

THE NEW POLITICS OF MARIJUANA

A WINNING OPPORTUNITY FOR EITHER PARTY



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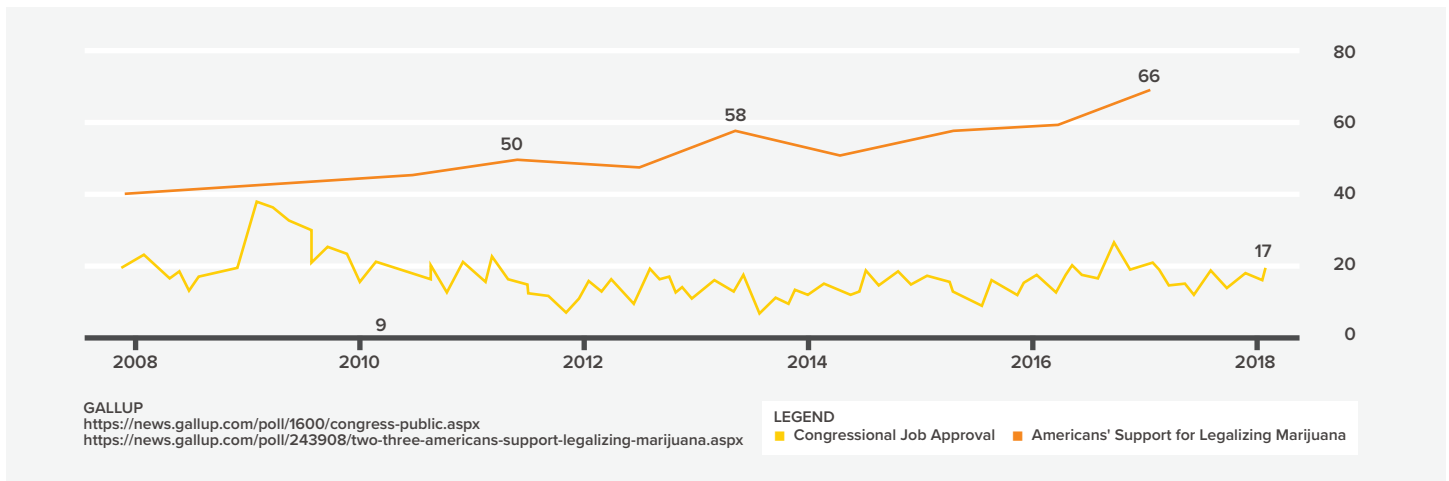
Marijuana Legalization, Medical Cannabis, and States' Rights

Polling consistently shows that cannabis reform—from outright legalization to medical use to a states' rights approach—is increasingly popular with voters from across the political spectrum.

The most recent survey by Gallup, which has been asking Americans about their views on cannabis for nearly 50 years, found that Americans support legalization by a nearly two-to-one margin, with 66% now on board. That includes majorities of Republicans, Democrats, and independents.^{1,2}

FIGURE 1:

Congressional Job Approval Compared to Americans' Support for Legalizing Marijuana



The numbers for medical cannabis are even higher, consistently upwards of 90% across demographics. A recent Quinnipiac University survey showed that medical marijuana enjoys stronger support than virtually any other "contentious" issue being debated on Capitol Hill today.³

FIGURE 2:

Percentage of Support vs. Opposition of Legalizing Marijuana in the U.S.

	Support	Oppose
AMERICANS	66%	34%
DEMOCRATS	75%	N/A
REPUBLICANS	53%	N/A
INDEPENDENT	71%	N/A

FIGURE 3:

Percentage of Support vs. Opposition of Medical Cannabis in the U.S.

	Support	Oppose
U.S. VOTERS	93%	5%
DEMOCRATS	97%	2%
REPUBLICANS	86%	12%
INDEPENDENT	95%	4%

¹ Gallup. "Two in Three Americans Now Support Legalizing Marijuana" October 22, 2018, <https://news.gallup.com/poll/243908/two-three-americans-support-legalizing-marijuana.aspx>

² Gallup. "Congress and the Public." August 2018, <https://news.gallup.com/poll/1600/congress-public.aspx>

³ Quinnipiac University. "U.S. Voters Believe Comey More Than Trump, Quinnipiac University National Poll Finds; Support For Marijuana Hits New High." April 26, 2018, <https://poll.qu.edu/national/release-detail?ReleaseID=2539>



And regardless of voters' personal views on what their local marijuana laws should look like, a supermajority back ending federal prohibition so that states can set their own policies without interference. Very few Americans across the political spectrum support the enforcement of federal cannabis laws in states that have opted to legalize, per Quinnipiac.⁴

Support for Cannabis Reform Is Strong in Swing States

Some observers might be inclined to dismiss national polling support as being unduly weighted with overwhelming support from more liberal coastal cities. But more targeted public opinion research shows that voters in key presidential swing states want cannabis law reform. Polls in Florida,⁵ New Hampshire,⁶ Ohio,⁷ Pennsylvania,⁸ Virginia⁹ and Wisconsin¹⁰ all show majority support for outright legalization.

Voters in swing-state Michigan approved a marijuana legalization initiative this past November (2018) by greater margins than predicted, and those in Colorado and Nevada already did during the 2012 and 2016 election cycles, respectively. Meanwhile, voters in Missouri and Utah approved medical cannabis initiatives in accordance with pre-election polling.

FIGURE 4:
Percentage of Support vs. Opposition of Federal Enforcement in the U.S.

	Support	Oppose
U.S. VOTERS	23%	70%
DEMOCRATS	14%	83%
REPUBLICANS	38%	52%
INDEPENDENT	19%	76%

FIGURE 5:
State-level Support vs. Opposition of Legalizing Marijuana

STATE	Support	Oppose
FLORIDA	62%	35%
NEW HAMPSHIRE	68%	27%
OHIO	52%	45%
PENNSYLVANIA	59%	31%
VIRGINIA	59%	35%
WISCONSIN	59%	39%
COLORADO (2012 VOTE)	55%	45%
MICHIGAN (POLL)	61%	34%
NORTH DAKOTA (POLL)	45%	39%
NEVADA (2016 VOTE)	56%	44%
MISSOURI (MEDICAL USE POLL)	54%	35%
UTAH (MEDICAL USE POLL)	68%	30%

⁵ University of North Florida. "New UNF Poll Shows Florida Governor Candidates Lack Name Recognition." February 12, 2018, <http://www.unf.edu/coas/port/2018FLSpringPoll2.aspx>
⁶ University of New Hampshire. "Strong Support For Sununu, Drugs Remain most Important Problem Facing NH." May 9, 2017, https://cola.unh.edu/sites/cola.unh.edu/files/research_publications/gsp2017_spring_govapp050917.pdf
⁷ Quinnipiac University. "Florida, Ohio, Pennsylvania Have Hot Senate Races, Quinnipiac University Swing State Poll Finds; Voters In All 3 States Back Legalized Marijuana" May 11, 2016, <https://poll.qu.edu/ohio/release-detail?ReleaseID=2346>
⁸ Franklin & Marshall College. "Summary of Findings." September 2017, <https://www.fandm.edu/uploads/files/924973213773714228-f-m-poll-release-september-2017.pdf>
⁹ Quinnipiac University. "94% Of Virginians Back Universal Background Checks Quinnipiac University Poll Finds; Voters Support Expanding Medicaid 2-1." April 12, 2017, <https://poll.qu.edu/virginia/release-detail?ReleaseID=2451>
¹⁰ Marquette University Law School. "Strong Support For Marijuana Legalization in Law School Poll." July 18, 2016, <https://law.marquette.edu/facultyblog/2016/07/18/strong-support-for-marijuana-legalization-in-law-school-poll-but-results-for-other-drugs-harder-to-interpret/>
¹¹ Michigan State University. "Survey Says: Michigan Voters Undecided On Governor Elections But Have Opinions On Pot." May 10, 2018, <https://msutoday.msu.edu/news/2018/survey-says-michigan-voters-undecided-on-governor-elections-but-have-opinions-on-pot/>
¹² Say Anything Blog. "Poll: Plurality of North Dakotans Support Legalizing Recreational Marijuana." June 25, 2018, <https://www.sayanythingblog.com/entry/poll-plurality-of-north-dakotans-support-legalizing-recreational-marijuana/>
¹³ Missouri Scout. "State Of Missouri: 2018 General Election." August 2018, https://www.realclearpolitics.com/docs/Missouri_Scout_August_2018.pdf
¹⁴ Salt Lake Tribune. "Support for medical marijuana remains high despite criticism from the Mormon church." July 1, 2018, <https://www.sltrib.com/news/politics/2018/07/01/support-medical-marijuana/>

Only a Handful of Candidates Have Yet to Capitalize on the Popularity of Cannabis Reform

Yet while a growing number of ambitious Democratic and Republican candidates have run on cannabis reform to good effect, neither major party has yet fully embraced the issue despite immense public support.

In Colorado, Congressman Jared Polis (D) sailed to a gubernatorial primary victory after years of cannabis leadership on Capitol Hill.¹⁵ During the course of the campaign, Polis had staff doing voter registration at dispensaries, and proudly did Facebook livestreams from cannabis businesses.

In Maryland, Ben Jealous won the Democratic gubernatorial nomination in a campaign in which he more strongly embraced marijuana legalization than his closest competitor did.¹⁶ His consistent advocacy of the popular issue is likely the reason that incumbent Gov. Larry Hogan (R) now says that legalization is "worth taking a look at."¹⁷

California Governor-elect Gavin Newsom was one of the first major statewide elected officials to endorse ending marijuana prohibition, and empaneled a blue ribbon commission that issued a report that informed the drafting of state's successful cannabis legalization ballot measure.

After many years of staunch opposition to marijuana reform, California Senator Dianne (D) Feinstein said amidst a contentious primary election that she supported the state's right to regulate cannabis without federal interference.

Last year, New Jersey and Virginia both elected new governors who made marijuana reform centerpieces of their campaigns. While gubernatorial support wasn't enough to advance decriminalization legislation in Virginia

"Soon enough "reefer madness" will become the truly historic relic that it is. The few out-of-touch elected officials and candidates who hang on to that outdated and false notion will be left behind by the times and voters. It's time for Congress to get in the game and represent the will of the people to end the failed prohibition of marijuana."

—Congressman David Joyce (R-OH)

this year, New Jersey legislative leaders believe they have the necessary votes to pass cannabis legalization in the Garden State this fall.^{18,19}

Marijuana reform's political ascendancy isn't limited to blue states. In June, primary voters in red state Oklahoma overwhelmingly approved a medical cannabis ballot measure. More than 41,000 voters went to the polls and weighed in on the marijuana question without even voting in any party's gubernatorial contest; the measure got far more support than did the winners of the Republican or Democratic gubernatorial nominating contests despite that fact that cannabis reform opponents outspent supporters by a nearly ten-to-one margin.^{20,21}

¹⁵Marijuana Moment. "Voters In Two States Nominate Marijuana Legalization Supporters for Governor." June 26, 2018, <https://www.marijuanamoment.net/voters-in-two-states-nominate-marijuana-legalization-supporters-for-governor/>

¹⁶Ibid.

¹⁷NBC 4. "Gov. Hogan Talks Legalizing Cannabis, His Health and More." June 25, 2018, https://www.nbcwashington.com/blogs/first-read-dmv/Gov-Larry-Hogan-Talks-Legalizing-Cannabis-His-Health-And-More_Washington-DC-486504881.html

¹⁸Marijuana Moment. "New Jersey's Next Governor Promises Marijuana Legalization." November 7, 2017, <https://www.marijuanamoment.net/new-jerseys-next-governor-promises-marijuana-legalization/>

¹⁹Marijuana Moment. "New Virginia Governor Pledges Marijuana Decriminalization." November 7, 2017, <https://www.marijuanamoment.net/new-virginia-governor-pledges-marijuana-decriminalization/>

²⁰Oklahoma Secretary of State. "Official Results - Primary Election." July 11, 2018, https://www.ok.gov/elections/support/20180626_seb.pdf

²¹Marijuana Moment. "Oklahoma Medical Marijuana Campaign Reports Show Grassroots Can Trump Big Money." August 3, 2018, <https://www.marijuanamoment.net/oklahoma-medical-marijuana-campaign-reports-show-grassroots-can-trump-big-money/>



Delegates at the Texas Republican Party convention in June voted to add new platform planks endorsing marijuana decriminalization and medical cannabis expansion.²²

During the 2016 election, cannabis ballot measures received more votes than President Trump in five states, including Florida and Montana, where he prevailed. Marijuana initiatives in Arizona, Arkansas and North Dakota fell just short of the president's election tally.²³

GOP challengers in a handful of this year's key U.S. Senate races seem more inclined to support marijuana reform than their incumbent opponents do, with Eric Brakey in Maine campaigning heavily on legalization and Indiana's Mike Braun having spoken supportively about medical cannabis during several debates.

And Richard Ojeda, who narrowly lost his congressional race in West Virginia, ran on a full legalization platform in a race that had been moved by political watchers to "toss-up" status in a district that President Trump won two years ago with 69% of the vote.²⁴

“The American people have spoken loud and clear: over half of America’s states have passed some form of medical cannabis legislation, and over ninety percent of Americans support doctor-prescribed medical cannabis. It is incumbent on Congress to listen to the American people, put aside our differences, and work across party lines to pass meaningful cannabis reform, which will unlock cures for future generations of Americans.”

—Congressman Matt Gaetz (R-FL)

²²Forbes. “Texas Republican Party Endorses Marijuana Decriminalization.” June 17, 2018, <https://www.forbes.com/sites/tomangell/2018/06/17/texas-republican-party-endorses-marijuana-decriminalization/>

²³Marijuana.com. “Marijuana Is More Popular Than Politicians Are.” November 14, 2016, <https://www.marijuana.com/news/2016/11/marijuana-is-more-popular-than-politicians-are/>

²⁴Marijuana Moment. “West Virginia Congressional Candidate Running On Marijuana Gets Political Boost.” July 24, 2018, <https://www.marijuanamoment.net/west-virginia-congressional-candidate-running-on-marijuana-gets-political-boost/>



While Marijuana Reform Is Non-Partisan, Democrats Are Moving to Embrace It More Quickly

A number of state Democratic organizations have endorsed legalization in their platforms, as have a significant number of the party's 2018 gubernatorial nominees. No state Republican parties or gubernatorial nominees have endorsed legalization this year (though a number have embraced moderate reforms like medical cannabis). In 2016, the national Democratic platform called for "a reasoned pathway for future legalization."²⁵ Whereas Hillary Clinton avoided endorsing legalization on the campaign trail in lieu of a federalism-oriented approach, virtually every major Democrat anticipated to be weighing a 2020 presidential run is on record in support of ending cannabis prohibition.

While there are several Republican-led marijuana reform bills pending in Congress, Democratic lawmakers have so far proven much more likely to introduce or cosponsor such legislation. Senate Minority Leader Chuck Schumer (D-NY), a longtime opponent of cannabis reform, evolved on the issue and filed a far-reaching bill to remove marijuana from the Controlled Substances Act.

But Democrats are by no means unanimous in support of legalization, and party leaders have to date not publicly committed to quickly moving cannabis legislation should they win control of either chamber in the midterms.

While President Trump worried many cannabis industry leaders by selecting legalization opponent Jeff Sessions as attorney general, he consistently pledged to respect state laws on the campaign trail. And in June he indicated support for pending bipartisan congressional legislation to end federal marijuana prohibition.²⁶

But congressional GOP leaders are so far not on board. The House Rules Committee has blocked three dozen cannabis amendments from even being considered for floor votes during the 115th Congress. And while Senate Majority Leader Mitch McConnell is championing hemp legalization, he consistently said he doesn't support reforming laws concerning the industrial crop's "illicit cousin" marijuana.

²⁵Democratic National Committee. "2016 Democratic Party Platform." July 2016, <https://www.democrats.org/party-platform>

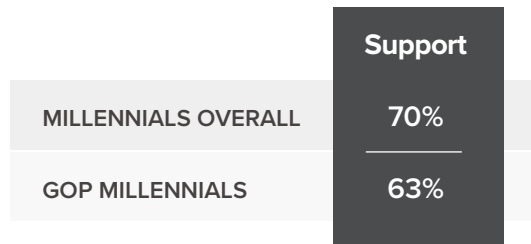
²⁶Marijuana Moment. "Trump Says He 'Really' Supports Senate Marijuana Legislation." June 8, 2018, <https://www.marijuanamoment.net/trump-says-he-supports-senate-marijuana-legislation/>



Whichever Party More Fully Embraces Cannabis Reform First Will Benefit

Legalization is undoubtedly the future. Support is particularly strong among young people, with millennials overwhelmingly on board, according to a Pew Research Center poll released this year.²⁷ A previous Pew survey from 2014 (before broader increases in polling support and the enactment of legalization in the majority of states that now have it) showed that support particularly among Republican millennials is also robust.²⁸

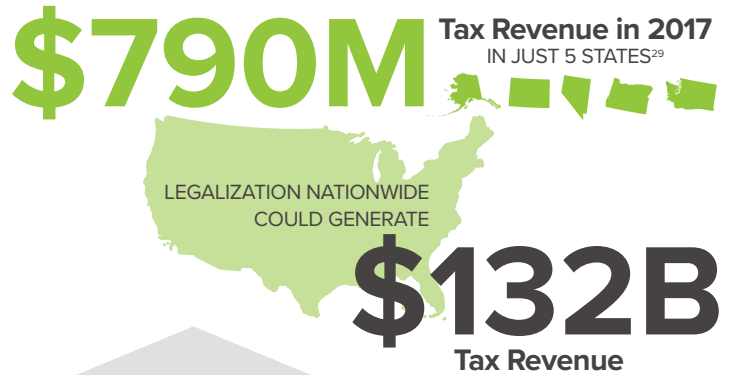
FIGURE 6:
Millennial Support for Legalizing Marijuana in the U.S.



Cannabis as a political issue is still largely up for grabs. Despite higher Democratic enthusiasm to date, a growing number of GOP lawmakers and voters are getting on board. It is not hard to envision a scenario in which far-reaching cannabis reform legislation could be enacted in 2019 regardless of whether Democrats take control of one or both congressional chambers.

Marijuana is a rare issue with robust support among voters across the political spectrum but which is still viewed with significant trepidation by leaders in both parties. As such, it is also an area where bipartisan cooperation could lead to significant results. But if either major party understands and embraces the new politics of marijuana before the other does, the first mover will reap immense political benefits for cycles to come.

FIGURE 7:
Benefits of Legalization

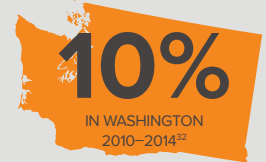


“...legalization produced some demonstrable and persistent benefit in clearance rates, benefits we believe are associated with the marijuana legalization proponents’ prediction that legalization would positively impact police performance.”

—POLICE QUARTERLY, JULY 2018³⁰

Police Effectiveness Up
FOLLOWING LEGALIZATION

Violent Crime Rates Down
FOLLOWING LEGALIZATION



25% Fewer Deaths from Opioid Overdose IN STATES WITH MEDICAL CANNABIS³³

Study Finds...

NO INCREASE

in Adolescent Cannabis Use

SINCE 2014³⁴

in Risk of Crashes

WHEN COMPARED TO ALCOHOL³⁵

²⁷Pew Research Center. “About six-in-ten Americans support marijuana legalization.” January 5, 2018, <http://www.pewresearch.org/fact-tank/2018/01/05/americans-support-marijuana-legalization/>

²⁸Pew Research Center. “63% of Republican Millennials favor marijuana legalization.” February 27, 2018, <http://www.pewresearch.org/fact-tank/2015/02/27/63-of-republican-millennials-favor-marijuana-legalization/>

²⁹Liszewski, Michael & Tom Angell. “State Cannabis Laws: A Progress Report. Successes, Challenges, and the Need for Congressional Action.” May, 2018, p. 7.

³⁰Makin, David A. “Marijuana Legalization and Crime Clearance Rates: Testing Proponent Assertions in Colorado and Washington State.” Police Quarterly. July, 2018

³¹Washington [State] Association of Sheriffs & Police Chiefs, Criminal Justice Information, “Crime in Washington 2011 Annual Report,” http://www.waspc.org/assets/CJIS/2011_ciw.pdf, accessed May 7, 2018.

³²Washington [State] Association of Sheriffs & Police Chiefs, Criminal Justice Information, “Crime in Washington 2014 Annual Report,” <http://www.waspc.org/assets/CJIS/ciw%202014%20small.pdf>, accessed May 7, 2018.

³³White Powell, David, et al. “Do Medical Marijuana Laws Reduce Addictions and Deaths Related to Pain Killers?” Journal of Health Economics. Volume 58, March 2018, pp. 29–42. doi: 10.1016/j.jhealeco.2017.12.007.

³⁴Sarvet, Aaron L., et al. “Medical Marijuana Laws and Adolescent Marijuana Use in the United States: a Systematic Review and Meta-Analysis.” Addiction, vol. 113, no. 6, 22 Feb. 2018, pp. 1003–1016. doi:10.1111/add.14136.

³⁵Rogeberg, Ole & Rune Elvik. “The effects of cannabis intoxication on motor vehicle collision revisited and revised.” Addiction. Apr 25, 2016, doi:10.1111/add.13347.



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