

The Fayetteville Observer

NC is becoming an outlier by banning weed. Will that soon change?

As states across the country legalize weed, marijuana reform proves difficult in the Tar Heel State.

November 23, 2020

Brian Gordon

If conservative states like South Dakota and Mississippi are relaxing their marijuana policies, will politically purple North Carolina be far behind?

Legalization initiatives triumphed in elections across the country this month, and those hoping North Carolina will follow suit have tempered expectations. While they see promise in a notable endorsement from the state, they know marijuana laws don't change easily in the Tar Heel State.

Last week, the N.C. Task Force for Racial Equity in Criminal Justice recommended decriminalizing possession for up to 1.5 ounces of marijuana.

The task force, created by Gov. Roy Cooper and led by the state's top law enforcer, Attorney General Josh Stein, cited data showing North Carolinians of color are disproportionately arrested for marijuana possession.

Holding small amounts of weed would still be a civil offense, but charges would no longer appear on criminal records. The task force also suggested studying the effects of legalizing the drug altogether.

"This recommendation is intended to help alleviate racial disparities in North Carolina's criminal justice system," Anita Earls, an associate justice on the N.C. Supreme Court, said in a statement. Earls noted white and Black people use marijuana at generally equal rates.

Yet the task force doesn't have the power to reform North Carolina marijuana law. That falls to the General Assembly, which in recent years has resisted relaxing marijuana restrictions even as more states embrace legalization.

Polls and politicians don't align

After Arizona, South Dakota, New Jersey, and Montana approved ballot measures to legalize recreational marijuana this month, 15 states will soon allow adults to purchase weed from licensed dispensaries. South Dakota and Mississippi also approved medical weed, becoming the 35th and 36th states to do so according to NORML, a nonprofit marijuana advocacy organization.

A Gallup Poll this month found 68% of Americans now support legalizing the drug, a rate that's steadily risen since the 1970s. Local enthusiasm for medicinal weed appears strong as a 2017 Elon University poll showed 80% of North Carolina voters backed physicians being able to prescribe marijuana. While Democrats were more likely to support medical marijuana, the poll found 73% of Republicans favored it, too.

Yet the state doesn't permit recreational or medicinal marijuana. Penalties for possessing up to a half-ounce include up to a \$200 fine. Having up to 1.5 ounces, around 42 grams, can result in a fine and 45 days jail. Both charges are misdemeanors. Anything over 1.5 ounces of marijuana is considered a felony.

Over the past decade, state legislators have dashed a handful of medical marijuana bills.

"We're behind the curb, definitely," said Katrina Ramquist Wesson, executive director of NORML's North Carolina chapter.

One reason why public sentiments don't appear to align with state policy is that North Carolina, unlike many other states, doesn't allow citizens to initiate ballot measures through petitions. In states like South Dakota and Montana, legalization policies passed by a direct popular vote even if politicians didn't have the appetite to pass them.

To gain influence in the General Assembly, Wesson said NC NORML is looking to rev up its lobbying efforts.

"The (marijuana advocacy) constituency hasn't been organized in North Carolina for a long time," she said. "I think that's going to be the key to change."

The cannabis caucus

In 2018, a group of Democrats in the General Assembly formed a cannabis caucus to promote reform bills. Easing regulations, members argue, would boost the economy through increased tourism and tax-revenue, help medicinal users manage pain, and bolster racial justice.

The Cato Institute, a libertarian think tank, calculated marijuana legalization would bring North Carolina an additional \$125 million in tax revenue. Quentin Miller, the first Black sheriff in Buncombe County, said he supports legalizing medical marijuana and echoed the state task force that racial disparities in possession arrests persist.

Sentencing data shows people of color accounted for 62% of weed possession charges of 1.5 ounces or less last year, despite only making up around 37% of the population.

"I'll just say it's pretty obvious that the time has come to legalize cannabis in all its forms and to regulate it from the state," said state Rep. John Ager, D-Buncombe, who is part of the cannabis caucus. He called the task force recommendations "a good first step" but his hopes for significant marijuana policy reform dampened after Republicans retained control of the General Assembly this month.

Last year, Ager cosponsored the Enact Medical Cannabis Act that didn't get out of committee for a vote.

Sen. Phil Berger and House Speaker Tim Moore, the top Republican leaders in the General Assembly, did not respond to questions about addressing marijuana reform bills in the upcoming term.

Jim Quick, spokesperson for the conservative nonprofit N.C. Values Coalition, said he'd be open to studying the impacts of marijuana but remained cautious about swift changes.

"I don't know that as a state or as a nation we've really spent the time to understand how the drug is changing," he said. Quick doesn't anticipate the legislature will pursue marijuana policy reform next term.

Last year, the General Assembly almost restricted cannabis access further after the House passed a ban on smokable hemp because it looks similar to weed.

Despite these structural and ideological barriers to reform, there's belief that North Carolina is as close as ever before to rethinking its marijuana laws. The task force recommendation, nationwide elections, and renewed emphasis on racial justice - advocates and politicians say - signal reform is coming.

"Momentum is on our side," Wesson said. "The wind's at our backs, but it's not going to be easy."