

DEA Says Illegal Marijuana Trafficking From Mexico Is Declining Amid State Legalization Movement

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The Drug Enforcement Administration (DEA) said in a new report that as more marijuana is being produced domestically in the U.S., it's undermining illicit cannabis trafficking from Mexico.

As part of its Fiscal Year 2023 performance budget summary submitted to Congress, the agency talked about shifting trends in marijuana production, as well as its own efforts to support cannabis research, including by breaking the decades-long federal monopoly on authorized cultivation.

DEA didn't exactly come out and say that more Americans are buying marijuana from state-regulated businesses as the legalization movement has continued to expand, but it did say that "Mexican marijuana has largely been supplanted by domestic-produced marijuana," even if that country "remains the most significant foreign source for marijuana."

"Marijuana remains illegal under Federal law and is the most commonly used illicit drug in the United States," the agency said. "The national landscape continues to evolve as states enact voter referenda and legislation regarding the possession, use, and cultivation of marijuana and its associated products."

DEA didn't explicitly connect the dots between the legalization movement—which has provided adults 21 and older, as well as patients, with a regulated supply of cannabis in numerous states across the country—and the decline of Mexican-produced marijuana entering the U.S. But previous analyses have concluded that there's a clear connection.

For example, a study released by the Cato Institute in 2018 found that "state-level marijuana legalization has significantly undercut marijuana smuggling."

DEA's new budget document also talks about increased domestic production of cannabis from a different kind of source: cultivation facilities that the agency itself is authorizing to manufacture marijuana for study purposes.

For decades, DEA has only authorized a facility at the University of Mississippi to grow cannabis for federal research. But as it noted in the new report, the “number of authorized growers in the United States has increased from one to four, with two additional approvals expected by year’s end.”

“On February 2, 2022, the DEA purchased its first marijuana harvest from Groff NA Hemplex pursuant to the Marijuana Growers rule, which went into effect on January 19, 2021. Consistent with the rule, once the material was harvested, DEA personnel completed the necessary procedures to acquire and transfer 25.4 kilograms of marijuana to Groff NA Hemplex, as they were the purchaser, to enhance the cultivation of marijuana research in the United States.”

DEA also discussed its proposal to increase the annual quota of marijuana that can be produced for research, though the document omitted mention of the fact that it’s also dramatically increased production quotas for psychedelics like psilocybin and MDMA as interest in studying the therapeutic potential of such substances as rapidly grown.

With respect to trends in marijuana enforcement overall, data from the FBI that was released in late 2020 showed that, for the first time in four years, cannabis arrests declined nationally.

Meanwhile, federal prosecutions over marijuana dropped again in 2021, with fewer than 1,000 people charged in cannabis trafficking cases, according to a recent report from the federal U.S. Sentencing Commission (USCC). It’s yet another sign that the plant is becoming a lower enforcement priority as the legalization movement scores wins in more states.

This represents a continuation of a trend that’s been playing out in recent years, especially as more states have move to legalize cannabis and federal officials have seemingly adopted policies placing less emphasis on going after people over marijuana. In 2020, USCC documented 1,118 cannabis cases.

Federal prosecutions of drug-related crimes overall increased in 2019, but cases involving marijuana dropped by more than a quarter, according to an end-of-year report released by Supreme Court Chief Justice John Roberts that year.

Going back to DEA, the agency recently acknowledged that marijuana seeds are generally uncontrolled and legal, regardless of how much THC might end up being produced in buds if those seeds were cultivated, because of the federal legalization of hemp.

DEA officials last year also clarified to state regulators that an increasingly popular, psychoactive cannabinoid known as delta-8 THC is not a controlled substance under existing statute.

The agency officials said that only products containing more than 0.3 percent delta-9 THC—the most commonly known intoxicating cannabinoid—is controlled, but the 2018 Farm Bill that legalized hemp does not explicitly ban THC isomers.