

Purple Hindu Kush growing at the stunning property of High Valley Organics in Southern Oregon.



THE UNITED STATES OF CANNABIS

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According to the recent Yahoo News/Marist Poll entitled "Weed & The American Family," \ nearly 52% of American adults have tried marijuana. This works out to roughly 129 million adult Americans who have used marijuana at some point in their lives, with more than 44% of these individuals currently continuing to use it. Fifty-five million of them (or 22%) would describe themselves as current consumers, with the survey defining "current use" as having used marijuana at least once or twice in the past year. Of those 55 million current users, more than 35 million would describe themselves as "regular users" - those who use marijuana at least once or twice a month.

Before we begin to complain that these numbers are either high or low, please observe these survey responses with more than a bit of skepticism. Given the current prohibition of marijuana under federal law, it is quite reasonable that not every respondent was entirely forthcoming with their responses.

Diving deeper into the numbers, you can see a number of important trends that emerge.

Amongst the Americans who currently use marijuana, a majority are parents (54%) and nearly one-third have children under 18. There are generally more males than females that use marijuana (55% to 45%); a majority are millennials (52%); a majority earn less than \$50K per year (54%); and nearly 7 of 10 self-admitted marijuana consumers do not have a college degree, and do not practice a religion at all. They are more likely to describe themselves as democrats (43%) or independents (42%), than republicans (14%).

According to a recent 2019 survey by the Pew Research Center, two-thirds of Americans say the use of marijuana should be legal, reflecting a steady increase over the past decade. The share of U.S. adults who oppose legalization has fallen from 52% in 2010 to 32% today. The relatively recent change in

the legal status of Cannabis in the United States has corresponded with a rapid rise in the social acceptance of Cannabis and change in social opinions and values. For example, in the U.S., 11 states and the District of Columbia have legalized the possession and use of Cannabis, along with 33 states that have legalized its medical use.

This has opened the doors to the possibility of eliminating the largest social consequence of being a Cannabis consumer: the threat of arrest and conviction for a crime of possession.

A recent analysis of the FBI's National Incident-Based Reporting System demonstrates that despite the larger societal-wide acceptance of Cannabis, arrests continue to go up and racial disparities persist in those arrest rates.

According to FBI crime statistics in September 2018, there were 1.6 million arrests for drug possession, sale, or manufacture - a number that has increased every year since 2015, after declining over the previous decade.

The FBI gathers crime statistics from thousands of law enforcement programs around the country that voluntarily report their numbers to keep track of larger trends. Here, drug arrests are classified into four categories: heroin or cocaine and their derivatives, marijuana, synthetic or manufactured drugs like fentanyl, and other dangerous non-narcotic drugs like barbiturates. In 2018, 71% of these arrests were for marijuana.

Given that a majority of adult Americans now favor legalization at a national rate of nearly 67%, and given that a majority of the states have enacted some form of Cannabis regulation, it is clear that the United States is about to enter a period where Cannabis support is at super-majority levels. This raises any number of possibilities for a new legal structure for the plant.

For instance, the states may call a Constitutional Convention to enshrine access to Cannabis as a right under the Constitution - with two thirds of the states enacting it, much like the Prohibition of Alcohol in the 1920s.

Congress may pass laws permitting the states the freedom to decide for themselves (like the STATES Act now introduced in both Houses). The president, by executive order, can order the Food and Drug Administration (FDA) to de-schedule

or reschedule Cannabis under the Controlled Substances Act, based upon new discoveries about the medical benefits of the plant.

Regardless, Cannabis culture has driven powerful change. And as public opinion surveys clearly indicate, American Cannabis consumers are young - and opposition to general acceptance is rapidly dying away as the states continue to chip away at the last remaining barriers to access.



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Since 2008, Mike Rothman has counseled clients regarding Cannabis laws and regulations as the founder and principal of the Medical Cannabis Law Group and the Law Office of Mike Rothman in Rockville, Maryland. Mr. Rothman has testified on Cannabis laws and regulations before the Maryland House of Delegates, taught classes, and lobbied the federal government on behalf of patients and businesses. Mr. Rothman's Law Office focuses on criminal defense, including use of the medical Cannabis defense.