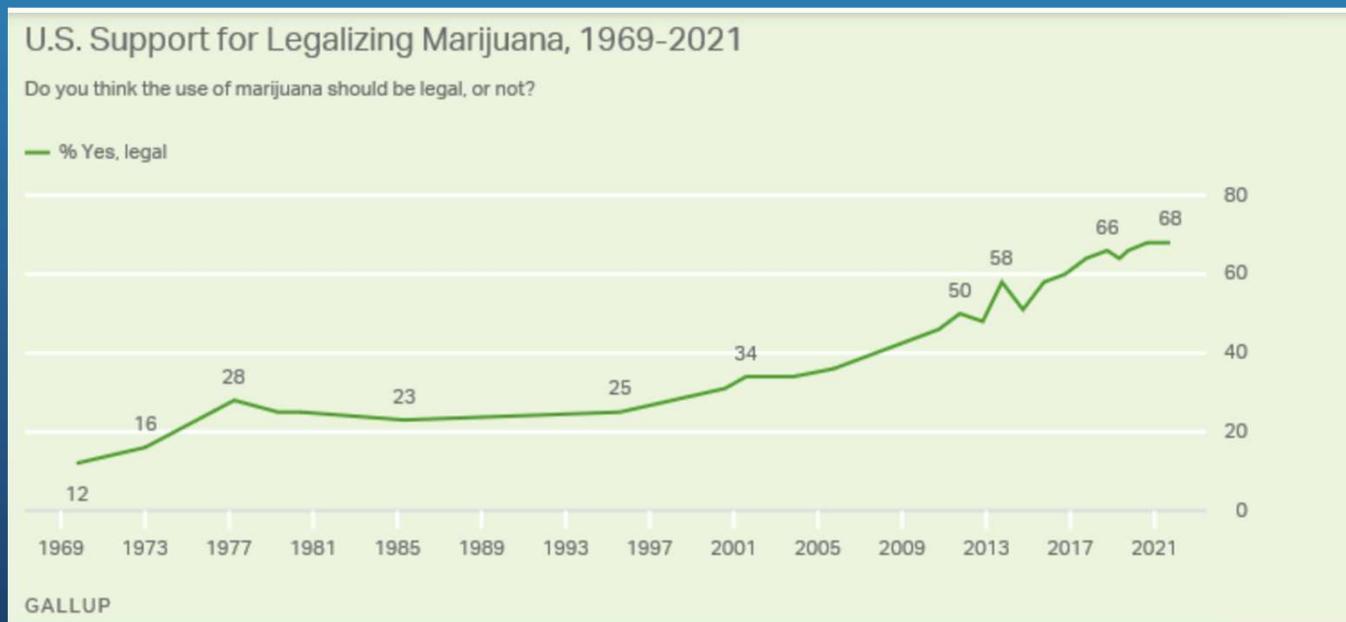
Legalization and Regulation for Adults 21 and Older

- Possession (and often home cultivation) is legal for adults 21+
 - Unlike alcohol laws, all states have included a possession limit
- Creates a legal, taxed, and regulated system to displace the illicit market
 - Licenses cultivators, product manufacturers, retailers, and labs



Legalization and Regulation

- 2021 Gallup poll: 68% support making marijuana legal
 - Support has doubled since 2001
 - Bipartisan: 50% GOP, 83% Dems, 71% independents
- First legalization laws in 2012 (Washington and Colorado)
- 18 states have laws on the books



Policy Recommendations for Cannabis Regulation Laws

- Include public health and security measures
- Build equity into licensing
 - Include set-asides, technical assistance, start-up funds
- Fund impacted communities
- Fund education to deter teen use, DUI, unsafe storage
- Avoid federal preemption (cannot have state-run stores)
- Avoid licensing caps
- Allow delivery statewide
- Avoid excessive taxes and regulatory burdens

Public Health Measures

- Legalization allows control over where, when, and to whom marijuana is sold, along with:
 - Lab testing
 - Child-proof packaging
 - No ads targeting minors
 - Consumer safety
 - Environmental protections
 - Education



What's Next?

- **Medical Cannabis**

- Mississippi Legislature replacing voter initiative
- Nebraska and Wyoming ballot initiatives in '22
- Several other states possible legislatively in '22

- **Adult-Use Legalization**

- Rhode Island may legalize this fall
- Maryland Legislature likely to refer issue to voters in '22
- '22 ballot measures expected in Missouri, North Dakota, Ohio, South Dakota (if needed), and possibly other states

- **States Continue Improving Existing Laws**

- Adding public health, social equity, and expungement to laws

For more information,
please visit:
MarijuanaPolicy.org
wmpolicy.com

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