

# LOOK WHO'S INHAALING NOW

## 2020 Elections Reinforce New Cannabis Reality

12

**SOME POLITICAL CHANGES OCCUR LIKE A FLASH OF LIGHTNING – SUCH AS WHEN THE BERLIN WALL CAME DOWN IN 1989, MARKING THE FALL OF THE IRON CURTAIN IN EASTERN EUROPE AND THE END OF COMMUNISM.**

For other political and social movements, however, change takes place more slowly, advancing and receding with the changing times. The acceptance of Cannabis falls squarely into the second category. But in one of the most divisive elections in United States history, that ended just last month, the only conclusion the United States can reliably draw from the vote is that Cannabis finally won big at the ballot box.

In 2007 and 2008, then-Senator Obama bemoaned America's high incarceration rate, warned that the racially disproportionate impact of drug prohibition undermines legal equality, advocated a "public health" approach to drugs emphasizing treatment and training instead of prison, repeatedly indicated that he would take a more tolerant position regarding medical marijuana than George W. Bush, and criticized the Bush administration for twisting science to support policy. Unfortunately, Obama never delivered on his promises of Cannabis reform.

The Obama Justice Department did make some progress – issuing legal guidelines such as the Ogden Memo and the Cole Memo – delimiting the use of federal law enforcement resources against Cannabis providers operating pursuant to state law. Nevertheless, arrest rates remained high, federal raids continued, and the drug war raged unabated. President Obama's most conspicuous failures featured more-frequent

raids by the Drug Enforcement Administration (DEA), IRS audits and threats of prosecution against not only dispensaries, but anyone who dealt with them.

Which brings us to the results of the most recent election: A solid majority of the American public now agrees that responsible Cannabis users should not be treated like criminals. Eight out of 10 Americans support the medical use of Cannabis, and nearly three out of four Americans support a fine-only (no jail) for adult-use Cannabis consumers. Over 60% of Americans now favor legalizing Cannabis, according to the most recent Gallup poll – the highest percentage support ever reported in a nationwide scientific poll.

Specifically, voters approved the legalization of medical Cannabis access in two states: Mississippi and South Dakota. Voters in Arizona, Montana, New Jersey and South Dakota legalized the adult use of Cannabis. The measures in Arizona, Montana and South Dakota each permit adults to possess and cultivate Cannabis for personal use, and establish a regulated retail market.

All of the Cannabis measures on the ballot this year won with relatively strong support – by five percentage points or more. The states of Montana, Mississippi and South Dakota illustrate the broad support Cannabis access

measures enjoy across the country, regardless of party affiliation. Those states handed big wins to both President Donald Trump and to Cannabis access supporters. In total, 15 states have now either enacted or have voted to enact adult-use legalization laws, while 36 states have either enacted or have voted to enact medical Cannabis access laws.

Not surprisingly, the issue of federal legalization and/or decriminalization of Cannabis has finally bubbled to the surface where it can no longer be ignored.

United States House of Representatives Majority Leader Steny Hoyer (D-MD) previously announced this summer that the chamber would vote on the Marijuana Opportunity, Reinvestment and Expungement

(MORE) Act in September. But in October, that plan was postponed following pushback from certain centrist Democrats who worried about the optics of advancing Cannabis reform before passing another coronavirus relief package.

Several of those members were voted out during an election in which voters in states such as Montana and South Dakota approved Cannabis legalization ballot measures. Hoyer confirmed on Monday that marijuana legalization is still on the table before the presidential transition and will get a vote in December.

Will Cannabis access finally get a vote at the federal level? Only time will tell. But one thing is for certain – Cannabis has won the culture wars and currently, it is the only thing we can all agree upon.

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