

The New York Times

Marijuana Lights Up State Ballots

October 19, 2016

People in nine states, including California, Florida and Massachusetts, will vote Nov. 8 on ballot proposals permitting recreational or medical use of marijuana. These initiatives could give a big push to legalization, prompting the next president and Congress to overhaul the country's failed drug laws.

This is a big moment for what was a fringe movement a few years ago. A Gallup poll released on Wednesday showed 60 percent of Americans support legalizing marijuana, up from 31 percent in 2000 and 12 percent in 1969.

The drive to end prohibition comes after decades in which marijuana laws led to millions of people being arrested and tens of thousands sent to prison, a vast majority of whom never committed any violent crimes. These policies have had a particularly devastating effect on minority communities. Federal and state governments have spent untold billions of dollars on enforcement, money that could have been much better spent on mental health and substance abuse treatment.

Nine states will vote on ballot measures that increase access to marijuana.

Laws in Ohio and Pennsylvania have not yet taken effect. Arkansas has two ballot measures. Montana residents will vote on a proposal to liberalize an existing medical marijuana law that allows dispensaries to serve only three users each. Some states not highlighted here allow limited access to certain medical marijuana products.

So far, Alaska, Colorado, Oregon, Washington and the District of Columbia have legalized recreational use of marijuana, and 25 states permit medical use. A recent Cato Institute study found that the states that have legalized recreational use have so far had no meaningful uptick in the use of marijuana by teenagers, or other negative consequences predicted by opponents. For example, in Colorado, drug-related expulsions and suspensions from schools have gone down in recent years. There has been no spike in drug-related traffic accidents and fatalities in Colorado or Washington.

On Election Day, voters in Arizona, California, Maine, Massachusetts and Nevada will consider proposals to allow recreational use. In California, which approved medical use in 1996, polls show that the measure is likely to win. In Massachusetts, a recent poll showed 55 percent of likely voters supporting legalization. In Arkansas, Florida, Montana and North Dakota, residents

will vote on medical marijuana. If Florida voters say yes, other Southern states that have been resistant to liberalizing drug laws could reconsider their prohibitions, too.

Passage of these proposals should increase pressure on the federal government to change how it treats marijuana. The Obama administration has chosen not to enforce federal antimarijuana laws in states like Colorado and Washington. But this bizarre situation can't last — even as more states legalize the drug, state-licensed marijuana businesses remain criminal operations under federal law. Even if they are not prosecuted by the federal government, this conflict in their legal status creates immense problems.

Hillary Clinton has promised to move marijuana from Schedule 1 of the Controlled Substances Act (for drugs like heroin and LSD that have no accepted medical use) to Schedule 2, which includes opioid drugs that are medically useful but have a “high potential for abuse.” While that change would be an improvement, that classification would not eliminate contradictions between federal and state laws when it comes to recreational use of marijuana. Donald Trump has said he supports the medical use of marijuana, but has opposed full legalization.

States are driving the change in marijuana policy because they see the damage created by draconian drug laws on communities, families and state budgets. It's time the federal government acknowledged these costs and got out of the way of states adopting more rational laws.