

## **Cannabis aux États-Unis : Miroir médiatique et réalités sociales** Analyse des discours en ligne

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# *San Francisco Will Clear Thousands of Marijuana Convictions*

By [Timothy Williams](#) and [Thomas Fuller](#)

- Jan. 31, 2018



On Jan. 1, 2018, legal recreational marijuana sales began in California. Credit...Jim Wilson/The New York Times

Thousands of people with misdemeanor convictions for marijuana possession dating back 40 years will have their criminal records cleared, the San Francisco district attorney's office said Wednesday. San Diego is also forgiving old convictions.

Recreational marijuana [became legal in California](#) this year, and the law allowed those with prior low-level offenses to petition for expungement, a process that can be costly.

But in San Francisco and San Diego, people need not ask. George Gascón, San Francisco's district attorney, said his office would automatically erase convictions there, which total about 3,000.

An additional 4,900 felony marijuana charges will be examined by prosecutors to determine if they should be retroactively reduced to misdemeanors.



San Diego has identified 4,700 cases, both felonies and misdemeanors, that will be cleared or downgraded.

California was far from the first state to legalize recreational marijuana, but it is at the forefront of offering relief to people convicted of offenses that would not get them in trouble today.

A number of cities even decided to give preference to those who have previous marijuana convictions when giving out licenses to sell it legally. Oakland reserved at least half of its eight annual dispensary licenses for what it calls equity applicants, which include not only those convicted of marijuana-related crimes, but those who live in neighborhoods that had a disproportionately higher number of cannabis-related arrests. On Wednesday, officials there used a bingo machine to choose the four winners among 36 applicants.

Other places have taken a different tack. In Nevada, Gov. Brian Sandoval vetoed legislation last year that would have allowed people convicted of possessing one ounce or less of marijuana to have their convictions vacated, even though that is no longer a criminal offense.

And in Colorado, it took five years after voters approved recreational marijuana use before the state passed legislation last year that allows people with pot convictions to apply to have their records cleared. That did not occur until after California voters approved their law.

The result has been legal limbo: People whose behavior would not now be considered illegal are sometimes unable to find work, get college loans, obtain professional licenses, or find decent housing because of the blot on their record.

Those who argue against expunging criminal records say people who violated the law should live with the consequences, regardless of subsequent legal changes.

“In all the other states, the process has been messy,” said Robert Mikos, a professor at Vanderbilt University who studies marijuana law and policy. “But whether people agree with what they did or not, California at least addressed it and there’s value in that.”

Even in California, there is significant variation in how counties are handling misdemeanor marijuana convictions. Some, like Fresno County, are dealing with them on a case-by-case basis, said Steve E. Wright, the county’s assistant district attorney. Jeff Rosen, district attorney of Santa Clara County, said he was working with the local public defender’s office to identify cases. And prosecutors in San Francisco and San Diego have been more proactive, with both cities planning to automatically dismiss misdemeanor convictions and to reduce felony convictions to misdemeanors.

In San Francisco, Mr. Gascón said he wanted to avoid putting people through a process that he said violates the spirit of legalization.

“A lot of people don’t even know they qualify, and I don’t think it’s the right thing to do to make people pay lawyers’ fees and jump through a bunch of hoops to get something they should be getting anyway,” he said.

In November 2016, California voters approved Proposition 64, which allowed adults 21 and older to buy or possess 28.5 grams of marijuana — about one ounce — or grow up to six plants at a private residence.

California, where cannabis shops began opening Jan. 1, was the sixth state to allow recreational marijuana, following Colorado, Washington, Oregon, Alaska and Nevada. Voters in Massachusetts and Maine have approved recreational marijuana, though sales have not started in either state. Vermont legalized pot earlier on Jan. 22.

In Washington, D.C., cannabis use is legal, but it cannot be sold commercially.

In Canada, which is moving toward legalization of recreational marijuana this year, Prime Minister Justin Trudeau has warned that for now, the police and prosecutors will continue to treat pot sales as a crime.

“We recognize that anyone who is currently purchasing marijuana is participating in illegal activity that is funding criminal organizations and street gangs, and therefore we do not want to encourage, in any way, people to engage in that behavior until the law has changed,” Mr. Trudeau told reporters.

Ian Austen contributed reporting from Ottawa.

CALIFORNIA TODAY

# *Thousands of Californians Could Get Their Marijuana Convictions Cleared. But It's Complicated.*

Thursday: The promise of automatic record clearance. Also: More on the victims of the catastrophic boat fire, and remembering Sally Floyd.



By [Jill Cowan](#)

Sept. 5, 2019



Marijuana plants growing in a remote area outside of Covelo, Calif. Credit...Hilary Swift for The New York Times

*Good morning.*

*(If you don't already get California Today by email, here's [the sign-up.](#))*

When California [legalized marijuana in 2016](#), Ingrid Archie celebrated.

Then it was time to file paperwork.

Ms. Archie was among the thousands of Californians eligible to have cannabis-related convictions reduced or cleared from their records under provisions of the new law that not only made the possession of marijuana legal, it also mandated that penalties for minor offenses that were no longer crimes be [retroactively eliminated](#) and that some other convictions be reduced.

Those provisions have been hailed by criminal justice experts as a sign of California's progress when it comes to criminal justice reforms and are intended to correct for years of disproportionate arrests and convictions for drug offenses, particularly in black and Latino communities.

The nagging problem has been how to implement such sweeping reforms.

“You may not have the transportation to get to the courthouse for the past conviction – to get the paperwork, and then you have to get to a lawyer,” Ms. Archie said, noting that when you're arrested, convicted and sentenced, everything is done for you, automatically.

“It should be automatic for redemption as well,” she said.

In California, [Code for America](#), a nonprofit that works with the government on tech solutions, says it may have a solution.

In recent months, the organization partnered with five district attorneys' offices around the state to identify and automatically reduce or dismiss eligible marijuana convictions, including thousands in [San Francisco](#) and [Los Angeles](#) as a pilot program.



The San Francisco district attorney, George Gascon, and Jennifer Pahlka of Code for America announced in February that her group had identified every marijuana-related conviction that is eligible for re-sentencing or expungement in San Francisco. Credit...Liz Hafalia/San Francisco Chronicle, via Associated Press

This week, leaders of the company announced the rollout of a new software application that they said will make that capability available to any district attorney in California.

*[Read more about what California might be able to expect from legal marijuana, [based on Colorado's experience.](#)]*

The technology works by reviewing tens of thousands of case lines within seconds to identify ones that are eligible for dismissal or reduction.

“The difference between the pilot and the application is that for the pilot counties we had to go on site to be able to process the data for security reasons,” Alia Toran-Burrell, a program manager with Code for America. “The 53 remaining counties will be able to do that on their own.”

Code for America leaders said the application could be used to identify other types of convictions that may become eligible for reduction or clearance down the line and could be used in other states. Already, the nonprofit [announced a partnership](#) to use the program, called Clear My Record, in Cook County, Ill.

Criminal justice experts said that while automatic record clearance sounds straightforward in theory, the reality is much messier.

Jeff Reisig, the Yolo County district attorney, said that he welcomed the new application.

His office automatically dismissed 728 eligible marijuana convictions using the application — work that he said wouldn't have been possible to take on without the help of a nonprofit tech partner.

“I don't have any confidence at all that this kind of project could've been accomplished at the state level by government at even a fraction of the speed,” Mr. Reisig said.

He cited a study [from the Stanford Criminal Justice Center](#) that found the inconsistencies in data collection and transparency across California's various courts, prisons and prosecutors' offices make it difficult to implement and evaluate criminal justice reforms.

“That's the challenge of something like this,” he said.

But he acknowledged that, as a result, the benefits of automatic record-clearance technology could leave people in some parts of the state behind.

Prosecutors [have until July 2020](#) to review eligible marijuana cases and decide whether to dismiss the sentences, dismiss them and seal the cases so they can't be seen, or whether to challenge the reduction of some convictions.

Which means that district attorneys — some of whom are serving in counties where there has been resistance to marijuana legalization — have discretion over the law's implementation.

*[Read more about how legalizing marijuana [has become a pillar of progressive politics.](#)]*

That lack of cohesion is mirrored on a national scale, said Margaret Love, a lawyer based in Washington, D.C. who [has tracked record clearance](#) and rights restoration efforts around the country.

“Every state has some scheme like this and none of them are the same,” she said. “The technological solution that Code for America is bringing to bear is great, but boy, is it limited.”

Ms. Love said that because California has specifically identified the kinds of convictions that are eligible to be cleared, it's “easy pickings.”

That still leaves the more difficult — but ultimately more effective — work of figuring out how to ensure that people who have served their sentences are still able to get jobs and housing without being discriminated against for old offenses.

Image



Ingrid Archie now works to educate other incarcerated or previously incarcerated people about their rights. Credit...Dario Griffin

For Ms. Archie — who grew up in South Los Angeles and spent her earlier years in and out of prison mostly related to lower level drug offenses — knowing that future employers or landlords won't be able to see a felony marijuana conviction on her record brings peace of mind.

Today, she works for [A New Way of Life Reentry Project](#), a nonprofit that helps formerly incarcerated women, including herself.

That stability is something she wants other people who have past convictions to experience, too.

She wants them to be able to rent apartments, find work or go on field trips with their children.

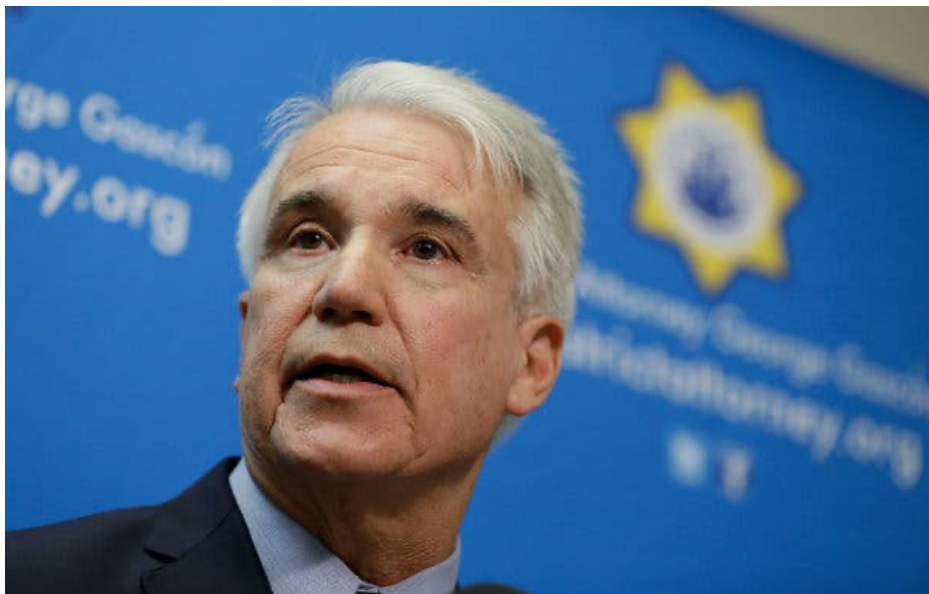
“It should be everyone’s reality to know that when somebody types their name in a system that their charge doesn’t come up because, guess what, their time is done,” she said. “They should be able to move forward.”

**CALIFORNIA TODAY**

# ***California Today: A Start-Up Steps Up to Help Sweep Away Old Pot Convictions***

By [Brian X. Chen](#) and [Charles McDermid](#)  
May 16, 2018

*Good morning.*



San Francisco's district attorney, George Gascón, says his office will toss out or reduce thousands of marijuana criminal convictions dating back decades. Credit...Eric Risberg/Associated Press

In 2016, California voters decided to legalize the personal use and growth of marijuana. This year, the state legalized recreational cannabis sales.

Even so, hundreds of thousands of Californians' permanent records remain stained with marijuana convictions, making it difficult to secure loans, housing or jobs.

What gives?

Part of the problem is time: The process of digging up old files, determining who is eligible for record clearance and filing the paperwork to dismiss some of the convictions can be a lengthy drain on resources.

San Francisco's district attorney, [George Gascón](#) is turning to tech for help.



Mr. Gascón said on Tuesday that his office had [teamed up with Code for America](#), a nonprofit that works with the government on tech solutions. The start-up will provide a tool, called Clear My Record, that helps automate the eligibility process and the paperwork. Clear My Record generates a digital file that the district attorney can submit as a completed motion with the courts.

“When the government uses 20th-century tools to tackle 21st-century problems, it’s the public that pays the price,” Mr. Gascón said in a statement. “I’m hopeful that this partnership will inspire many prosecutors who have cited resource constraints to join this common sense effort and provide this relief.”

Code for America plans to share Clear My Record with other California counties. It hopes to help clear 250,000 marijuana convictions by next year.

# ***Biden Pardons Thousands Convicted of Marijuana Possession Under Federal Law***

The move represents a fundamental change in America’s response to a drug that has been at the center of a clash between culture and policing for more than a half-century.



Protesters outside the White House in 2016. President Biden said on Thursday that he has asked the attorney general to review how marijuana is legally categorized. Credit...Jose Luis Magana/Associated Press



By [Michael D. Shear](#) and [Zolan Kanno-Youngs](#)  
Oct. 6, 2022

WASHINGTON — [President Biden](#) on Thursday pardoned thousands of people convicted of marijuana possession under federal law and said his administration would review whether marijuana should still be in the same legal category as drugs like heroin and LSD.

The pardons will clear everyone convicted on federal charges of simple possession since it became a crime in the 1970s. Officials said full data was not available but

noted that about 6,500 people were convicted of simple possession between 1992 and 2021, not counting legal permanent residents. The pardons will also affect people who were convicted under District of Columbia drug laws; officials estimated that number to be in the thousands.

The pardons will not apply to people convicted of selling or distributing marijuana. And officials said there are no people now serving time in federal prisons solely for marijuana possession. But the move will help remove obstacles for people trying to get a job, find housing, apply to college or get federal benefits.

Mr. Biden urged governors to follow his lead for people convicted on state charges of simple possession, who vastly outnumber those charged under federal laws.

Still, the president's actions — which come about a month before the midterm elections and could help energize Democratic supporters — represent a fundamental change in America's response to a drug that has been at the center of a clash between culture and policing for more than a half-century.

“Sending people to jail for possessing marijuana has upended too many lives — for conduct that is legal in many states,” [Mr. Biden said on Twitter](#) on Thursday. “That’s before you address the clear racial disparities around prosecution and conviction. Today, we begin to right these wrongs.”

In [a video](#), he added: “While white and Black and brown people use marijuana at similar rates, Black and brown people are arrested, prosecuted and convicted at disproportionately higher rates.”

Mr. Biden stopped short of calling for the complete decriminalization of marijuana, which is something that [Congress would have to do](#). But he said on Twitter that the federal government still needs “important limitations on trafficking, marketing and underage sales of marijuana.”

The actions were part of a long evolution on criminal justice for Mr. Biden, who helped pass a string of laws during his 36 years in the Senate that [laid the groundwork for mass incarceration](#). He apologized on the campaign trail for portions of one of the more aggressive measures he had championed, the 1994 crime bill, and he campaigned on providing more [leniency to nonviolent drug offenders](#).

The pardons move the federal government more in line with the positions taken by some state governments, which have already reduced or eliminated the criminal punishments for simply possessing marijuana — punishments that for decades have sent people to prison.

Mr. Biden also said Thursday that he has asked the attorney general to review how marijuana is legally categorized, which helps determine what kind of penalties are involved.

“The federal government currently classifies marijuana as a Schedule 1 substance,” he said, “the same as heroin and LSD and more serious than fentanyl. It makes no sense.”

Some of the president's Republican critics lashed out at him after the announcement.

“In the midst of a crime wave and on the brink of a recession, Joe Biden is giving blanket pardons to drug offenders,” said Senator Tom Cotton, Republican of Arkansas. “This is a desperate attempt to distract from failed leadership.”

Advocacy groups, including those representing minorities, have been urging Mr. Biden to take action as a way of demonstrating his commitment to reforming the [inequities built into the criminal justice system](#).

Inimai Chettiar, the federal director of the Justice Action Network, called the president's move “a really good step” and said one of the most important parts of Mr. Biden's policy is the directive to review how future marijuana crimes are prosecuted.

“That's trying to change a policy decision that was made that marijuana is as dangerous as these other drugs, which we know is not true,” Ms. Chettiar said.

Udi Ofer, a Princeton University professor and former deputy national political director of the American Civil Liberties Union, said simple possession of marijuana is a crime “almost entirely prosecuted by the states.” The federal government tends to prosecute marijuana trafficking crimes, he said.

Only 92 people were sentenced on federal marijuana possession charges in 2017, out of nearly 20,000 drug convictions, according to the U.S. Sentencing Commission.

“This is an important political statement, it's an important value statement, it's progress, but this is a drop in the ocean of injustice,” Mr. Ofer said.

Marijuana is already fully legal in about 20 states, and some other states have relaxed criminal penalties, [according to DISA](#), a large drug-testing company that tracks state laws regarding marijuana. It remains fully illegal in a handful of states. The federal government will stop charging anyone with simple possession starting on Thursday, officials said.

Mr. Biden's announcement could give Democrats a boost in the upcoming midterm elections, especially among young people, liberals and minority communities.

In July, a half-dozen of the Senate's most liberal senators wrote Mr. Biden a letter urging him to take the steps he announced on Thursday.

“The administration's failure to coordinate a timely review of its cannabis policy is harming thousands of Americans, slowing research, and depriving Americans of their ability to use marijuana for medical or other purposes,” wrote the group of senators, including his onetime rivals, Bernie Sanders, independent of Vermont, and Elizabeth Warren, Democrat of Massachusetts.

More recently, John Fetterman, the Democratic candidate for Senate in Pennsylvania, urged the president to act.

“It’s long past time that we finally decriminalize marijuana,” he [said on Twitter](#), adding, “@POTUS you have the power to use your executive authority to chart a new course.”

Some opponents of full marijuana legalization praised Mr. Biden’s move, saying it was a good way to avoid going further.

“No one deserves to be in jail for a joint,” said Kevin Sabet, who leads Smart Approaches to Marijuana, which opposes legalization. “But we should also not be selling highly potent THC products, nor should we promote and encourage use among young people.”

Some criminal justice activists have criticized Mr. Biden for taking too long to enact more lenient sentencing reform proposals like the one he announced on Thursday.

They argue that Mr. Biden was cowed by Republican attacks that blamed the president’s policies for the rise in violent crimes in some parts of the country. Mr. Biden has rejected the call from some members of his party to “defund” the police and has [insisted that police need more money](#) to do their jobs.

White House officials and the Domestic Policy Council, led by Susan Rice, also held calls with criminal justice advocates near the end of last year to field ideas for using executive action to enact prison reform. In April, Mr. Biden used [clemency to commute](#) the sentences of 75 nonviolent drug offenders.

While studies show white and Black people use marijuana at similar rates, a Black person is more than three times as likely to be arrested for possession than a white person, according to a report from the A.C.L.U. that analyzed marijuana arrest data from 2010 to 2018.

A vast majority of marijuana arrests fall under the jurisdiction of states, but the crime has historically represented about a third of nationwide drug possession arrests by state and federal officials. According to preliminary F.B.I. data, more than 170,800 of the roughly 490,000 drug possession arrests in 2021 were related to marijuana possession.

# *What Can California Expect After 5 Years of Legal Marijuana?*



Michael Cole is the owner of Colorado Rocky Mountain Farms, which grows marijuana, in Pueblo. Credit... Benjamin Rasmussen for The New York Times

By [Jill Cowan](#)

- July 11, 2019

*Good morning.*

*(If you don't already get California Today by email, here's [the sign-up.](#))*

Today, my colleague [Jack Healy](#) brings us a dispatch from the future — sort of.

He's based in Colorado, America's first capital of legal weed, and he recently wrote about how [five years of legal marijuana](#) have reshaped life there. So I asked him to tell us about what we might expect here in the Golden State:

As a reporter in Denver, I've heard endless jokes about Denver being a different kind of Mile High City and gotten accustomed to pointing curious visitors to dispensaries. The lessons of Colorado's ups and downs with regulated [marijuana](#) have plenty to teach California as it tries to wrap its arms around the unintended consequences of legalization.

Some in Colorado's marijuana industry feel as if the focus of the legalization debate is veering away from the Rockies and toward California. California is already a [vastly larger market](#) — about \$2.5 billion in sales last year, compared with Colorado's \$1.5 billion. California has moved faster to [clear marijuana convictions](#) from people's

criminal records — a process that has been halting and frustrating for some in Colorado.

And while Colorado spent years debating where people should be able to socially consume the cannabis they had just legally bought, [West Hollywood](#) and cities in the Bay Area are [allowing](#) cannabis social clubs.

“We were the only game in town,” said Sam Kamin, a law professor at the University of Denver who studies legalization. “Boy, is that not true today.”

**[\[Get to know pot's new crop of consumers, by the numbers.\]](#)**

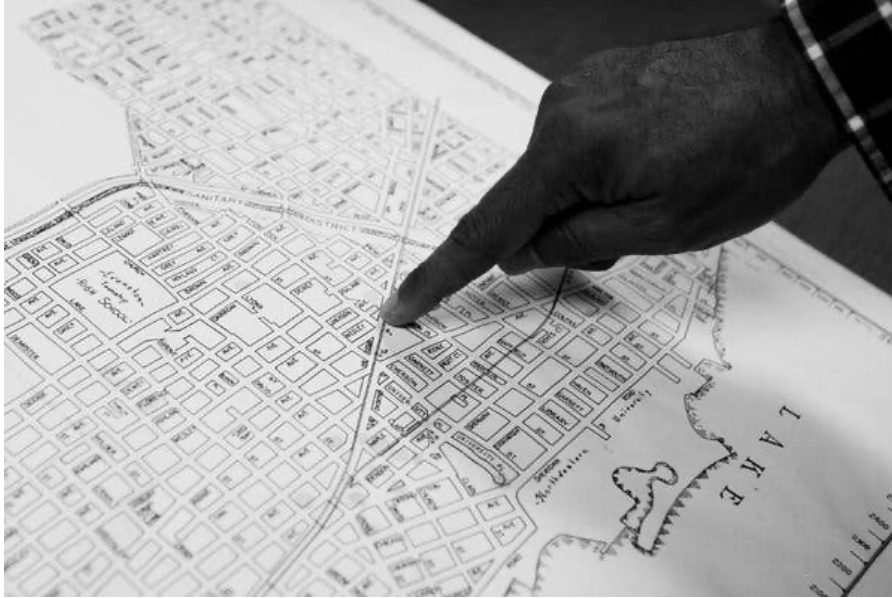
If Colorado is any guide, California's problems with black-market marijuana aren't going to vanish anytime soon. In California, a huge surplus is fueling an illicit market of illegal shops and backcountry pot farms. In Colorado, law enforcement is still carrying out huge raids on traffickers who are growing marijuana in homes or industrial spaces and shipping it out of state to sell.

After five years of legalization, there has not been an increase in teenage marijuana use in Colorado. That's good news to educators and public-health officials, and it's a [number](#) many will be watching in California.

Colorado's experiment with recreational weed shows that voting for legalization is just the beginning. Colorado had to overhaul the rules about the shape, packaging and marking on edibles over concerns they were falling into [children's hands](#). Lawmakers here are still dealing with questions of who should be able to invest in or own marijuana businesses, where people should be able to smoke, how to do lab tests on marijuana and countless other questions.

# *What if Federal Reparations Weren't a Fiction?*

Feb. 13, 2024



Credit...Eileen Meslar/Reuters

**By Maura Cheeks**

Ms. Cheeks is the author of the novel “Acts of Forgiveness.”

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In my debut novel, a family retraces their lineage in order to be eligible for the nation’s first federal reparations program for Black Americans. When I was selling my novel in 2021, it was pitched to publishers as “speculative fiction, but only slightly.” I hadn’t specifically identified that genre, but I could see how it made sense: Up to that point, only one U.S. city, Evanston, Ill., had [actually issued](#) reparations in the form of housing grants. The idea that the United States could ever collectively support a national reparations policy for Black people seemed, well, the stuff of fiction.

Since then, reparations task forces and commissions have been created in [California](#), [Illinois](#), [New York](#) and [Pennsylvania](#). State and citywide reparations initiatives offer a unique opportunity: They can look at specific harms perpetrated in a community, like redlining or wrongful drug convictions, and offer redress for citizens and the families who lived there. In Evanston, for example, reparations are being funded through revenue generated from [a cannabis tax](#). If you can prove that you were a Black resident of African descent between 1919 and 1969 or are the direct descendant of one, or that you suffered housing discrimination related to the city’s policies after 1969, then you are eligible for a payment. As of August, the city had distributed just over \$1 million, with [more funding](#) on the way.



But what happens if you do not live in a community that pursues reparations? Slavery was a complex multistate system enabled by the federal government and protected by [a sweeping body of law](#). The same government later promoted and propped up segregationist policies and failed to uphold the values of the 14th and 15th amendments across the Jim Crow South. To address systemic inequalities rooted in federal law, a federal reparations policy is required. [One city](#), even multiple cities, or states, can't compensate individuals for what an entire nation has done.

I decided to write about reparations after researching [the racial wealth gap](#), the statistics of which continue to paint a picture of widespread systemic failure. According to the Federal Reserve's 2022 Survey of Consumer Finances, the typical white family has about [six times as much wealth](#) as the typical Black family, despite the fact that between 2019 and 2022 the typical Black family's wealth rose at about twice the rate of the typical white family's during the same period. The [Black-white homeownership gap](#) has been little changed for decades; in 2021, according to the National Association of Realtors, the Black homeownership rate was 44 percent compared to 72.7 percent among White Americans. White college graduates have [over seven times](#) the amount of wealth as Black college graduates. If you believe the [increasing](#) wealth gap among Black and white Americans is worth closing (and, pointedly, not everyone does), then it's hard to read these statistics without intuiting that a federal intervention must be part of the equation.

I am both encouraged by more local reparations policies and wary of what we lose if we rely on them alone. In my novel, I imagined a federal program because I wanted to explore how it could also facilitate psychological healing across generations. What might it mean for Black Americans to feel that their country sees their pain and wants to make it right? If we could acknowledge what we did wrong so that we could begin moving forward?

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Statistics are numbers that don't tell the whole story. They don't show what it's like for a middle-class Black man wearing a hoodie to be denied entry to spaces that white people in the same attire are allowed to patronize. Or what it's like for a Black woman with natural hair to receive sidelong glances in an interview and then be denied a job offer.

While reparations obviously won't solve racism in America, they are still a necessary step. As Ta-Nehisi Coates argued almost 10 years ago in the pivotal [essay](#) "The Case for Reparations," reparations go beyond financial recourse. He wrote: "What I'm talking about is more than recompense for past injustices — more than a handout, a payoff, hush money, or a reluctant bribe. What I'm talking about is a national reckoning that would lead to spiritual renewal."

The word "reparations" has become something of a punchline, and the term invokes anger and frustration across the political spectrum. Trying to prove why reparations might be both worthwhile and realistic can feel like a Sisyphean task. The thought of increased tax rates or inflation to fund a national program can inspire panic. But as William A. Darity Jr. and A. Kirsten Mullen point out in their 2020 book "From Here

to Equality,” a reparations proposal could span several years, with money disbursed in installments and potentially only after applicants apply to use the funds to purchase a home or start a business.

If there is doubt that the United States can afford this, consider how quickly the country mobilized to provide \$800 billion for the Paycheck Protection Program during the pandemic or hundreds of billions of dollars to bail out banks in 2008. Then consider what the public reaction might be if there was a Black reparations program with even a tiny fraction of those price tags. I find this to be a helpful thought experiment — it is not a matter of if we can do it, but rather whether we want to. It is a matter of acknowledging what we value, and deciding whether atonement for roughly 250 years of brutalization makes the cut.

In the book, I imagine what conditions would have to be true for the United States to move closer toward a federal reparations program. If those conditions were met, what might it actually look like for one family? What might be the pros and cons? Part of the promise of creating art in America is that it allows us to examine difficult topics while illuminating universal truths. It helps us acknowledge who we are, while preparing us for the way forward. As my protagonist’s grandfather says to his family: “I never thought in my lifetime, son. Not in my lifetime.”

It’s unclear if or when America will make amends to Black families. But if we do, it’s likely that someone, somewhere, will remark in relief at the recompense long overdue.

# ***Oakland Cannabis Sellers, Once Full of Hope, Face a Harsh Reality***

The cannabis industry, designed in part to help communities upended by the war on drugs, is being threatened by theft, racism and a market that is stacked against small operators.

By [Michael Corkery](#)  
Photographs by [Jim Wilson](#)

- March 15, 2022

OAKLAND, Calif. — Across from where the Athletics play baseball sits a two-story concrete building painted bright orange and white. It is home to a cannabis dispensary called Blunts and Moore.

A pair of inflatable “tube guys” flap crazily on the roof, beckoning customers with their windblown gyrations. A food truck sells tacos in the parking lot under a bright California sun.

But there are signs that all is not well here. Bullet holes etched by an assault rifle dot the entrance. Three security guards, dressed in military fatigues, screen customers as they pass through a metal detector. One of the guards, a former infantryman, wears a camouflage Kevlar vest and mirrored sunglasses. A 9-millimeter pistol and 50 rounds of ammunition are strapped to his waist.

“It’s crazy to think we need all this war stuff to protect our business,” said the store’s owner, Alphonso Blunt, who is known as Tucky. “But that’s where we are today.”

In May 2020, Blunts and Moore was ransacked by thieves with automatic weapons, incurring losses of nearly \$1 million, much of which insurance would not cover. The store, which has the air of a high-end boutique, was robbed again in late November, its shelves cleared and the floor speckled with blood from where the thieves had cut their hands on all the smashed glass. Struggling financially, Mr. Blunt turned to his landlord for a rescue but had to give up some managerial control of the store.

This is not what Mr. Blunt, the City of Oakland or the State of California had in mind for an ambitious effort to help grow a cannabis industry and provide financial opportunity to struggling neighborhoods with a large number of Black and Hispanic residents.



The city's social equity initiative is designed to help entrepreneurs like Alphonso Blunt, who was arrested for a nonviolent cannabis offense in 2005. He was granted an equity license in 2018 by the city to run his dispensary, Blunts and Moore.

Mr. Blunt is among the entrepreneurs in Oakland, many of whom are Black, who were granted equity licenses to run cannabis businesses after California legalized the substance for recreational use in 2016. Applicants who live in areas that had a high number of drug-related arrests or who have a cannabis-related arrest record are given priority to receive the licenses.

Race has often been at the heart of the movement to legalize cannabis. Some states legalized the drug largely to stop the cannabis-related arrests that disproportionately ensnared Black and Hispanic people. But there has also been a push by lawmakers in states like California, Illinois [and New Jersey](#) to ensure that those same communities can profit from the legalized industry, which has been largely dominated by white owners, some of whom have made a fortune on cannabis.

On Thursday, Gov. Kathy Hochul of New York announced that the state planned to give its [first cannabis retail licenses](#) to people who had been convicted of a cannabis crime or their relatives.

Oakland was one of the first cities to prioritize equity licenses for those like Mr. Blunt, 42, who got teased in high school because his name is a common term for a cannabis cigar. In 2005, he was arrested and accused of possessing several small bags of the drug.

The nation's emerging cannabis industry is being shaped by the broader push for racial justice and the belief that creating business opportunities for Black individuals will help lift communities.

But interviews with more than 30 cannabis business owners, investors and regulators in California, an early adopter of equity licenses, show how the hope of fixing historical wrongs is being challenged by the reality of an industry facing troubled business conditions, including issues like high taxes and volatile sales.

Image



Billy Martin, left, helping a customer at Blunts and Moore. The store has been robbed at least twice, one of those times by assailants with automatic weapons. Some of the problems are being exacerbated by conflicting state and federal policies. Even as 18 states [have legalized the substance](#) for recreational use, the federal government still prohibits it.

That means cannabis stores are limited in their access to federally regulated banking services, such as credit cards. Forced to deal largely in cash, the businesses can be a tantalizing target for thieves.

The federal prohibition also makes it difficult to obtain bank financing or small-business loans, forcing some Black social equity applicants to enter deals with investors who sometimes end up controlling the business.

Another challenge is policing. Some say the police in Oakland, at times, have not switched their mind-set from arresting cannabis dealers to protecting their legal businesses. During a wave of robberies late last year, the police never showed up to some of the crimes, business owners say. The police say a surge in crime during the pandemic has stretched their resources.

Insurance companies are also adding to the challenges. Some owners said their claims were denied even though their policies indicated they would be covered. Others said they believe they were treated unfairly during the claims process because they were Black.

“You are giving licenses to people who would struggle in any industry, but in cannabis, the deck is further stacked against them,” said John Hudak, deputy director of the Center for Effective Public Management at the Brookings Institution. “States need to do a better job adjusting for the structural racism built into the system.”

Since the initiative began in 2017, Oakland has granted cannabis licenses to 282 equity applicants and 328 non-equity applicants. But the city does not keep an ongoing tally of how many of those businesses are currently operating.

“While not a panacea, this program is a meaningful step toward embedding fairness and justice in all we do to improve conditions for communities of color,” Greg Minor, an assistant to the city administrator, said in an email. Amid the industry’s struggles,

Mr. Minor said, the state recently authorized a \$5.4 million grant to support Oakland’s equity program and was considering reducing the cannabis taxes.

But for Mr. Blunt, legalization has not produced the boon some might expect. Since he opened his licensed store four years ago, Mr. Blunt has yet to generate a profit.

“Social equity sounds like peaches and cream,” Mr. Blunt said. “But I did better selling weed on the street than I am doing right now.”

## Thin margins and, often, losses



Keith Stephenson started his dispensary, Purple Heart Patient Center, in 2006, but financial difficulties and a robbery in 2020 led him to close it. He hopes to reopen.

Keith Stephenson, 53, is a former aviation maintenance technician who is originally from South Los Angeles. He suffers from a severe form of arthritis and takes cannabis to relieve his constant pain.

“Cannabis saved my life,” he said.

Mr. Stephenson opened his dispensary on Fourth Street in downtown Oakland in 2006, 10 years after California legalized cannabis for medical use.

His goal has long been to own a publicly traded cannabis company. But his store has been closed to customers for nearly two years, the result of theft, vandalism and an insurance company that he says treated him poorly because of his race.

When Mr. Stephenson started his business, there were few of the generous loans or rent subsidies that the city’s equity initiative now provides. He took out a second mortgage on his house and put up \$60,000 in cash as collateral for a secured bank loan. He called the store the Purple Heart Patient Center, inspired by a cannabis strain known as the Granddaddy Purple.

Business was rough at first. He was losing \$130,000 each month, paying to process the raw cannabis, and for security guards at the front door.

Broader legalization brought more customers, but not necessarily higher profits. The state and city impose steep taxes — which can total more than 30 percent of each sale. Some dispensaries take in about \$3 million in revenue annually, but their taxes and expenses leave little left over.

Image



Mr. Stephenson bought a pair of four-ton safes to store his cash and inventory.

Yet there has been a perception around Oakland, he said, that cannabis operators are swimming in money.

On May 29, 2020, Mr. Stephenson was watching the news about the murder of George Floyd when he looked at footage from his store’s security camera on his phone. A man was trying to break in through the bulletproof front door.

Over the next few days, a band of thieves returned and ransacked the store, stealing everything they could. The police told him they were too busy with the broader unrest provoked by Mr. Floyd’s killing to help.

The real fight came months later, when his insurance company reviewed his claims. The adjuster, he said, asked him “leading and insulting” questions, like whether he had left the door open or whether Mr. Stephenson personally knew any of the thieves.

“Are you kidding me?” Mr. Stephenson said in recounting the conversation. “Did I leave the door open? Come on, man. Why is the door beaten in?”

At one point, the adjuster falsely suggested that money had been taken from an A.T.M. inside the store. Mr. Stephenson believed the adjuster wanted to see if he could catch him in a lie. “It is my belief he would not have said that if I was a white male,” he said.

Christy Thiems, a senior director at American Property Casualty Insurance Association, a trade group, said that she did not know the specifics of Mr. Stephenson’s case, but that the claims process could be difficult. Some questioning, she said, could seem offensive to a business owner because adjusters were acting like investigators. Only a limited number of insurance companies are willing to cover the cannabis industry, she added, because of the federal prohibition, and the few insurers

operating in the sector are still trying to understand the “unique risk” that the businesses pose.

In the end, Mr. Stephenson’s insurer rejected most of his claims. Mr. Stephenson is still planning to reopen his doors to customers late next month or in May.

“There is no Plan B,” he said.

## ‘Where are the police?’



Amber Senter in the doorway of a secured area at her cannabis facility, damaged by robbers. The police wouldn’t go to the site when she reported the break-in.  
Image



Weighing a package of cannabis-infused honey at Ms. Senter’s facility.  
Image





The honey and other extracts can be used in edible products.

In the early hours of Nov. 20, a group of 12 people, many of their faces obscured by sweatshirt hoods, streamed into Amber Senter’s cannabis manufacturing facility in East Oakland.

This is where Ms. Senter provides space to help social equity cannabis businesses get off the ground.

The robbers broke through the first door easily, security footage showed, then a second door and a third. Most of the cannabis product was locked in a cage, which the thieves couldn’t breach. Ms. Senter estimates that the damage totaled \$20,000.

But when she called the police, they told her to fill out a report online. “Where are the police?” Ms. Senter said. “Why aren’t they helping us?”

Over one 24-hour period in November, the police said, they investigated more than a dozen reported burglaries of cannabis businesses across Oakland, including several in which the thieves were armed and one in which officers were shot at as they responded.

That rash of robberies followed burglaries and crimes at other cannabis businesses through the spring and summer of 2020.

In a statement, a spokesman for the Oakland Police Department said it “treats the cannabis businesses as it does all businesses in the city of Oakland” and added that the police were engaged in “ongoing meetings with cannabis business owners” over safety issues.

Image



Ersie Joyner, a security consultant to the cannabis industry, is a former Oakland police captain. He was shot multiple times during a robbery at this Oakland gas station.

Ersie Joyner, a retired captain in the Oakland Police Department, said that after arresting drug dealers for decades, some officers still did not respect the cannabis industry as a legitimate enterprise.

Mr. Joyner, who supervised Mr. Blunt's arrest 17 years ago, understands how ingrained drug prosecution is in law enforcement.

"The messaging from the highest level of government was that drugs are bad and destroying the community, and law enforcement should have zero tolerance," Mr. Joyner said. "Looking back, it was absolutely the wrong way of dealing with this societal issue."

Mr. Joyner, who now works as a security consultant to cannabis businesses, said the police needed to adjust their attitudes. He said it took the Oakland police nearly three hours to dispatch officers to the store of one of his clients, whose cannabis business had been robbed.

"If this happened to Bank of America, the police would have a more robust response," said Mr. Joyner, who was nearly killed [in a shootout with robbers](#) at an Oakland gas station in late October. The doctors, he said, found 22 bullet holes in his body.

In many instances, private security companies are acting as the unofficial police force of the city's cannabis industry.

Image



A door broken in a robbery awaiting repair at Blunts and Moore.

One security firm, Black Anchor Tactical Response, operates a set of sport utility vehicles with a color scheme similar to those of Oakland police cruisers. When a client transports cannabis from a warehouse to a store, the company’s guards, some of whom are veterans who served in Iraq and Afghanistan, block off city streets to prevent ambushes. The firm also guards cannabis operators’ homes.

While it is difficult to pinpoint what prompted surging crime during the pandemic, the legacy of mass drug arrests still looms over Oakland.

About 71 percent of those arrested on suspicion of cannabis offenses in Oakland between 1995 and 2015 were Black, according to [an analysis by the city](#). During that time, Oakland’s Black population was 30 percent.

The robberies and property damage are compounding the cannabis industry’s other challenges, such as high taxes.

“Why would I want to transition to the legal market if I know I am going to go broke?” said Chaney Turner, a member of the city’s Cannabis Regulatory Commission.

Image



Chaney Turner, a member of the city’s Cannabis Regulatory Commission, said the legal, heavily taxed industry had a hard time competing with the lower prices charged on the street.

## ‘This is not sustainable’

When Tucky Blunt was selected for one of Oakland’s first equity cannabis licenses in early 2018, he remembers shouting out his gratitude to the crowd gathered at City Hall.

Mr. Blunt, who started selling cannabis to his co-workers at a grocery store when he was 16, also remembers being surrounded that day by representatives from established cannabis companies looking to be his partner. Some wanted to lend him money in exchange for an ownership stake in his store; he wanted to own it outright.

But he didn’t have the money needed to start a licensed business. So he agreed to do a deal with a larger cannabis operator, Grizzly Peak, started by a real estate contractor from San Diego named Dave Gash.

Grizzly Peak, which focuses on cultivating cannabis, was denied a dispensary license in Oakland and was looking for a partner to open a store.

Image



Faced with financial difficulties, Mr. Blunt, left, accepted help from his landlord but ceded more managerial control. He still owns the business.

Mr. Blunt was proud of his store’s appearance: glass cases displaying cannabis cigarettes and brightly colored packs of gummies and lots of natural light.

But Mr. Blunt also struggled with the rising taxes; the cost of the armed guards, who are each paid about \$30 an hour; and the looting in the late spring of 2020.

The bigger problem, he said, was that one of his partners, who oversaw the books, stopped paying taxes and vendors. A year ago, Mr. Blunt had to close for several months because the store’s finances were a shambles.

Grizzly Peak agreed to bail him out, but Mr. Gash told Mr. Blunt, “We have to do it our way, and we need total control.”

Mr. Gash's company has now taken tighter oversight of the store and will split any profits with Mr. Blunt, who still owns a majority stake in the store but is paid a salary as a consultant.

"I am grateful that Grizzly Peak believes in me," Mr. Blunt said. "I wouldn't be in business without them."

In late November, business was looking up. The store's finances had been stabilized. But then, a few days before Thanksgiving, Mr. Blunt's store was robbed for the second time in 18 months. The thieves cleared out much of the store.

"This," he said, "is not sustainable."

# *Legal Marijuana's Unresolved Issues a Year On*

In many ways, the science has yet to catch up to legislation when it comes to the legalization of cannabis.



By [Ian Austen](#)

Dec. 20, 2019

**Sign up for the Canada Letter Newsletter** Back stories and analysis from our Canadian correspondents, plus a handpicked selection of our recent Canada-related coverage. [Get it sent to your inbox.](#)

Just over a year has passed since Canada became the first large industrialized nation to legalize recreational marijuana. Here's the mini version of the article I wrote for The Times about what it has brought the country: tears for investors, frustration for many shoppers and indifference from most of the public, but few of the widely feared problems. Please let me encourage you to read the full version.



A Canopy growing room in Smiths Falls, Ontario. Credit...Chris Wattie for The New York Times

As is often the case with longer stories, my reporting took me down many paths that ultimately couldn't be included in the article. But as we mark the first week of legal sales of edibles (if, again, on a limited basis), let's look at some of the unresolved issues surrounding the legal marijuana market:

— I spoke with Monica Haberl, a researcher at the Conference Board of Canada, who studies how employers are dealing with cannabis use by their workers.

She compared the fears in the run-up to marijuana legalization with the Y2K fretting of two decades ago.

“There was all this hubbub sort of leading up to it, and then it wasn't really the disaster that people expected it to be,” Ms. Haberl said. “I always have to add the qualifier that it doesn't mean that there aren't still legitimate concerns and that there won't be new ones in the future. So it's still something worth having a conversation about.”

At the top of the list of her concerns are the effects of edibles on workplaces. Smoking remains the most common way for Canadians to get their marijuana buzzes. For employers that's a good thing, as it leaves a lingering and unmistakable odor on users. (By the way, the smell in commercial marijuana grow rooms like the one pictured in this newsletter is almost unbearable after a couple of minutes.)



Marijuana plants used for cloning at Canopy Growth. Credit...Ian Austen/The New York Times

But, Ms. Haberl said, “from a workplace safety standpoint, edibles are just easier to hide and harder for an employer to detect.”

On top of all that, she said, the science is still out on how to define marijuana impairment, something that has become even more difficult with edibles because they metabolize differently within the body than smoked weed.

“The science is not there to say ‘one tokes for women, two tokes for men,’ as is the case with alcohol and blood levels,” she said. “The science is essentially behind the legislation.”

— At McMaster University in Hamilton, Michael Amlung, a professor of psychiatry who studies addictions, told me that defining impairment isn't the only outstanding cannabis issue on researchers' agendas.

“One of the things that's concerning from my standpoint in terms of research is when we're talking about cannabis use among youth. We don't know much about the effects of cannabis on the developing brain — and the brain does continue to develop into the teen years and into the early 20s,” he said. “There is some preliminary evidence that heavy cannabis use during those time periods can impact typical neural development, but we don't understand yet what the potential long-term consequences may be.”

He is also dismayed about many claims around marijuana, particularly the idea that different strains offer specific properties — like, say, aiding sleep.

“There is a lot of snake oil at this point,” he said. “This idea that cannabis is a miracle plant that will cure all of your ailments is, at least currently, not supported by the science.”

Genetic analysis by botanists, Professor Amlung said, shows that there has been so much cross breeding between strains “that those labels are largely meaningless from a scientific standpoint.”



Labels for cannabis-infused drinks, which became legal this week in Canada. Credit... Ian Austen/The New York Times

But while he had concerns, Professor Amlung was also confident in predicting that there was little possibility that Canada would become a land of stoners, even if legalization led to more people using cannabis.

“In terms of it being a scourge on society and leading to the so-called reefer madness, I just don't see that as being a likely outcome,” he said.

— Finally, it's not clear when the industry will start making money. All of the investment experts I interviewed agreed that we would see many mergers between the various marijuana producers, leading ultimately to a smaller number of large growers.



But none of them were willing to predict when the industry might produce the riches it once promised investors.

“It has been a remarkable swing from euphoria to where we are now,” Eric Kirzner, a professor emeritus of finance at the University of Toronto’s Rotman School of Management, told me. “But it really was a crapshoot then, and it’s a crapshoot now.”

# ***Black Lawmakers to Block Legalized Marijuana in N.Y. if Their Communities Don't Benefit***



At a recent conference in Brooklyn on marijuana legalization, Jacob Plowden, left, spoke about the lack of diversity and inclusion in the cannabis industry. Credit...Demetrius Freeman for The New York Times

By [Vivian Wang](#) and [Jeffery C. Mays](#)

- March 11, 2019

[What you need to know to start the day: [Get New York Today in your inbox.](#)]

Black lawmakers are blocking a push to legalize recreational marijuana in New York, warning that Gov. Andrew M. Cuomo's proposal could perpetuate the racial inequality fostered under current drug laws.

The lawmakers say that unless people of color are guaranteed a share of the [potentially \\$3 billion industry](#), there may be no legalization this year. They want to be assured that some of that money will go toward job training programs, and that minority entrepreneurs will receive licenses to cultivate or sell the marijuana.

Ten states and Washington, D.C., have legalized recreational marijuana, and as lawmakers elsewhere consider their own laws, they seem intent on not repeating what they see as other states' mistakes.

They say one misstep, in particular, stands out: None of the 10 states or Washington ensured that minority communities would share in any economic windfall of legalization — missing out on an opportunity to redress years of having a disproportionate number of African-Americans arrested on marijuana charges.

In New York, the question of economic return for those communities has emerged as a defining issue.

“I haven’t seen anyone do it correctly,” Assemblywoman Crystal Peoples-Stokes, the first black woman to serve as Assembly majority leader, said of legalization.

“They thought we were going to trust that at the end of the day, these communities would be invested in. But that’s not something I want to trust,” she continued. “If it’s not required in the statute, then it won’t happen.”

Critics say marijuana legalization has fostered an inequitable system in which wealthy, white investors often reap the profits of the fledgling industry.

In Colorado, black entrepreneurs said they were [banned from winning licenses because of marijuana-related convictions](#). Black people make up just a [handful of the thousands of cultivation or dispensary license holders](#) there, and continue to be arrested on marijuana-related charges at [almost three times the rate of white people](#).

In California, several cities introduced equity programs retroactively. Oakland now [requires at least half of licenses](#) to go to people with a cannabis-related conviction and who fell below an income threshold.

The black New York lawmakers include some of marijuana legalization’s most vocal supporters, but they want to make their state the first to tie legalization directly to an economic equity program. And that has meant seeking changes to Mr. Cuomo’s proposal, which though it provides for a “social and economic equity plan,” does not specify how much weight would be given to minority license applicants, or how much money would be invested in communities ravaged by the war on drugs.

Alphonso David, the governor’s counsel, said that those provisions would be written in regulation after legalization was passed. “Some people are looking for a level of detail that may not be appropriate for legislation, and we have to be careful how we implement the legislation so we don’t have to change it every few years,” he said.

But opponents say those omissions undercut Mr. Cuomo’s efforts to frame legalization as a way to right the wrongs that decades of criminalization had wrought on communities. He called for sealing some drug-related records and funding substance abuse treatment.

Even as Mr. Cuomo has pressed for speed, urging the Legislature to include legalization in the state budget in April, crucial lawmakers have shown little interest in rushing his proposal through.



Assemblywoman Crystal Peoples-Stokes, the Democratic majority leader, said New York must ensure that marijuana legalization would bring an economic return for people of color, or “it won’t happen.” Credit...Hans Pennink/Associated Press  
“It’s not going to go the way it looks now,” said Ms. Peoples-Stokes, a Democrat who represents a district that includes Buffalo. She has introduced her own bill, which directs half of all marijuana revenue to a community fund supporting job training, and prioritizes licenses for people from communities most affected by criminalization.

Mr. Cuomo seemed to acknowledge as much on Monday, telling reporters that he was “no longer confident” that marijuana would be in the budget.

The debate in New York is unfurling as at least three Democratic presidential candidates — Senators Kamala Harris of California and Elizabeth Warren of Massachusetts, and Julian Castro — have said they [support reparations for African-Americans](#). Representative Alexandria Ocasio-Cortez [recently called for “affirmative action” licensing](#) for entrepreneurs of color in the marijuana industry.

Senator Cory Booker of New Jersey, another presidential candidate, has introduced a bill to legalize marijuana nationwide. Co-sponsored by four other Democratic presidential hopefuls, including Senator Kirsten Gillibrand of New York, it includes provisions for job investment in minority communities.

In New Jersey, where the Legislature is also weighing legalization, a coalition of black pastors, the N.A.A.C.P. and advocates is also pushing for legalization [only if tied to community reinvestment](#). After lawmakers in November moved the bill through a committee, the state’s chapter of the American Civil Liberties Union called [adding language about education and job training a top priority](#).

Of particular concern in New York has been the influence of wealthy medical marijuana corporations, which are overwhelmingly led by white people and may be well positioned to capitalize on the recreational industry.

That concern has made itself so clear that the New York Medical Cannabis Industry Association, worried that legislators might seek to shut them out of the new industry, sent a letter to Mr. Cuomo and legislative leaders on Monday promising to set up a

\$25 million “Cannabis Economic Opportunity Fund” to provide zero-interest loans to companies led by women and people of color. (The association recently asked the company MedMen to [resign from the group](#) amid allegations of racism among top executives.)

The medical companies have sought to shape the bill in other ways, too: Their executives and people tied to them have [donated more than \\$600,000](#) to Mr. Cuomo’s campaign account.

The governor’s bill also would require applicants to already have the land, buildings and equipment needed for their businesses, which would effectively exclude many black people because of historical disparities in capital, said Cassandra Frederique, New York State director at the Drug Policy Alliance, a nonprofit group. Ms. Frederique’s group is pushing for the bill to include zero-interest loans and provisional licenses.

Mr. David said the state’s regulations after legalization could include zero-interest loans for minority entrepreneurs, funded by payments from companies seeking licenses.

Other interests are already clamoring for a share of the hypothetical tax revenue as well, which has been projected to reach as much as \$677 million a year. Last month, [Mr. Cuomo and Mayor Bill de Blasio announced a plan](#) to divert at least some of the money to New York City’s subway system.

But legislative leaders suggested that revenue might not materialize without a robust economic equity plan.

“I was very clear with the governor and the mayor that the marijuana revenue, if we get there,” should go first to “community investment,” the Assembly speaker, Carl E. Heastie, said.

A bill that includes only criminal justice changes, at the expense of economic ones, would not meet that standard, advocates said.



Representative Hakeem Jeffries, who spoke at the recent conference on legalizing marijuana, said there had been an “overemphasis on social justice,” when “the economic aspect of marijuana legalization” was more critical for black communities. Credit...Demetrius Freeman for The New York Times

“Some people exploit the social justice piece of legalization,” said Bertha Lewis, president of the Black Institute and a chief strategist for We Rise to Legalize, a coalition of advocacy groups.

“You can't talk to me about justice and not talk to me about economics. They are inextricably joined.”

Throughout New York City, communities are trying to ensure that they see some benefit from legalization, regardless of what happens in Albany.

The City Council's Progressive Caucus and the Black Latino and Asian Caucus recently introduced laws and resolutions calling for the city to have local control over home delivery and cultivation of marijuana, potentially allowing smaller businesses to share in the sales.

“Not arresting people is not good enough,” Donovan Richards, a city councilman from Queens, said. “Economic justice must be served.”

For some marijuana skeptics, “economic justice” has become the selling point, and also the sticking point. The Rev. Anthony Trufant, pastor of the Emmanuel Baptist Church in Brooklyn, held a conference with the group Women Grow at his church last month that was aimed at improving diversity in the cannabis industry.

Among its speakers was Representative Hakeem Jeffries, who said in an interview that a “growing emphasis on the economic aspect of marijuana legalization” had replaced an “overemphasis on social justice.”

Mr. Trufant said the economic argument had helped ease his initial hesitation about legalization.

“There are opportunities for investment,” he said. “There are opportunities for employment.”

If reinvestment initiatives are not put in place alongside legalization, the underground market is likely to remain, said Dasheeda Dawson, the chief executive of MJM Strategy, a cannabis consulting and marketing firm.

“The industry right now reads as very white,” Ms. Dawson said. “If I'm in the hood and I'm hooking up my man with revenue by purchasing from him, I'm going to continue to buy black.”

Still, the economic argument has not won over all the skeptics.

The Rev. Johnnie Green Jr. of Mount Neboh Baptist Church in Harlem said black politicians and activists were “fooling themselves” if they thought licenses to sell marijuana would go to the black community.

“The licenses will go disproportionately to Caucasians. It’s already been proven in every city where there’s legalization of pot,” he said. “I just wish they would stop acting like this is a win-win for the black community.”

The Rev. Reginald Lee Bachus of Abyssinian Baptist Church in Harlem said he would push to ensure that legalization, if successful, would create funding for black communities, but would not push for legalization itself because the issue had divided his congregation.

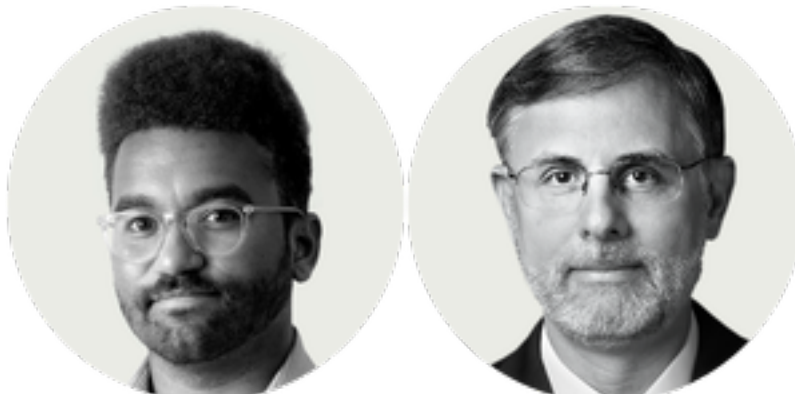
“I lose a segment of my support if I come down on one side or the other,” Mr. Bachus said, “but I have 100 percent support if I talk about the tax revenue.”

# *Marijuana Pardons Affect Just a Sliver of Those Swept Up in the War on Drugs*

President Biden’s pardons for thousands of Americans convicted of possessing marijuana don’t apply to state charges or many immigrants at risk of deportation.



Valerie Schultz said she was thankful for the president’s pardon, but was mindful that many more nonviolent drug offenders remained in prison. Credit...Tracy Nguyen for The New York Times



By [Zolan Kanno-Youngs](#) and [Michael D. Shear](#)

Nov. 27, 2022

[Leer en español](#)

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WASHINGTON — Valerie Schultz’s conviction for possession of a small amount of marijuana in 2010 was anything but simple.



Ms. Schultz was arrested on federal land, the Mount Olympus Trail in Utah, which means she was charged under federal law. The authorities found pot in her car, so her license was revoked. Without the ability to drive, she was forced to give up her job teaching second grade.

“It just seemed like it was very harsh punishment,” said Ms. Schultz, 33. “You think I’m such a menace to society because I’m smoking in a forest?”

President Biden’s decision last month to [pardon thousands of people](#) who had been convicted of marijuana possession under federal law was an acknowledgment that his administration does not see possession of cannabis, with no intent to sell or distribute, as a public safety threat.

But people like Ms. Schultz, whose lone conviction has hounded her for more than a decade, represent just a sliver of those swept up in the decades-long war on drugs. A majority of marijuana convictions have been state crimes, which Mr. Biden does not have the authority to pardon; he can only hope that governors will follow suit.

And while many advocates welcomed the presidential act of forgiveness, they say far too many people — many of them Black and Latino — are not eligible for the pardons, leaving them with minor marijuana convictions that will continue to get in the way of job prospects, educational opportunities and financing for homes.

Kevin Munoz, a White House spokesman, said the marijuana announcement was one of the largest single uses of the president’s pardon power in history, one that “will bring relief to thousands of Americans, disproportionately Black and brown, who are unfairly barred from housing, employment and benefits.”

The highly targeted pardons fit a broader pattern for Mr. Biden when it comes to reforming America’s criminal justice system. A champion of aggressive drug laws earlier in his career, [including the 1994 crime bill that led to mass incarceration](#), he has more recently embraced leniency for those convicted of minor drug offenses.

As president, he has favored taking limited steps that enact change slowly — not the kind of overhauls that some in his party believe are necessary to reverse the impact of harsh prison sentences that have disproportionately harmed minorities. (Mr. Biden has said he does not support legalizing marijuana, putting him at odds with 80 percent of self-described Democrats and 68 percent of Americans, according to a Gallup poll released this month.)

“It’s symbolic to have the White House to start getting behind decriminalization of marijuana in this intentional way,” said Nayna Gupta, the associate director of policy at the National Immigrant Justice Center. She said that 45,000 immigrants had been deported for state and federal marijuana possession charges between 2003 and 2018. “But the symbolism of it is different than who does it actually help and affect and impact?”

Criminal justice reform advocates said most federal marijuana possession cases involved someone found with the drug at a border checkpoint, on federally owned land or at an airport — even if they were flying out of a state that has legalized marijuana use.

More than 55 percent of the 7,800 citizens and legal permanent residents convicted of federal marijuana possession from 1992 to 2021 were Black or Hispanic, according to data released by the U.S. Sentencing Commission. Most of the prosecutions for the drug have occurred in California, Arizona and Texas. Nearly 150 people were sentenced in the federal prison system for marijuana possession in the 2021 fiscal year, while more than 1,000 offenders were sentenced for trafficking marijuana, according to the commission.

Image



Jeremy Sharp said the president’s efforts regarding marijuana did not go far enough. Credit...Kendrick Brinson for The New York Times

Ms. Schultz, now a freelance filmmaker in Los Angeles, said she was thankful for Mr. Biden’s pardon, especially since a clear record may make it easier for her to secure a mortgage. But she questioned what additional research of marijuana Mr. Biden would need to issue more sweeping action that would cover more nonviolent drug offenders currently in prison.

“How long have they been saying, ‘Let’s study it?’” Ms. Schultz said. “The research is out there.”

Legal permanent residents — people with green cards — were covered by the president’s pardons. But they left out many immigrants at risk of deportation because of marijuana convictions. Mr. Biden’s order failed to instruct federal immigration authorities to stop deporting immigrants for possession of pot, according to [a letter](#) sent to Mr. Biden this month by dozens of civil and immigrant rights groups.

“You rooted the Oct. 6 proclamation in the pursuit of racial equity, noting that ‘Black and brown people have been arrested, prosecuted and convicted at disproportionate rates,’” the groups wrote. “Yet you exclude Black and brown immigrants facing the same structural racism as U.S. citizens.”

Kenault Lawrence, 38, immigrated legally to the United States when he was 10, settling in Front Royal, Va., and graduating from high school as an undefeated wrestling champion. Years after two Virginia misdemeanor convictions for possession with intent to distribute less than half an ounce of marijuana, Mr. Lawrence was detained by federal agents for more than a year and deported to Jamaica.

His first son was born months after he was detained in 2011, and he was deported in 2012, forcing him to spend almost a decade away from his wife, an American citizen, and his son.

Advocacy groups spent almost nine years working to get Mr. Lawrence returned to the United States. But after finally succeeding in coming home last year, he faces the possibility of being deported again if he cannot persuade an immigration court to permanently cancel his deportation. Since his charges included intent to distribute and were under state law, and because the president's order did not address deportations, Mr. Biden's pardon will not help.

"This is America," Mr. Lawrence said, adding that he was thankful to be home but worried that his use of pot decades ago could send him away again. "People do smoke weed and you know, now it's legal. Back then, we used to hide it."

Mr. Biden's pardons may have helped rally Democratic supporters to the polls in the midterm elections by serving as a kind of political down payment for those who wanted the president to go much further.

Some governors took notice: Gov. Kate Brown of Oregon, a Democrat, last week announced pardons for state charges of simple marijuana possession before 2016, when marijuana was legalized in Oregon. The move affects an estimated 45,000 people, the governor's office said.

Other Democratic governors, including in Louisiana and Minnesota, do not have the authority to issue pardons for marijuana offenses; they must go through state boards instead.

Still, Republicans have seized on the president's decision to portray him as weak on law and order. And several Republican governors have already rejected the president's advice. Gov. Asa Hutchinson of Arkansas accused Mr. Biden of "playing election-year politics" with the marijuana announcement and said such pardons should be considered on a case-by-case basis "in this time of rising crime." A spokeswoman for Gov. Greg Abbott of Texas said the state would not take "criminal justice advice from the leader of the defund police party." (Mr. Biden has not supported defunding the police.)

Mr. Biden also directed federal agencies to review whether marijuana should remain classified as a Schedule 1 drug — the same legal category as heroin and LSD. Advocates argue that changing the classification could encourage lawmakers to lighten the criminal penalties for marijuana-related crimes.

Image



Kenault Lawrence's first son was born months after he was detained in 2011. He was deported in 2012, and has been forced to spend almost a decade away from his wife, an American citizen, and his son. Credit...Jason Andrew for The New York Times

Changing the classification would make it easier for legal cannabis companies to use federally chartered banks, and it would allow federal health officials to conduct research on the medical impact of marijuana.

Mr. Biden's aides say those who are not eligible for pardons under the current order can apply for one through the Justice Department's normal clemency process — a case-by-case system the president used to commute the sentences of 75 drug offenders this year. He has committed to relying less on prison for nonviolent drug offenders by expanding prevention programs and alternatives to detention.

Jeremy Sharp, a 35-year-old from Athens, Ga., who speaks to college students about drugs, said he knew how even minor drug offenses could upend a person's life.

While leading overdose prevention training recently at the University of Georgia, Mr. Sharp spoke to students about how he had been charged with marijuana possession three times, which he believes put him at a disadvantage as he pursues law school. He hopes to build a career helping people struggling with addiction avoid incarceration.

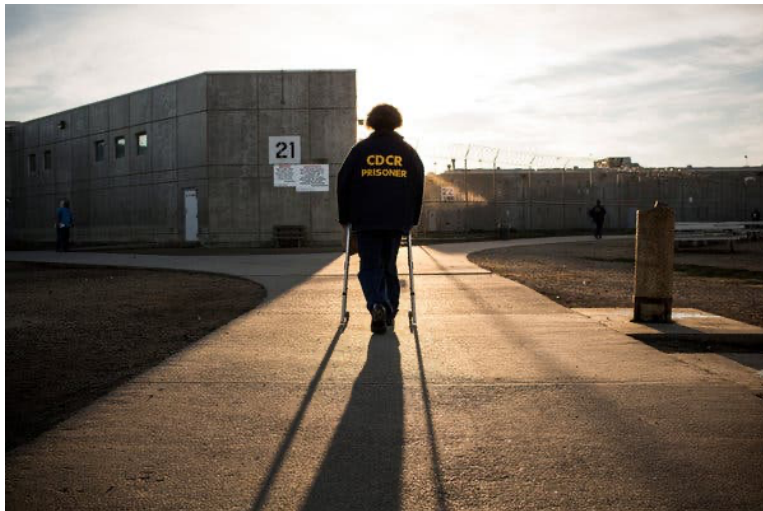
Mr. Sharp would not be eligible for a pardon because he was convicted on state charges. But he said he saw Mr. Biden's decision as a symbolic gesture rather than a sign of broad change.

"It is a political move," Mr. Sharp told the group of college students.

# ***Boehner Benefits From Weed. Blacks Are in Prison for Using It.***

**By Vincent M. Southerland and Johanna B. Steinberg**

Mr. Southerland is the executive director of the [Center on Race, Inequality and the Law](#) at New York University Law School. Ms. Steinberg is the director of impact litigation at the [Bronx Defenders](#). They were attorneys at the [N.A.A.C.P. Legal Defense and Educational Fund](#).



A 56 year old inmate in California who has been to prison four times for possession of marijuana. Credit...Andrew Burton/Getty Images

If you want to see an example of staggering hypocrisy in the criminal justice system, consider the contrast between [Fate Vincent Winslow](#), a prisoner in Louisiana, and John Boehner, the Ohio Republican who is a former speaker of the House of Representatives.

A decade ago, an undercover police officer approached Mr. Winslow, a homeless black man, and asked for help buying marijuana. Mr. Winslow desperately needed the money, so he helped the officer buy two dime bags for a \$5 profit. For that, he is serving life without parole for distribution of marijuana in the infamous Angola prison.

Last week, Mr. Boehner announced that he will [join the board](#) of Acreage Holdings, a marijuana cultivation and distribution company, citing the drug's therapeutic benefits for veterans with post-traumatic stress disorder. This is the same John Boehner who declared himself "[unalterably opposed](#)" to legalization in 2011 and who voted to prohibit medical marijuana in the District of Columbia in 1999. The tide has turned. [Thirty-nine states](#) have legalized marijuana for recreational or medicinal purposes. The legal marijuana industry raked in [\\$9 billion](#) in sales last year and is expected to bring in [\\$11 billion](#) this year. Nevada netted [\\$30 million](#) in tax revenue in the first six months of legal sales, while Colorado has earned more

than [\\$500 million](#) in tax revenue since recreational marijuana sales became legal there in 2014.



John Boehner recently announced that he will join the board of Acreage Holdings, a marijuana cultivation and distribution company. In a statement the former speaker of the house said he was joining the company, "*in pursuit of their mission to bring safe, consistent and reliable products to patients and consumers who could benefit.*"Credit...Alex Brandon/Associated Press

The problem here is not Mr. Boehner's evolution in thinking on marijuana. Drug policies should be informed by science, and Mr. Boehner's shift on marijuana mirrors that of a [majority of Americans](#) who now support legalization.

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The problem is with race. As white people exploit the changing tide on marijuana, the racism that drove its prohibition is ignored. So are the consequences for black communities, where the war on drugs is most heavily waged.

In the early 20th century, the campaign to prohibit marijuana was built on racist myths and xenophobic propaganda. Henry Anslinger, the head of what was, in 1930, called the Federal Bureau of Narcotics, reportedly [said](#) that "reefer makes darkies think they're as good as white men."

Richard Nixon's war on drugs continued the trend. Consider what his former aide John Ehrlichman told Harper's Magazine: "The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and black people," he said. "We knew we couldn't make it illegal to be either against the war or blacks. But by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities."

This narrative, reinforced over decades of marijuana prohibition, is reflected in racial disparities in marijuana arrests. In 2010, black people were [nearly four times](#) as likely to be arrested on charges of marijuana possession as whites, even though they use the drug at about the same rate.

Legalization has barely made a dent in those disparities. As of 2014 in Colorado, the marijuana arrest rate for black people was almost [three times](#) that of whites. In New York City, the marijuana arrest rate for black people in New York City was over [four times](#) that of whites; the Bronx has one of the country's [highest rates of marijuana arrests](#). Meanwhile, black people make up [an estimated 1 percent](#) of marijuana dispensary owners, owning less than three dozen of the 3,000 or so retail shops nationwide.

[Too many people](#) have been deported, made homeless, lost financial aid, levied fines and fees or had their children taken away from them because of marijuana arrests.

White entrepreneurs who are cashing in on legal marijuana must work to reverse these trends. People in the marijuana industry, and the lawmakers who help it flourish, should highlight the racist history of marijuana prohibition and acknowledge its continuing impact.

The cannabis industry must also press for policies to decriminalize marijuana. It should call for the release of people like Mr. Winslow who sit in jails and prisons for the mere use, possession or sale of marijuana. And it must push legislators, prosecutors and law enforcement officers to throw out convictions derived from marijuana offenses.

Cannabis profiteers and customers should also push their lawmakers to emulate Massachusetts, Pennsylvania, Florida and the city of Oakland, Calif., each of which has [enacted policies](#), in some cases described as “marijuana reparations,” that encourage and give priority on retail licenses to people of color and those who have been disproportionately harmed by marijuana prohibition and enforcement.

More white people should do what Mr. Boehner did and publicly announce their support of sensible marijuana policy. They should draw on their own experiences to undermine the racialized stigma the drug was long tagged with. The reality is that when a problem has a white face, the government and law enforcement agencies are more likely to react sensibly to that problem.

As white people make money from marijuana, black people languish in jail for smoking it.

# ***Maryland Governor Pardons 175,000 Marijuana Convictions***

The state legalized the use of recreational marijuana in 2022. Several other states and the federal government have also wiped out low-level convictions for marijuana possession.

## **Maryland Governor Issues Sweeping Pardons for Marijuana Convictions**

**Gov. Wes Moore of Maryland pardoned more than 175,000 convictions on low-level marijuana charges, two years after the state legalized the use of recreational marijuana.**

“With deep pride and soberness, I will pardon over 175,000 convictions. I will grant pardons to Marylanders who have been convicted for misdemeanor possession of cannabis. And second, I will grant full pardons to Marylanders who have been convicted of certain misdemeanor possession crimes of drug paraphernalia.” “Your action today is about equity. It’s about racial justice. While the order applies to all who meet its criteria, the impact is a triumphant victory for African Americans and other Marylanders of color who are disproportionately arrested, convicted and sentenced for actions yesterday that are lawful today.”

Gov. Wes Moore of Maryland pardoned more than 175,000 convictions on low-level marijuana charges, two years after the state legalized the use of recreational marijuana. CreditCredit...Kenny Holston/The New York Times

**By Rachel Nostrant**

June 17, 2024

Gov. Wes Moore of Maryland signed an executive order on Monday morning that forgives more than 175,000 convictions on low-level charges related to marijuana use.



His administration said the mass pardon would probably affect about 100,000 people convicted of misdemeanor charges like possession. Some of them have multiple convictions.

“This is a responsibility that I take very, very seriously,” Mr. Moore said at a news conference, adding that he was acting “with deep pride and soberness.”

The move comes two days before Juneteenth, an [annual commemoration of the end of slavery](#) in the United States after the Civil War that has been celebrated by Black people since the late 1800s. President Biden signed a bill in 2021 making June 19 a federal holiday.

“Today is about equity; it is about racial justice,” Anthony Brown, Maryland’s attorney general, said on Monday. “While the order applies to all who meet its criteria, the impact is a triumphant victory for African Americans and other Marylanders of color who were disproportionately arrested, convicted and sentenced for actions yesterday that are lawful today.”

Maryland legalized the use of recreational marijuana by a constitutional amendment approved by voters in 2022, and decriminalized the possessions of small amounts meant for person use. Twenty-four states and the District of Columbia have [legalized recreational cannabis](#), according to The Associated Press.

Maryland joins the Biden administration, nine other states and some cities where officials have granted clemency in some form to people convicted of low-level marijuana offenses, [according to a report](#) from the National Organization for the Reform of Marijuana Laws. Maryland’s action stands out for the large number of convictions it forgives at once, according to the organization.

Mr. Moore said his executive order was unique in pardoning people with convictions related to possession of cannabis-related paraphernalia, as well as cannabis possession.

The mass pardon does not remove the convictions entirely from people’s criminal records. Under Maryland’s program, people whose convictions are pardoned can apply to a state court for expungement of their records. Those cases are decided individually by judges, and are not automatic, an administration official told reporters in a background briefing.

The mass pardon applies automatically to anyone with an electronic record showing a misdemeanor marijuana conviction in the state. People with convictions that predate electronic records can also get a pardon, but they must apply individually; their requests will be granted if they meet the criteria, the official said.

By contrast, a pardon program in Pennsylvania for misdemeanor marijuana offenses is not automatic for anyone; all potential recipients must apply individually. Just under 300 people received pardons in 2023 under that program.

A low-level marijuana conviction could be a major life setback, according to Jason Ortiz, a director of the Last Prisoner Project, a group that advocates clemency for cannabis offenders.

"As someone who, at the age of 16, who was arrested for cannabis possession and actually had an accelerated charge because I had paraphernalia and a pack of rolling papers, I was thrown out of school, denied access to my high school education, ripped from my family and my friends and had to endure two years of isolation for a simple cannabis charge," Mr. Ortiz said.

Several Republican lawmakers who have opposed a number of measures relating to the legalization of cannabis in Maryland did not immediately respond to requests for comment on the mass pardon.

The administration official said no one was currently serving prison time in Maryland for misdemeanor marijuana offenses alone, so the executive order would not directly free any prisoner. People convicted of both felony and misdemeanor charges would continue to serve their felony sentences even if the pardon has forgiven their misdemeanors.

# *How 1.2 Million Marijuana Arrests Will Shape New York's Legal Market*

A new map illustrating 42 years of marijuana arrests documents the way that New York disproportionately targeted working-class, Black and Hispanic people for decades.



Justin Sullivan grew up in a New York City neighborhood that was an epicenter of drug arrests. Now the experience could help propel him into the legal cannabis market. Credit...Andrea Mohin/The New York Times



By [Ashley Southall](#)

Ashley Southall covers New York's effort to build one of the nation's largest cannabis industries after more than two decades as the capital of marijuana arrests.

Nov. 24, 2023

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For young Black men like Justin Sullivan, growing up in Harlem in the 2000s came with regular harassment from the police, making it risky to use marijuana. But when

he started making white friends who also smoked weed, he learned that they were not under the same scrutiny.

“That’s when I started seeing how I was vilified for cannabis,” Mr. Sullivan, now 34, said in an interview.

Included with New York’s legalization of weed in 2021 was a central promise to give back to communities that were most harmed by the war on drugs. Now, state cannabis regulators have created [an interactive map](#) from 1.2 million marijuana arrests conducted across the state over the last four decades as a guide to which neighborhoods qualify.

Mr. Sullivan’s distressing experience could give him an advantage as he seeks one of at least 1,000 licenses that cannabis regulators in New York State plan to hand out early next year in a broad expansion of the legal market. Harlem, once a hotbed of drug arrests, is pinpointed in the mapping tool as a leading candidate for redress.

New York set a goal for half of all licenses to be awarded to applicants from the hardest-hit neighborhoods, along with women, racial and ethnic minority applicants, distressed farmers and service-disabled veterans. Regulators will use the map to help determine if applicants qualify as belonging to a disproportionately affected community. And it serves as a clear reminder of how drug enforcement arrests in New York have been concentrated in low-income, Black and Latino communities.

“This wasn’t darts on a wall,” said Tabatha Robinson, the director of economic development, policy and research of the Office of Cannabis Management, the state agency that released the mapping tool last month and regulates the recreational weed market.

Across the country, from California to Massachusetts, similar efforts to make the industry more inclusive have struggled. It has been no different in New York, where an interim dispensary licensing program has been [halted](#) since August by a lawsuit from veterans who say they were illegally excluded.

Researchers who put together the mapping tool analyzed the home addresses of all people arrested in New York State from 1980 through 2021. Enforcement in some neighborhoods was as much as 10 times higher than it would have been if arrests had been evenly distributed across the state, according to Damian Fagon, the state’s chief equity officer for cannabis.

New York City accounted for most of the arrests — about 1 million. The places with the most disproportionate arrest rates were all in the city: a jagged stretch of Brownsville, a boxy tract anchored by a major public hospital in East Flatbush and a triangular expanse of East Harlem surrounding the Robert F. Wagner Houses.

Arrests in the city were highest in the 2000s and early 2010s, during the peak era of stop and frisk, a period when police conducted millions of [mostly unlawful](#) stops targeting Black and Latino men.

Researchers have found [stark racial disparities in arrests](#) that could not be fully explained by the police's persistent claims that they were driven by emergency calls and community complaints and not racial bias.

While the sum of marijuana arrests contributing to the map is staggering, it may be missing millions more encounters. The data set does not include stops where officers issued criminal summonses or wrote tickets for small infractions, where they took no action at all or where they used marijuana as a pretext but the stop did not result in a charge.

Mr. Fagon acknowledged the map's limitations, but he said he believed it still captured the areas most harmed by marijuana arrests and provided people who have lived in those places with a pathway into the legal industry.

The state designated 40 percent of cannabis sales tax revenues to fund reinvestment grants in the places where arrests were high. People who have lived for certain periods in those areas can get priority consideration for business licenses, discounts halving application and licensing fees and financial assistance, training and help with operations.



Damian Fagon, New York State's chief equity officer for cannabis, is among the state regulators who compiled a map of drugs arrests to help identify the areas most targeted by aggressive policing. Credit...Andrea Mohin/The New York Times

Besides serving as a guide, the map will also serve to track whether the state is keeping its commitments. Henry Louis Taylor, an urban studies professor at the University at Buffalo, said the map will help determine whether business and job opportunities in the cannabis industry are flowing to where they're needed the most. It will also be useful for assessing whether future reinvestment initiatives, like job training and health care programs, make a meaningful difference, he said.

"We're going to be able to see whether or not, and to what extent, these communities are going to benefit from the legalization of marijuana," he said. "So I think this is hugely important and significant."

But the cannabis sales those initiatives depend on have lagged amid New York's slow and chaotic rollout. Just 27 adult-use dispensaries have opened across the state since last December, though sales reached \$83 million in the first nine months with the help of new [farmers' markets](#).

The new round of licensing is separate from the earlier, interim program that awarded 463 dispensary licenses to certain nonprofits and to people with prior marijuana convictions or their close relatives, which is now on hold. Regulators also plan to issue licenses for cultivators, processors, distributors and craft businesses that typically have five employees or fewer and can grow, process and sell their own products.

Mr. Sullivan, who plans to vie for one of the 1,000 new licenses, said his family wants to open a dispensary in a barbershop they have owned in Harlem for nearly 60 years. It would be on Frederick Douglass Boulevard in a stretch of Harlem where cannabis arrests rates have been four to six times higher than the state average.

Mr. Sullivan has never been arrested. But as a Harlem resident for many years he is eligible for extra consideration by cannabis regulators. He is also what the state calls a “legacy” dealer, someone who was part of the marijuana industry before legalization — a group that officials are keen on drawing into the legal market.

Mr. Sullivan’s maternal grandfather opened the barbershop in 1964 after migrating from Georgia. He became a successful businessman, obtaining several rental properties and opening the shop before he was sent to prison for six years in the late 1970s on charges that included marijuana distribution, his family said.

Harlem has changed since then, with famous landmarks like the Renaissance Ballroom and Lenox Lounge now home to retail chains, banks, and luxury homes that are out of reach for many longtime residents. Mr. Sullivan’s family has held on to the barbershop building, and they’ve turned a former speakeasy in the back room into a space for cannabis workshops.

“Our neighborhood’s disappearing,” said Phillip Ellison, 37, Mr. Sullivan’s step-cousin and business partner, and a lecturer in entrepreneurship at Tufts University. “So we’re lucky to have the privilege of having space.”

# *House Votes to Decriminalize Cannabis*

Democrats, with some Republican support, voted 220-204 to remove marijuana from the federal list of controlled substances, moving to catch up to the states.



Supporters of marijuana decriminalization, including some Republicans who voted against the Democratic legislation, said on Friday that the vote was a necessary first step toward building consensus on legislation that can become law. Credit...Adriana Zehbrauskas for The New York Times



By [Jonathan Weisman](#)

April 1, 2022

WASHINGTON — The House passed legislation on Friday to decriminalize marijuana at the federal level, as Democrats and three Republicans banded together to capitalize on the political resonance of legalized cannabis as an issue of economic growth, racial justice and states' rights.

The [Marijuana Opportunity Reinvestment and Expungement Act](#), which passed 220-204, is unlikely to secure 60 votes to pass the Senate, despite the backing of the majority leader, Senator Chuck Schumer of New York. But supporters of marijuana decriminalization — even some Republicans who voted against the Democratic

legislation — said on Friday that the vote was a necessary step toward building consensus on something that can become law.

The [Democrats' bill](#) would remove marijuana from the federal government's list of controlled substances, impose an 8 percent tax on cannabis products, allow some convictions on cannabis charges to be expunged and press for sentencing reviews at the federal and state levels. It would also make Small Business Administration loans and services available to cannabis businesses while setting standards for them.

The Republicans voting for the measure were Representatives Matt Gaetz and Brian Mast of Florida and Tom McClintock of California. But other Republicans have signed on to a similar bill by Representative Nancy Mace, Republican of South Carolina. (Two Democrats, Representatives Henry Cuellar of Texas and Chris Pappas of New Hampshire, voted against the legislation on Friday.)

“I’m respecting the process that the Democrats want to go through,” said Ms. Mace, who has made marijuana decriminalization a central issue but voted against the Democratic bill. She added: “You can save the federal government \$600 million over five years, and it saves lives. It’s an important issue. People care about it; the vast majority of Americans care about it.”

By lowering law enforcement and incarceration costs and imposing new taxation, the bill would save the government hundreds of millions of dollars. The [Congressional Budget Office estimated](#) that the act would reduce the federal deficit by nearly \$3 billion over the next decade.

Similar [legislation passed in 2020](#) but went nowhere in the Republican-controlled Senate. The vote on Friday was the first since Mr. Schumer elevated the issue in that chamber. After its passage, he said, “the time has come for comprehensive reform of federal cannabis laws.”

He added, “Of course, we will need Republicans to pass a legalization bill in the Senate, and we will be working hard to try and get them.”

Ms. Mace, backed by [four other Republicans](#), has [her own bill](#), with a lower tax rate to discourage an illicit cannabis trade and other measures to discourage youth consumption. And the Democratic senators Cory Booker of New Jersey and Ron Wyden of Oregon have written a [marijuana decriminalization measure](#) with Mr. Schumer.





Representative Nancy Mace, Republican of South Carolina, is using marijuana to distinguish herself from her Trump-endorsed primary opponent. Credit...Anna MoneyMaker/Getty Images

With 47 states and the District of Columbia having relaxed marijuana laws in some way, the federal government is far behind. Thirty-seven states have legalized cannabis for medical use, and 15 have granted adults legal access for purely recreational purposes.

But because cannabis remains a federally controlled substance on par with heroin, banks insured by the federal government have been loath to make their services available to the burgeoning marijuana industry.

Sales in that industry totaled \$20 billion in 2020 and are projected to more than double by 2025, according to the bill. But those transactions are by and large in cash, without banking services.

“If states are the laboratories of democracy, it is long past time for the federal government to recognize that legalization has been a resounding success, and that the conflict with federal law has become untenable,” said Representative Jerrold Nadler of New York, the chairman of the Judiciary Committee.

Even as states move forward with legalization, people convicted on marijuana offenses — disproportionately people of color — remain imprisoned. The Congressional Budget Office estimated that the bill’s provision to expunge marijuana convictions and lower sentences would reduce time served by current and future inmates by 37,000 years.

“Make no mistake, this is a racial justice bill,” said Representative Barbara Lee, Democrat of California.

During the debate on Friday, House Republicans raised concerns that the bill would expose more children to cannabis and that it ignored mental health issues in adult users. Representative Andy Biggs, Republican of Arizona, mocked a Democratic colleague, Representative Steve Cohen of Tennessee, for mistaking today’s potent strains with those of his youth.

“He’s thinking pot is a drug where people get goofy and eat Cheetos,” Mr. Biggs said of Mr. Cohen.

But they generally skirted the issue, which is broadly popular in both parties, accusing Democrats of failing to address more pressing topics.

“The left will not let the Democrats do what needs to be done with the inflation problem, the energy problem, the illegal immigration problem on the southern border,” said Representative Jim Jordan of Ohio, the senior Republican on the Judiciary Committee. “So what do they do? They legalize drugs. Wow.”

That opposition belied the issue’s popularity with Democratic and Republican voters. Some deeply [Republican states like Oklahoma](#) have become marijuana boom states. [Kansas is the latest state](#) on the verge of legalizing cannabis for medical use.

Federal law is far out of step.

“This is an issue of individual freedom and basic fairness that clearly transcends party lines,” Mr. Schumer, Mr. Wyden and Mr. Booker [wrote in a letter to fellow senators](#) in February. “However, one major hurdle continues to stand in the way of states’ ability to make their own decisions about cannabis — the continued prohibition of marijuana at the federal level.”

Ms. Mace said the Democrats with whom she had been negotiating needed to pass their version of a legalization bill before getting serious about talks on a bipartisan bill, with buy-in from the Senate. She has used the issue to distinguish herself from her Republican primary opponent, Katie Arrington, whom President Donald J. Trump has endorsed.

“I hope that I can be forgiven for voting against it,” Ms. Mace said on Friday, before casting her vote against the Democrats’ bill. “Because I want to continue. I want to work on this issue, but we have to work on it together.”

# ***New Yorkers With Marijuana Convictions Will Get First Retail Licenses***

Officials intend to reserve the first 100 or more retail licenses to sell marijuana in New York for people who have been convicted of related offenses, or their relatives.



New York officials intend to give so-called social equity applicants access to marijuana grown by state farmers. Credit...Sara Naomi Lewkowicz for The New York Times

By [Jesse McKinley](#) and [Grace Ashford](#)

March 9, 2022

ALBANY, N.Y. — New York State will soon announce plans to usher in its first outlets for retail sales of marijuana by the end of the year, giving applicants access to stockpiles of the drug grown by local farmers and offering sweeteners like new storefronts leased by the state.

The only catch? To be one of the state’s first licensed retailers, you or a member of your family must have been convicted of a marijuana-related offense.

The policy, to be announced by Gov. Kathy Hochul on Thursday, is part of a concerted push to assure that early business owners in the state’s projected billion-dollar marijuana industry will be [members of communities that have been affected](#) by the nation’s decades-long war on drugs.

In favoring those with marijuana convictions and prepping their businesses for turnkey sales, New York appears to be trying to avoid pitfalls encountered in some other states, which have seen designated “social equity” applicants and other mom-and-pop marijuana businesses [struggle with issues like lack of capital](#) or competition from deep-pocketed corporate operations.

Chris Alexander, the executive director of the state's Office of Cannabis Management, said that by focusing early on "those who otherwise would have been left behind," New York was in a "position to do something that has not been done before."

To that end, Ms. Hochul has proposed — and the Legislature seems likely to pass — including [\\$200 million](#) in this year's budget to support the fledging businesses, money that would be spent on finding, securing and renovating storefronts for retailers. That need for state assistance is particularly acute in New York City, where real estate [prices have rebounded](#) as the worst of the Covid pandemic has receded.

Under the law passed last March that permitted the possession and recreational use of marijuana in limited amounts by adults, half of all marijuana-related licenses — including those for growers and other parts of the supply chain — are earmarked for women, minorities, distressed farmers, veterans and "individuals who have lived in communities disproportionately impacted" by the drug war.

In New York, [Black and Latino residents have for years been far more likely](#) to be arrested on marijuana charges than white, non-Hispanic people.

Mr. Alexander said he expected between 100 and 200 licenses to go to people who were convicted of a marijuana-related offense before the drug was legalized, or those who have "a parent, guardian, child, spouse, or dependent" with a marijuana conviction.

Mr. Alexander also said his office would evaluate applicants on their business plans and experience in retail.

The resulting dispensaries will be the first to open in the state by the end of the year, Mr. Alexander said, though some others may open shortly after, perhaps in early 2023. The state has not set a limit on the number of retail licenses it plans to issue; state officials said it will depend on market demand.

The proposed regulations were published on Wednesday afternoon on [the cannabis management office's website](#); the state's Cannabis Control Board is expected to meet on Thursday to consider them, with approval anticipated.

The first wave of applicants will likely include people like Baron Fajardo, a Harlem resident who plans to apply for a retail license. He was 16 when the police found him smoking marijuana in his hallway and arrested him. A half dozen other pot arrests followed as he moved from smoker to dealer.

He said it was a blessing that New York was planning to give people like him the chance to build on their experiences in a legal way that would allow them to provide for their families and start to build generational wealth.

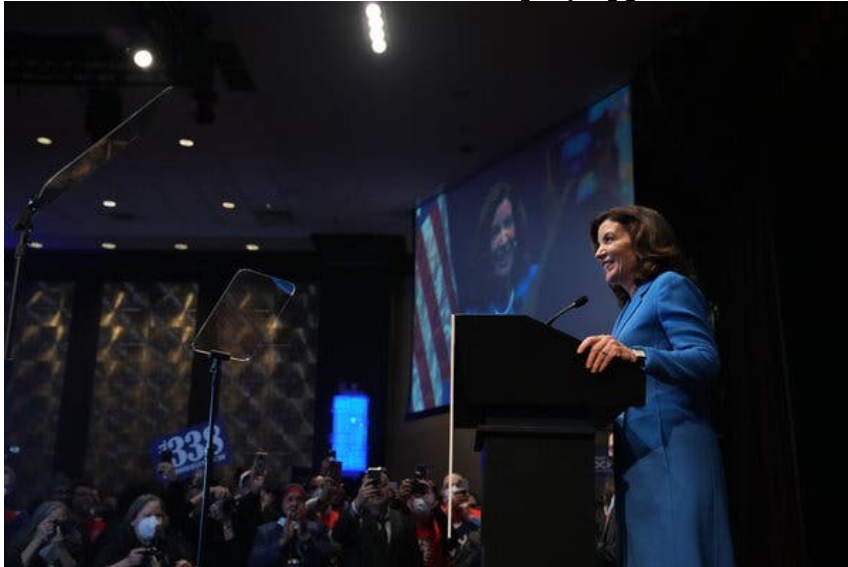
"As a person you feel down, a little bit defeated, like 'Oh, I got a stain on my name,'" said Mr. Fajardo, now 34. "Now, that stain is actually the same thing that can help you."

Mr. Alexander said that he thought giving so-called "equity entrepreneurs" a chance to woo customers before more established cannabis companies — including those

currently running medical marijuana facilities — begin to compete with them would help them succeed.

“I could press the green button right now and have 40 dispensaries online,” said Mr. Alexander, speaking of the state’s extant medical dispensaries. “But instead we’ve decided that the folks who have been most impacted actually have the space and the real runway to participate in a meaningful way.”

The state also hopes that some in the existing illegal marijuana market — sometimes known as “legacy” candidates — may be persuaded to apply for licenses instead because some could be considered equity applicants.



Gov. Kathy Hochul has proposed allotting \$200 million in this year’s budget to support the state’s first legal marijuana retailers. Credit... Todd Heisler/The New York Times

The early reviews of the plan seemed positive, particularly among those who have been dismayed by the state’s relatively languorous approach to both legalizing the drug and setting up a retail industry.

Kassandra Frederique, the executive director of the Drug Policy Alliance, a national group that lobbies for more liberal drug laws, said that New York seemed to be learning lessons from other states where promises of social equity are “not always panning out in the ways people wanted.”

“I think they’re trying to solve for the hard things first, and I think that’s admirable,” she said, noting new businesses’ need for capital. “If you were the first to get to hurt, you should be the first to benefit.”

State Senator Liz Krueger, a Democrat from [the Upper East Side](#), said that she expected the \$200 million to be included in the budget, due in April.

“We want them to be successful, which means we need to help some of them,” she said, adding that signing of leases could be a tricky proposition for dealers who “were selling illegally behind a building until recently.”

“They might not have all that bank account and paperwork and lawyers that a real estate person would want to deal with,” Ms. Krueger said.

Preparation for New York’s plunge into recreational marijuana will begin next week, as the state plans to open its application process for cultivators, who will grow the drug at farms around the state and provide their products to the new retailers, guaranteeing that farmers will have buyers as the market opens.

While recreational marijuana was [legalized in New York last year](#), in a move that included the [expungement of many previous convictions](#), the rollout of retail sales has been slow — allowing some [entrepreneurs on tribal lands](#) near the Canadian border to set up unlicensed dispensaries. Neighboring states like Massachusetts, which began selling marijuana in 2018, began drawing eager customers from New York in the meantime.

In addition to the conviction-based criteria, Mr. Alexander said his office would weigh applicants’ likelihood of running successful businesses — a reminder that the state has both ideological and revenue goals to meet. Forty percent of tax revenue from the new dispensaries is earmarked for communities affected by drugs.

Still, he was confident that there were plenty of eligible applicants in New York, noting that heavy policing of marijuana had ensnared hundreds of thousands of residents.

“We’re confident that those people exist,” Mr. Alexander said. “We know that a lot of folks have gone on to do great things,” despite past drug charges.

Other states have tried to emphasize equity in their markets. But in [California](#), for example, such efforts have been complicated by strict regulation, high taxes and substantial barriers to entry that have left the state struggling, years later, to quell a thriving black market of untested, untaxed weed.

And in [New Jersey](#), social equity candidates who hope to take advantage of a law similar to New York’s have struggled to find capital and secure leases — part of the impetus behind New York’s \$200 million expenditure.

The news of the governor’s plan drew a sharp rebuke from State Senator Rob Ortt, the minority leader, who criticized the Democrats who control Albany for handing out “hundreds of millions in taxpayer dollars to those who have broken the law.”

“This is just another reminder that Albany is out of touch with the needs of law-abiding New Yorkers, who pay their taxes, and do the right thing,” Mr. Ortt said in a statement.

Mr. Alexander dismissed criticism over the decision to favor those with prior criminal records, saying that the Legislature had made clear its intentions in passing the law last year, and noting that the state regularly funds economic development in a range of industries.

State Assemblywoman Crystal Peoples-Stokes, the Assembly’s majority leader, said that the move to prioritize those with marijuana convictions was crucial in ensuring that the industry wasn’t dominated by out-of-state conglomerates.

“We’re trying to do what no other state has done, and that’s focus on their people,” said Ms. Peoples-Stokes, an architect of the law. “It’s critical because it’s a huge industry that’s going to grow our economy a lot, and I think it makes sense to let that growth begin with New Yorkers.”

Even people without marijuana-related convictions seem to support the state’s plan. Lulu Tsui plans to apply for a license to open a dispensary in Brooklyn. Ms. Tsui expects to qualify as a social equity candidate because she is a woman and she is Chinese American, though she will come behind those with such convictions.

But that’s how it should be, she said.

“They should be given reparations,” she said. “Their blood, sweat, sacrifice, time precedes anybody else.”

# ***Clean Slates Promised Under New York Marijuana Law Prove Complicated***

The omission of a single Roman numeral in the text of a state law has made it difficult for those with certain convictions to clear their names.



Frederick Volkman said he hoped to work in the legal cannabis industry and also hoped that his drug charge does not hobble him professionally.

By [Corey Kilgannon](#) and [Wesley Parnell](#)

Feb. 11, 2023

When New York legalized recreational marijuana two years ago, it was meant to tear up the path to prison that being convicted of possession had long paved.

But even as legalization took effect and New Yorkers could smoke with impunity, Frederick Volkman was sent to a maximum-security prison after violating the terms of his probation on a 2019 felony marijuana charge. Locked up with violent criminals, he did his best to avoid confrontations.

“I saw people out in the yard getting cut — there was a fight almost every day,” Mr. Volkman, 26, recalled in a phone interview from prison. He said there had been several suicide attempts: “I saw one person get pulled out of their cell on a stretcher.”

Thanks to the 2021 law, Mr. Volkman, who is to be released on Monday from a boot camp-style lockup, is one of the few remaining prisoners in New York incarcerated solely because of marijuana charges, officials said.

He will return to a world where marijuana seems to be everywhere, sold from storefronts and vending trucks, its aroma wafting on the street and from moving cars.



But as many New Yorkers light up freely, complications created by the law linger, including thousands of uncleared felony charges that recall the state's earlier, draconian approach to prosecution.

Legalization offered offenders a clean slate by [wiping convictions](#) from their records, a crucial step toward turning their lives around by making it easier to apply for a job or loan, rent an apartment or obtain a professional license. Expungement was a pillar of the law's promise to reverse the consequences of the war on drugs.

The 2021 law expunged 107,633 convictions, and a 2019 law that decriminalized small amounts of marijuana cleared 202,189 more, [state justice officials said](#).

Those convictions were largely for lower-level offenses. The situation is more fraught for people like Mr. Volkman who have felony convictions for large quantities of cannabis.

The vast majority of the nearly 9,000 felony marijuana convictions remain on offenders' records long after they have served their sentences. In addition, scores of minor marijuana convictions that accompanied more serious crimes cannot be expunged automatically despite the law requiring it.

Most felons have not even sought to clear their charges — some because they did not know the new law allowed it, others because they thought it would happen automatically and still others because of the arduous filing process, advocates say.

Furthermore, the omission of a single digit in the legalization legislation — the Roman numeral i — has precluded felons from filing a straightforward form to receive a conviction reduction. The mistake remains uncorrected.

“It's literally a typo,” Emma Goodman, a Legal Aid Society staff attorney, said of the error, which has prompted eye-rolling jokes about government dysfunction.

“Everyone in Albany understands it's just a mistake, and there's not an easy way to fix it,” she added.

The upshot is that instead of filing the form, felons seeking conviction reductions must have a legal motion drafted and submitted in the county court where they were convicted. The district attorney's office that prosecuted the original crime can weigh in before the motion goes before the judge who imposed the conviction.

Such motions have largely sailed through in more liberal counties, like the five boroughs of New York City. But elsewhere, some are being opposed, a development that advocates described as troubling.

“There are still significant contingents in parts of the state that are opposed to the law and do not want it implemented,” said Ms. Goodman, who specializes in getting criminal records expunged.

A judge in Dutchess County, north of New York City, rejected one man's motion to clear his record of a felony marijuana conviction. In a move that will most likely set precedent for similar challenges, the man is appealing the ruling.

A judge in Nassau County, on Long Island, issued a similar decision against a man who was seeking to wipe away felony charges for possessing 10 pounds of marijuana.

And after an upstate district attorney opposed a man's motion in another case, it was denied by a judge, the man's lawyer, Jeffrey Hoffman, said.

"My client has been denied employment advancement in his career due to a 20-year-old felony," Mr. Hoffman said.

Although advocates are aware of only a few cases of felony clearance motions being opposed, the current ones are "the tip of the iceberg, given the many thousands of such convictions" he said.

Not everyone is eager for automatic forgiveness.

"We'd like to see a clean slate for lower-level convictions, but when it comes to high-level felony convictions, we need to go a little slower," said Kevin Sabet, the chief executive of Smart Approaches to Marijuana, a group that opposed the legalization law before it passed and argues for what it calls sensible guidelines.

"People who might have been part of transnational criminal organizations, we wouldn't want a computer determining what happens to their record," Mr. Sabet said. "We'd want a judge to look at all factors and the whole context of the case."

In the Dutchess County case, the judge did review the motion filed by Michael Graubard, 55, who was arrested in 2014 and charged with a felony for having 114 pounds of marijuana in his car.



Michael Graubard, who was charged after being found with 114 pounds of marijuana in his car, wants to become a schoolteacher. Credit...Cindy Schultz for The New York Times

Mr. Graubard pleaded guilty and served nearly two years in prison. He says the felony is the lone blemish on his record and has kept him from achieving his goal of becoming a schoolteacher, blocked him from getting other jobs and deterred him from applying for a home-equity loan.

“There is less of a stigma for cannabis now, but some people still won’t hire felons, even while the state is setting up a whole cannabis industry,” said Mr. Graubard, who has filed a motion to have his felony vacated.

Because the 2021 law still makes the possession of large quantities of marijuana a crime, including Mr. Graubard’s felony offense of transporting 114 pounds, William Grady, Dutchess County’s district attorney, opposed Mr. Graubard’s motion to have his record wiped clean.

The judge agreed and merely downgraded the conviction to a lesser felony. Mr. Graubard is appealing the decision. His lawyer, [Wei Hu](#), argued before a four-judge appellate panel last month that the “statutory defect” – the typo – in the 2021 law should not affect his client.

Mr. Hu maintained that the judge’s decision to reduce Mr. Graubard’s conviction to a lesser felony was contrary to the 2021 law because it did not keep Mr. Graubard from suffering “severe and ongoing consequences.”

Anna Diehn, a Dutchess County prosecutor, noted that the large amount of marijuana Mr. Graubard had been convicted of possessing was still a felony under the new law and that the county judge had applied the statute correctly and fairly in reducing the conviction to a lesser felony instead of clearing it altogether.

A coalition of public defenders and advocates have been urging legislators to have the typo in the law amended, Ms. Goodman of Legal Aid said, but had been told that doing so would require introducing a corrective bill, which has not happened yet.

A spokesman for Crystal D. Peoples-Stokes, the State Assembly’s Democratic majority leader and a sponsor of the 2021 legislation, said her office was reviewing the issue and would make any necessary changes.

“It may take a little bit of time, but we’re on it,” the spokesman, Mark J. Boyd, said.

As for Mr. Volkman, whose state records indicate is one of just two remaining marijuana-only offenders in prison, he filed a motion after the 2021 law passed to have his conviction vacated. A judge denied it.

In the phone interview, he said it felt incongruous to still be imprisoned for cannabis after it had been legalized.

“Marijuana is not a very dangerous drug – it’s not something that people should be badly punished for, especially with everything going on in New York and legalization,” he said.

He was arrested in 2019 at 22 with seven pounds of marijuana and \$65,000 at his home in Glens Falls.

Under a plea agreement, Mr. Volkman, who goes by Derick, served five months in county jail but then violated his probation by failing drug tests for marijuana, which he said he had smoked since he was 13 to settle his mood and anxiety.

After being arrested for driving under the influence, he found himself resentenced on his original cannabis charges even as the state was pledging to give priority to marijuana offenders in awarding dispensary licenses.

Mr. Volkman said he hoped to eventually work in the legal cannabis industry and hoped that his drug charge would not hobble him professionally.

“If none of this was becoming legal, we wouldn’t be having this conversation,” his father, Fred Volkman, said. “But the fact that all this was evolving, with legalization, about how pot is now OK, people are saying, ‘It’s OK, it’s OK now.’ And they’re still pounding him. That’s the frustrating part.”

# ***Los Angeles to Dismiss 66,000 Marijuana Convictions***

**Largest such move in California comes amid nationwide push for criminal-justice reform and relaxing drug laws**

*By Christine Mai-Duc and Dan Frosch*

*Updated Feb. 13, 2020 5:00 pm ET*



California voters legalized recreational marijuana use in 2016.

PHOTO: JOSH EDELSON/ASSOCIATED PRESS

Los Angeles County will vacate nearly 66,000 marijuana convictions dating back to the 1960s, part of a growing national effort to reduce drug convictions.

The move, announced Thursday by Los Angeles County District Attorney Jackie Lacey, will dismiss convictions for tens of thousands of individuals, the majority of whom are black or Latino.

“As a result of our actions, these convictions should no longer burden those who have struggled to find a job or a place to live because of their criminal record,” Ms. Lacey said in a press conference Thursday.

She said she believed it is the largest mass dismissal of cannabis cases to date in California.

Of the cases, about 62,000 were felony convictions that prosecutors asked a Los Angeles Superior Court to dismiss this week. Another 3,700 were misdemeanor possession charges stemming from 10 L.A. County cities.

California voters legalized recreational marijuana use in 2016 with a ballot measure that also made individuals previously convicted of growing, possessing, selling or transporting marijuana eligible for reduced sentences.

But the process for seeking relief from courts has been criticized by advocates as onerous and so far only about 3% of those eligible statewide have received it, according to nonprofit group Code for America.

A state law signed by former Gov. Jerry Brown in 2018 required the California Department of Justice to compile a database of individuals who may be eligible to have their old marijuana pot cases reviewed—a number the department estimates to be about 190,000 individuals. Under the law, counties are also required to review those cases by July of this year, though not necessarily to dismiss any.

Ms. Lacey, who runs the country's largest district attorney's office, had previously said her team wouldn't automatically clear drug convictions. In a statement after Proposition 64's passage, Ms. Lacey encouraged those affected to petition the courts "rather than wait for my office to go through tens of thousands of case files."

But the process has moved more quickly since her office began working with Code for America, which developed software that identifies people who may be eligible to have past convictions overturned in states where marijuana is now legal or will be legal. For more than a year, the group has worked with five California counties—Los Angeles, San Francisco, Sacramento, San Joaquin and Contra Costa—as part of a pilot program to review old pot cases.

In 2019, then San Francisco District Attorney George Gascón said his office cleared 8,132 marijuana-related convictions as a result of the pilot program. Last month, Contra Costa County District Attorney Diana Becton said that her office would dismiss 3,264 marijuana convictions.

The L.A. County cases that were overturned resulted in approximately 53,000 people being cleared. Of those, 32% are African-American, 20% are white, 45% are Latino and 3% are other or unknown, Ms. Lacey and Code for America said.

With the pilot program done, Code for America has made its software available to all of California's 58 counties.

The group is also teaming up with the top prosecutor in Cook County, Illinois, which includes Chicago, to review old marijuana convictions there.

Ms. Lacey is running for re-election in a race in which her leading opponent is Mr. Gascón, who left his San Francisco office last year. He has said that she is not active enough on criminal-justice reform, a key plank of his campaign.

A spokesman for Ms. Lacey's campaign said that Ms. Lacey began the program that led to Thursday's dismissals last April. "The facts and the timeline show that this decision was based on seeking justice for all, not politics," he said.

# ***San Francisco to Wipe Away Decades of Marijuana Convictions***

## **District attorney to dismiss or review thousands of cases adjudicated before California's 2016 legalization measure**

By *Zusha Elinson*

Jan. 31, 2018 8:40 pm ET



As states have legalized recreational marijuana use, a debate has arisen over what to do with past pot convictions.

PHOTO: MARCIO JOSE SANCHEZ/ASSOCIATED PRESS

SAN FRANCISCO—Thousands of people convicted of marijuana offenses in this city going back to 1975 will have their convictions dismissed or reduced, San Francisco's district attorney announced Wednesday.

It marks one of the most aggressive moves to wipe away old convictions in the face of new laws legalizing marijuana in California and other states.

San Francisco District Attorney George Gascón said that his office would dismiss and seal 3,038 misdemeanor marijuana convictions, and review and possibly resentence 4,940 felonies—all of which were adjudicated before California voters legalized marijuana in 2016.

Under the state legalization measure, Californians can petition the courts to get old marijuana possession and other convictions dismissed. Mr. Gascón said his office is taking the extra step of doing it for people in order to lift the burden of past convictions that can make it difficult for people to get jobs.

“A criminal conviction can be a barrier to employment, housing and other benefits, so instead of waiting for the community to take action, we’re taking action for the community,” said Mr. Gascón

Nine states and Washington, D.C., have legalized recreational marijuana use, and a debate has arisen over what to do with past pot convictions in these states.

In Nevada, where recreational marijuana was legalized, Gov. Brian Sandoval vetoed a bill last year that would have required certain offenses to be dismissed and sealed. Mr. Sandoval, a Republican, said in his veto message that such issues were better handled on a case-by-case basis.

In Colorado, prosecutors have raised concerns over bills making wiping away old pot convictions easier, said Arnold Hanuman of the Colorado District Attorneys’ Council.

“Many times convictions are plea bargained down from more serious conduct,” said Mr. Hanuman. “Our concern is that the original conduct involved in the incident is oftentimes more egregious.”

More states are including provisions in legalization measures for expunging past convictions, said Chris Lindsey, senior legislative counsel at the Marijuana Policy Project, which advocates for ending pot prohibitions. “This move by San Francisco is remarkable,” said Mr. Lindsey. “It’s not only do we allow people to repair their criminal histories, the local jurisdiction is just going to do it for them.”



# ***Maryland Issues Mass Pardon for More Than 175,000 Marijuana Convictions***

**The order follows the state’s legalization of recreational cannabis use last year**

By *Gareth Vipers*

Updated June 17, 2024 10:43 am ET



Maryland Gov. Wes Moore hugs Shiloh Jordan, who was convicted of a minor cannabis offense, after Moore signed an executive order pardoning cannabis-related convictions Monday. PHOTO: JIM LO SCALZO/SHUTTERSTOCK

Maryland Gov. Wes Moore signed an executive order pardoning more than 175,000 cannabis-related convictions, following a nationwide trend to [loosen restrictions on the drug](#).

The order, which covers misdemeanor convictions for cannabis possession and possession with intent to use drug paraphernalia, comes on the heels of Maryland legalizing recreational cannabis use last year.

Drug convictions have historically been used to deny housing, employment and education opportunities, overwhelmingly to Black citizens, Moore said during a signing ceremony Monday.

“Legalization does not turn back the clock on the decades of harm caused by the war on drugs,” he said. “Today, we take a big step toward enacting the kinds of policies that can reverse the harm of the past and help us build a brighter future.”

Black Marylanders were more likely to suffer the effects of cannabis convictions, according to Moore’s office, a trend echoed across the country.

Between 2010 and 2018, a Black person was on average 3.6 times more likely to [be arrested for marijuana possession](#) in the U.S. than a white person, even though Black and white people [used the drug at similar rates](#), according to an American Civil Liberties Union analysis of Federal Bureau of Investigation data.

Recreational cannabis use and possession were made legal in the state in July after voters overwhelmingly backed the move in a 2022 referendum.



Gov. Wes Moore holds an executive order pardoning 175,000 cannabis-related convictions at the Maryland Statehouse in Annapolis, Md., on Monday.

PHOTO: JIM LO SCALZO/SHUTTERSTOCK

A recent push by [President Biden](#) to loosen restrictions on marijuana has put federal officials at odds, with opponents saying that the drug’s medicinal benefits remain unproven and that it has a high potential for abuse.

Biden’s moves have been seen as an attempt to win over younger voters ahead of the November election.

While marijuana use remains a crime at the federal level, [24 states have legalized it](#) and 14 permit its use for medical purposes.

The Biden administration has been seeking to reclassify marijuana as a less dangerous drug, a historic move that could make it much easier [to buy and sell pot](#) and make the multibillion-dollar industry more profitable.

In April, Attorney General Merrick Garland submitted a proposal for White House review that would move marijuana out of the government’s [most restrictive drug classification](#). Marijuana has been designated as a Schedule I drug since 1970, alongside LSD and heroin.

Officials at the Drug Enforcement Administration, which has the final say on the designation, remain concerned about modern cannabis strains that can be [many times as potent as](#) those that were common years ago. Some agency officials also think more [research is needed](#) about marijuana’s long-term health effects.

Biden has pardoned thousands of people convicted of marijuana possession under federal law, saying “it doesn’t make sense” that the government controls pot more tightly than cocaine or fentanyl.

In March, Massachusetts Gov. Maura Healey announced plans for a similar mass pardon.

# *How New York and California Botched Marijuana Legalization*

**Steep taxes and heavy regulation are making it hard for licensed pot sellers to operate in some states, driving more producers and buyers to illegal outlets. ‘Our No. 1 competitor is the illicit market.’**



An agent with California’s Department of Cannabis Control law enforcement division hauls away illegally grown marijuana. BRIAN L. FRANK FOR THE WALL STREET JOURNAL

By [Zusha Elinson](#) and [Jimmy Vielkind](#)  
April 28, 2023 11:57 am ET

DISCOVERY BAY, Calif.—State agents broke through the doors of a stucco home in a gated community in March shouting “Police! Search warrant!” Inside, they found marijuana growing in bedrooms and the living room, with fertilizer stowed in the Jacuzzi tub.

Officers piled the plants on a trailer already overflowing from a morning of busting illegal growers in this quiet Bay Area suburb. An agent jumped up and down on the mound to make more room.

The illegal marijuana trade is booming in California, seven years after the state legalized its possession, cultivation and distribution. Unlicensed sales totaled \$8.1 billion last year, dwarfing legal sales of \$5.4 billion, according to estimates by New Frontier Data, a cannabis analytics firm.

Lawmakers in New York are concerned their state is headed in a similar direction. New York [legalized cannabis possession](#) in small amounts in 2021. Two years later, just five shops sell marijuana legally in New York City, while 1,400 bodegas, smoke shops and other outlets without licenses do, according to an estimate by the city sheriff.

The persistence of the illegal pot business in the face of state legalization reflects a variety of forces. Slow rollouts of dispensary licenses leave unmet demand that unlicensed outlets are happy to serve. Police and prosecutors, facing pressing problems such as violent crime, give little priority to stopping illegal pot. And high taxes on legal sales fan the embers of illicit ones.



Officers outside home in a quiet gated community in Discovery Bay, Calif., where they suspect that cannabis is being grown without a license  
PHOTO: BRIAN L. FRANK FOR THE WALL STREET JOURNAL



Piles of plants seized by law enforcement from an unlicensed growing operation inside a house in Discovery Bay, Calif.  
PHOTO: BRIAN L. FRANK FOR THE WALL STREET JOURNAL

“When you start seeing tax rates that are approaching 30 to 40 percent on products, it’s really going to be difficult to compete against the remnants of an illegal market,” said Mason Tvert, a consultant who played a role in several state campaigns to legalize cannabis.

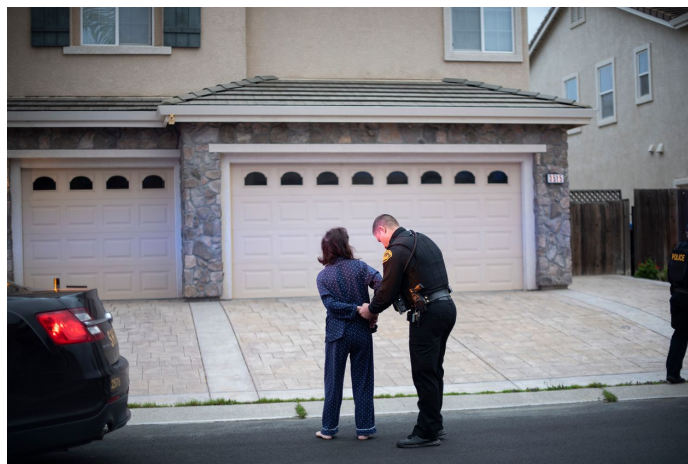
Some of the 22 states that have legalized marijuana possession have had better luck extinguishing the black market, said industry observers, because they have permitted more legal retail shops, streamlined the process of going legal or didn’t

have such entrenched networks of dealers or growers at the outset. At the federal level, marijuana remains illegal.

The continued vitality of the illegal market in places like California and New York has a range of consequences. “There are harms that come from purchasing and consuming illegal cannabis,” said Nicole Elliott, director of the California Department of Cannabis Control, “whether that be product-safety harms, or we’ve seen issues around worker trafficking, environmental harm, public-safety harm.” It also means uncollected taxes.

In California, the historic cannabis basket of America, many growers find it easier and more profitable to supply illegal shops or to ship their product elsewhere than to comply with licensing requirements. Some businesses that spent millions to ramp up legal marijuana operations in the Golden State have walked away. Curaleaf Holdings Inc., a large, publicly held company, is shifting its focus to states where taxes and regulations are less onerous.

“Our No. 1 competitor is the illicit market.” said Matt Darin, chief executive of Curaleaf, which said in January it was pulling out of California.



A woman who was sleeping inside a home where cannabis was being grown without a license is detained during the raid.

PHOTO: BRIAN L. FRANK FOR THE WALL STREET JOURNAL

Kaleb Davies, a 25-year-old Los Angeles bartender, has a monthly marijuana budget that he tries not to exceed. When a friend recommended a new unlicensed pot shop in their hip Echo Park neighborhood, he went.

The storefront bore no sign except a green cross. Mr. Davies and his girlfriend purchased a half-ounce of the London Pound Cake variety for around \$45—less than half the price he pays at legal dispensaries.

“As a consumer, I love it,” Mr. Davies said. “A lot more for a lot less.”

Los Angeles has between 700 and 1,000 unlicensed shops and delivery services, according to estimates by the United Cannabis Business Association, which represents legal businesses. The city has 354 legal retail shops, according to the Department of Cannabis Control.

At first, legal shops thought they could succeed by creating a clean, well-lit retail experience and offering lab-tested marijuana, said Jerred Kiloh, president of the business association.

But they have to add a 10% city cannabis tax, a 15% state excise tax and a 9.5% sales tax not exclusive to cannabis.

“All those other incentives of safety, security, testing, all those things start to drift away when it’s half price and people go, ‘You know, I don’t want to be ripped off,’” said Mr. Kiloh.



A customer displays a bag of ‘flower,’ or marijuana bud, she got at an unlicensed cannabis dispensary just east of the Los Angeles city boundary.  
PHOTO: ROBYN BECK/AGENCE FRANCE-PRESSE/GETTY IMAGES

Detective Michael Boylls said the cannabis unit that he runs for the Los Angeles Police Department regularly busts illegal shops, but it’s like a game of whack-a-mole. Los Angeles police say they’ve identified 77 unlicensed retail shops.

“Most of them will reopen again because most of them just get a ticket,” Det. Boylls said.

Under California’s 2016 legalization measure, cities and counties were given final say on whether cannabis businesses can operate in their jurisdictions. Currently, 61% of California’s cities and counties prohibit retail marijuana sales, and unlicensed delivery services thrive there. The result is that California has 1,233 licensed marijuana shops, or about three for every 100,000 residents. In contrast, Colorado has about 11 per 100,000 residents.

Anyone growing more than six plants in California must get permission from state and local authorities and can only sell to licensed pot businesses within the state. The limited number of legal retail outlets as well as expensive, time-consuming licensing requirements in some areas have made selling to illegal stores or shipping crops out of state attractive alternatives for some growers.

Ms. Elliott, the director of the California Department of Cannabis Control, said the state is offering incentives for local governments to permit retail shops.

In New York state, many unlicensed marijuana shops advertise and display their products openly. One in the East Village section of Manhattan features a white and green backlit sign saying “Recreational Cannabis Dispensary.” A visit to the nearby Go Green Dispensary on First Avenue found rows of jars filled with buds priced as low as \$20 for 3.5 grams, or an eighth of an ounce, for varieties like Gelato or Oreos. The same amount of cannabis sold for at least \$42 at a licensed store several blocks away.

Buds are the bestselling product, followed by pre-rolled joints, according to Jeremy Peña, who said he started working at Go Green in February. “It’s the best buy on the block,” he said, adding that the marijuana comes from California. The shop owner listed on business records didn’t return a call seeking comment.

New York in March 2021 legalized possession of up to three ounces of marijuana. While some states that legalized the drug let medical-cannabis dispensaries expand to sales for recreational use, New York didn’t; it wanted to favor people affected by the war on drugs.

New York’s first retail licenses were [set aside for applicants](#) who could show that they or a close family member had been convicted of a cannabis-related offense. Non-profit groups that serve formerly incarcerated individuals, like Housing Works Inc., could also apply. The state’s Dormitory Authority leased and outfitted stores that the first licensees could use. Other proposed dispensary locations require signoff from state regulators.



The Go Green Dispensary, an unlicensed shop in the East Village section of Manhattan, sells marijuana and other THC products.

PHOTO: ANDREW SENG FOR THE WALL STREET JOURNAL



Housing Works Cannabis Co., a licensed dispensary in New York City.

PHOTO: ANDREW SENG FOR THE WALL STREET JOURNAL

Getting approval is cumbersome, operators say. The Dormitory Authority has evaluated 10,000 properties since April 2022 and turned over four sites to retailers, a spokesman said. Another location found by an applicant was approved for use by the state Office of Cannabis Management, that agency said.

Byron Bronson says he long sold marijuana illegally in New York under the “Buddy’s Bodega” brand, along with partner Lou Cantillo. They are the type of “legacy operator” New York officials said they hoped could be brought into the regulated market.

The two won a conditional permit in January to operate a marijuana dispensary, but said they have been waiting ever since to hear from the state about approval of a storefront location.

New York didn’t award its first marijuana dispensary licenses until 19 months after passage of the law legalizing possession. By then, unlicensed vendors in trucks and small stores were courting customers and taking advantage of an enforcement vacuum.

His shop still isn’t open.

Americans stuck at home early in the pandemic bought a lot of weed, boosting revenue for legal and illegal operators alike. As sales tailed off, legal cannabis businesses, with their higher prices and their taxes, were hit hardest.

Bobby Vecchio, who runs HERB, a licensed delivery service in Los Angeles, said his sales are down by double digits since 2022. His company laid off 20% of its staff last year.



“There’s blood on the streets,” he said. “It’s really tough going for a licensed cannabis business.”



Items for sale at Housing Works Cannabis Co.

PHOTO: ANDREW SENG FOR THE WALL STREET JOURNAL

Curaleaf, which is based in New York and offers vaporizer cartridges, pre-rolled joints and a variety of other products, laid off about 220 employees in November and announced in January it was closing most of its locations in Oregon and Colorado, in addition to California.

The company was part of a coalition that sued New York’s Office of Cannabis Management in March, alleging it was dragging its feet in issuing licenses and was excluding major players from opening up. A spokesman for the office said it doesn’t comment on pending litigation. Officials say they are moving quickly to get stores up and running.

Curaleaf’s Mr. Darin said that states such as Nevada and Arizona have done a better job of eliminating the illicit market and struck the right balance of growers and retail shops. In Nevada, which legalized marijuana possession in 2016, 74% is sold through legal channels, while in Arizona, which legalized in 2020, 55% is sold legally, according to New Frontier Data.

Asked about the complaints, Ms. Elliott, California’s cannabis czar, said the state is a scapegoat for failing businesses. “It’s very hard to look inward and determine where there are potential business failures,” she said. “A lot of this is driven by business decisions, and a market that’s very competitive.”

Gale Brewer, a New York City councilwoman, grew frustrated walking by an illegal pot shop across from her Manhattan office. When she persuaded the city sheriff’s office to raid it in January, they seized 4.5 pounds of marijuana and 219 packs of edibles, enough to fill about 20 garbage bags.



New York City Council member Gale Brewer walks past Exotic Smoke shop, which she said is an unlicensed weed shop on Manhattan's Upper West Side. PHOTO: ANDREW SENG FOR THE WALL STREET JOURNAL

“When we were busting them, people were coming up nicely dressed, suits and ties, asking: ‘This is illegal?’” Ms. Brewer said.

The sheriff has charged the owners of the Zaza Waza Smoke Shop and cited the store for seven commercial violations. Abraham Kassim, who is listed on the store's certificate of incorporation, didn't return a call seeking comment.

Zaza Waza was restocked and reopened soon after the raid, Ms. Brewer said. On a recent afternoon, a woman buying gummies at the store said she didn't know it was unlicensed. A spokesman for the sheriff didn't return a message seeking comment about the reopening.

The spokesman said a task force of the sheriff's office and other agencies has conducted 235 inspections since November, seizing almost \$12 million of illicit products and making 55 arrests.

On April 3, New York state's Cannabis Control Board approved 99 new licenses for legal shops. The state has launched a \$3 million ad campaign to push consumers toward licensed outlets.

Gov. Kathy Hochul said Thursday that she secured authorization to let the state tax department enforce cannabis rules—as it does with illegal tobacco—as part of a [budget agreement](#).

“We are working so hard to stand up a legal business, and there are obviously startup challenges,” Ms. Hochul said. “All these illegals popping up has made it more complicated.”

California officials ramped up enforcement efforts as complaints from legal sellers grew louder. The state attorney general's office said last fall it would

expand its seasonal marijuana eradication program—the Campaign Against Marijuana Planting, or CAMP—into a year-round task force.



The California Department of Cannabis Control said it seized 132,587 plants in the first three months of 2023.

PHOTO: BRIAN L. FRANK FOR THE WALL STREET JOURNAL



Contra Costa County code inspector Joe Losado red-tags a home with a large marijuana growing operation for dangerous electrical systems.

PHOTO: BRIAN L. FRANK FOR THE WALL STREET JOURNAL

The program seized more than 1.1 million plants in its first decade of operation from 1983 through 1992. It has seized nearly 2.2 million plants in the past two years, the state Department of Justice said. The Department of Cannabis Control, meanwhile, said it seized 132,587 plants in the first three months of 2023.

That includes 3,250 in the March raids in Discovery Bay, in Contra Costa County. The indoor growing sites were not permitted and likely the work of organized criminal groups that chose the gated communities for protection from robbers, said Bill Jones, chief of the California Department of Cannabis Control's law enforcement division, who led the raids.

“This is not exclusive to California, but you kind of see a rush of criminal organizations that come and take advantage of legalization,” he said.

No charges or fines have resulted from the raids, a department spokesman said. Two people were detained but later released.

After agents hauled away the plants, Joe Losado, a county code-enforcement officer, red-tagged the homes as uninhabitable. Jury-rigged electrical systems powering the grow lights, plus pipes crisscrossing rooms to bring water and fertilizer, weren't up to code, he said.

Mr. Losado said he has seen far more illegal indoor growing operations in the county since the state legalized cannabis. He's not surprised. "Everybody wants to beat the tax man," he said.

# ***Biden Administration Aims to Reclassify Marijuana as Less Dangerous Drug***

## **Pot currently holds same designation as heroin, LSD; move would reshape multibillion-dollar industry**

By [Sadie Gurman](#) and [Liz Essley Whyte](#)

Updated April 30, 2024 7:35 pm ET



The proposal would move marijuana out of the government's most restrictive drug classification.

PHOTO: EDUARDO MUNOZ/REUTERS

WASHINGTON—The Biden administration is seeking to [reclassify marijuana as a less dangerous drug](#), a historic move that could make it much easier [to buy and sell pot](#) and make the multibillion-dollar industry more profitable.

Attorney General Merrick Garland on Tuesday submitted a proposal for White House review that would move marijuana out of the government's most restrictive drug classification. Marijuana has been designated as a Schedule I drug since 1970, alongside LSD and heroin.

A Justice Department spokeswoman said the proposed rule, which hasn't been made public, would downgrade marijuana to Schedule III, making it obtainable with a prescription.

The proposed change comes after President Biden in 2022 [pardoned thousands of people](#) convicted of marijuana possession under federal law and called upon regulators to review whether the drug should be reclassified, saying "it doesn't make sense" that the government controls pot more tightly than cocaine or fentanyl.

Biden allies hope the move will shore up [the president's standing with younger voters](#), who have been particularly supportive of liberalizing marijuana policies. Biden needs

their commanding support in November, as some polls show him trailing his Republican opponent, [Donald Trump](#), and underperforming among adults under 30.

More than half of states have legalized marijuana for some purpose over the past decade, and many Democrats and some Republicans have taken a more tolerant view of its use.



President Biden’s allies hope the move will shore up his standing with younger voters, who have been particularly supportive of liberalizing marijuana policies.  
PHOTO: JIM LO SCALZO/SHUTTERSTOCK

Marijuana is believed to be the most commonly used federally illegal drug in the country. The number of Americans who smoked it has more than doubled since 2013, according to a Gallup survey, with 17 percent of adults reporting they did so 2023. But the federal government still puts it in a category reserved for drugs that have a [high potential for abuse](#) with no offsetting accepted medical use.

The new government policy could affect everything from marijuana cigarettes to pot-infused beverages and gummies. But even if marijuana is no longer a Schedule I drug, pot would remain illegal under federal law without other changes by Congress.

The Justice Department could still prosecute marijuana offenders, though it has taken a largely hands-off approach to the industry in states where it has been legalized. Officials in recent years have also said they don’t view prosecuting federal marijuana crimes as the best use of their limited resources.

## DEA Controlled Substances

The Drug Enforcement Agency divides drugs and substances into five categories—or schedules—based on medical use and potential drug abuse with Schedule I having the highest potential for abuse.

CONTROLLED SUBSTANCE	SCHEDULE	NARCOTIC?
Heroin	1	Yes
LSD (Lysergic acid diethylamide)	1	No
Marijuana	1	No
Ecstasy	1	No
Cocaine	2	Yes
Fentanyl	2	Yes
Methamphetamine	2	No
OxyContin (Oxycodone)	2	Yes
Ketamine	3	No
Testosterone	3	No
Xanax (Alprazolam)	4	No
Valium (Diazepam)	4	No
Motofen (Difenoxin)	5	Yes
Lyrica (Pregabalin)	5	No

Note: As of April 30

Source: Drug Enforcement Agency

A spokeswoman for the Drug Enforcement Administration declined to comment. The White House declined to comment.

The Biden administration's plan to change marijuana's classification was reported earlier by the Associated Press.

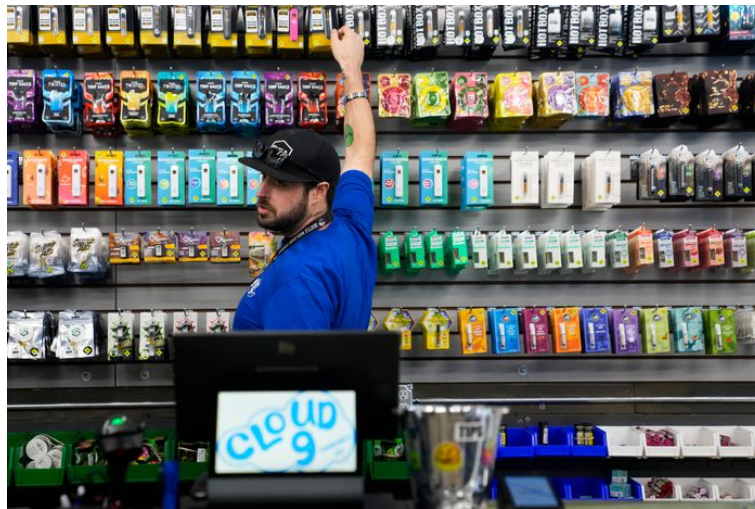
[Tilray Brands](#), the largest U.S. cannabis-related firm by market value, rose 40% on the news and Canada's [Canopy Growth](#) rose 79%. The AdvisorShares Pure US Cannabis exchange-traded fund rose 25% and the [AdvisorShares Pure Cannabis ETF](#) rose 20%. Despite the gains Tuesday, cannabis-related shares have generally done poorly, with Tilray and Canopy down more than 90% over five years.

The idea has been a source of contention between officials at the Drug Enforcement Administration and the Department of Health and Human Services, which last year, at the direction of the White House, recommended making marijuana a Schedule III drug, alongside testosterone and ketamine and obtainable with a prescription.

The scheduling change would have major tax consequences for marijuana businesses.

Currently, even in states where marijuana is legal, the federal tax code prohibits businesses from taking many otherwise ordinary tax deductions. In many cases, that

means they can't deduct rent or employees' wages the way other retailers can and thus face far higher tax rates.



The scheduling change would have major tax consequences for marijuana businesses.

PHOTO: LINDSEY WASSON/ASSOCIATED PRESS

Congress created those limits in the tax law more than 40 years ago and attempts to soften or limit it have fallen short.

Some DEA officials still believe that [pot's medicinal benefits remain unproven](#) and that it is prone to abuse, The Wall Street Journal reported. Namely, they are concerned about modern cannabis strains that can be many times as potent as those that were common years ago, and they believe more research is needed. The agency refused [to reclassify marijuana](#) in 2016.

Federal scientists at HHS said in their August recommendation that marijuana isn't as vulnerable to abuse as other controlled substances, has some therapeutic benefits that are backed by science, and produces "less serious outcomes" than other drugs, even though it can cause dependence.

Amid disagreements, officials asked the Justice Department's Office of Legal Counsel to weigh in on legal issues related to moving pot to a less-restrictive status. That office has since issued guidance that paves the way for a new rule, people familiar with the process said.

"While this thankfully won't fully legalize marijuana, it is an alarming departure from both logic and science, tainted by election-year politics," said Kevin Sabet, president and CEO of anti-pot group Smart Approaches to Marijuana.

Certain Democrats, who had been urging the Justice Department and DEA to move faster to downgrade pot, hailed the potential move as the first step toward lessening what they see as harm caused by draconian pot laws.



“The American people have made clear in state after state that cannabis legalization is inevitable,” said Rep. Earl Blumenauer (D., Ore.), co-chair of the Congressional Cannabis Caucus.

Any rule loosening federal restrictions on marijuana could take months to complete and could be further stalled by lawsuits. Other agencies would get a chance to weigh in on drug officials’ proposed language before it is published. Then the public, including state regulators and marijuana companies, would get a chance to comment. The White House would have to sign off on a final version of the rule before it can go into effect.

# ***Efforts to Make Legal Cannabis Industry Equitable Are Falling Flat***

**Several states have programs to help minorities get licenses to grow and sell, but funding remains a hurdle for most entrepreneurs**

*By Vipal Monga and Jennifer Maloney*

*Dec. 2, 2022 9:00 am ET*



Ambrose Jackson left his job as a hospital administrator in 2021 to start the 1937 Group, a cannabis business, with five other partners.

PHOTO: DANIELLE A. SCRUGGS/THE WALL STREET JOURNAL

More than a dozen states have created [programs to give minorities](#) who were disproportionately affected by [the war on drugs](#) a chance to participate in their legalized cannabis industries.

So far, those efforts haven't worked.

Black and Latino entrepreneurs [seeking to capitalize on the new market](#) have been tripped up by steep application fees, lawsuits and state programs that have favored entrenched players. Even when minority businesses do obtain a prized license to sell or grow marijuana, they face a paralyzing problem: little or no access to cash.

"We're walking into a headwind," said Akele Parnell, a 38-year-old Black entrepreneur in Chicago. His company, 11th Level Inc., last year was granted licenses to grow and sell cannabis in Illinois. A legal challenge to the state's program kept all work on his company and other minority-owned enterprises in the state frozen until June. Now he is struggling to raise the \$8 million to \$10 million he said he needs to set up a grow operation and dispensary.

The situation in states like Illinois has prompted states like New York to reassess policies governing an industry that is projected by 2026 to reach \$42 billion in annual sales nationally. New York officials say they are trying to set up a licensing program that avoids what they say are shortcomings of other states' social-equity initiatives.

Marijuana is legal in some form in 37 states and the District of Columbia, but [remains illegal under federal law](#), a designation that bars operators from traditional funding

sources such as banks and Small Business Administration-backed loans. Large institutional investors also generally avoid the sector.

The policies of the first states to legalize marijuana often favored large, publicly traded companies with operations in multiple states, such as Cresco Labs Inc., Green Thumb Industries Inc. and Curaleaf Holdings Inc. In states such as Colorado, Massachusetts and Nevada, lawmakers barred some people with felonies from working in the industry. Some states capped the number of licenses.

Black-owned businesses made up less than 2% of the roughly 40,000 cannabis companies in the U.S. as of June 2021, according to a report from [Leafly](#), an online cannabis marketplace, and consulting firm Whitney Economics.

Between 2010 and 2018, a Black person was on average 3.6 times more likely [to be arrested for marijuana possession](#) in the U.S. than a white person, even though Black and white people [used marijuana at similar rates](#), according to an American Civil Liberties Union analysis of Federal Bureau of Investigation data.

Given the large racial disparity in marijuana arrests, and the opposite dynamic in marijuana-business ownership, many states in recent years have attempted to make access to the industry more equitable.

Black people comprise only a small percentage of those profiting from the burgeoning legalized pot market, according to state data. Public initiatives and private funds, like one started by Jay-Z, aim to boost minority participation. Photo: Rob Alcaraz/The Wall Street Journal

States that have created such programs include Massachusetts, which created a trust fund this year to provide grants and cheap loans for social-equity cannabis businesses. Arizona set aside 26 social-equity licenses out of about 170 total cannabis licenses as part of its legalization plan. Michigan, Colorado and other states have programs to issue grants or loans to minority businesses, lower application fees or pair licensees with mentors.

But minority businesses trying to participate in the legal cannabis industry in these states and elsewhere across the country still face a host of obstacles.

Ambrose Jackson left his job as a hospital administrator in 2021 to start the 1937 Group with five other partners. The Chicago-based, minority-owned company won cultivation, retailing and transportation licenses from Illinois. It received a \$500,000 low-interest loan through an incubator program started by Cresco, which is trying to boost minority businesses.

Charlie Bachtell, Cresco's CEO, said the industry needs to address what he called the "hypocrisy" of legalization. Companies such as his are making money selling a drug legally while minorities are in prison for doing the same thing.

The 1937 Group is seeking roughly \$25 million to open two cultivation operations and eight dispensaries within the next 12 months.

When Illinois made recreational cannabis use legal as of January 2020, it immediately granted licenses to existing medical marijuana sellers, including large, publicly traded

operators. Smaller, minority-owned businesses were due to get licenses in May of 2020, but the process was frozen by a state judge after some business owners sued over what they called an unfair application process.

The stay was lifted in June, allowing companies such as Mr. Jackson's to start work on their locations. By then, a head start for the large companies that was supposed to last a few months had stretched out to two years.

Since recreational cannabis became legal, licensed businesses in Illinois have sold more than \$3 billion worth of marijuana as of August, according to state data. None of them were owned by minorities.

The state is still dispersing licenses and plans to cap the number at 500. Once all the licenses are granted, the large companies' market share should get diluted by minority businesses, said Illinois Deputy Gov. Christian Mitchell.



Akele Parnell's company, 11th Level, is struggling to raise the millions of dollars he said he needs to set up a grow operation and dispensary in Illinois.

PHOTO: TUCKER MITCHELL

A state program that set aside \$36 million for low-interest loans for social-equity licensees stalled because the state is struggling to get favorable terms from financial institutions. As of Nov. 1, the state hadn't lent any money under the program, but Illinois Gov. J.B. Pritzker said last month he is making \$8.75 million of forgivable loans available for social-equity licensees through a new program.

New York [has reserved its first 150](#) recreational marijuana retail licenses for applicants who are "justice-involved," meaning they or a close relative were convicted of a marijuana-related offense, and for nonprofits that work with formerly incarcerated people.

New York has established a \$200 million fund from which the [justice-involved licensees](#) can borrow at a rate of about 14%. The state is leasing the store locations and subleasing them to licensees.

Some social-equity advocates have criticized New York's plan because applicants in the first round of retail licenses must also own 10% in a business that was profitable for two years. The second requirement could be a greater hurdle for minority candidates, they said.

Chris Alexander, executive director of the state's Office of Cannabis Management, said the criteria were designed so that the state's first recreational marijuana licensees would have prior business experience. Of the 28 justice-involved applicants approved so far, 19 belong to racial and ethnic minority groups, a spokesman for the office said.

Existing small cannabis businesses also say they are being hampered by federal tax rules that punish them for operating in a federally illegal industry. Cannabis businesses can't deduct routine business expenses such as payroll, electricity, rent and depreciation of equipment.

Wanda James, CEO and co-founder of Colorado cannabis dispensary Simply Pure, said her business generates about \$4 million in sales every year. Its federal tax bill is about \$1.4 million. Ms. James estimates that the federal restrictions on cannabis cost her \$1 million more in taxes every year than she would pay if she were running any other type of business.

Ms. James, a former Navy officer, restaurateur and political organizer, was among the first Black cannabis licensees in Colorado. Her brother has served time in prison in Texas for marijuana-related offenses, which prompted her to enter the business.

"Cannabis was built on the backs of people who look like me," Ms. James said.

# *What California's legalization of marijuana means for you*

**TREVOR HUGHES**, **TREVOR HUGHES** | USA TODAY



Monday ushers in the start of legal marijuana sales to California, and along with it, a host of questions about exactly how the system will work and the rules people need to follow.

Broadly speaking, California's rules are similar to those used by other states that have legalized recreational (sometimes known as "adult use") marijuana.



Jars of dried marijuana flowers sit inside a display cabinet at the Denver-based Medicine Man marijuana store. Each jar contains about 2 ounces of marijuana, ... [Show more](#)

TREVOR HUGHES, USA TODAY

But the Golden State's sheer size brings additional challenges and opportunities for sellers and marijuana tourists alike.

Here's what California's marijuana legalization means for you:

**How old do I have to be, and do I have to be a California resident?**

Anyone 21 and older can buy and consume marijuana when you're in California, regardless of whether you're a resident of the state or just visiting. It's called "recreational" marijuana, to distinguish it from "medical" marijuana, which requires a doctor's recommendation. Stores must keep youngsters off the premises, and the cannabis products must be sold in child-resistant containers to reduce the risk of accidental ingestion by curious kids.



Marijuana clones are offered for sale at Harbourside Health Center in Oakland, Calif.

TREVOR HUGHES, USA TODAY

### **How much can I buy?**

You'll be able to buy up to one ounce (28.5 grams) of marijuana from a licensed store for personal use. The law limits you to possessing one ounce at a time, which means you can only buy more if you use it up or give it away. Regular people aren't allowed to sell pot, although they can give it away. The law allows people to grow up to six plants worth of a marijuana at a time for personal use.



A box of joints awaits customers at Harborside Health Center in Oakland, Calif.  
TREVOR HUGHES, USA TODAY

### **Is this going to be like my college experience?**

Probably not – today’s marijuana is far more potent than the cannabis grown decades ago, and infused edibles, hash, oil, wax and “dabs” allow you to consume far more than if you were just smoking a joint. However, one federal study found that people who smoke stronger marijuana simply use less, at least at first. If you’re going to indulge, pace yourself, and that recommendation bears repeating a few more times for anyone trying edibles for the first time. Edibles take longer to kick in than smoked marijuana, so it’s easy to accidentally consume more than you should.



A bright green marijuana plant grows inside a Leaf marijuana "refrigerator" at the company's research lab inside a garage in Greeley, Colo.  
TREVOR HUGHES/USA TODAY

### **Where can I consume it?**

Not a lot of places. California has strict anti-tobacco laws limiting where people can smoke in public, the workplace or hotels. Your best bet is a private home. You can’t light up on the beach, and driving while high is illegal. Anti-smoking laws are one reason edible marijuana products have become so popular; in addition to being seen as healthier, they’re a lot more discreet.





Jars of marijuana sit away customers at Harborside Health Center in Oakland, Calif.  
TREVOR HUGHES, USA TODAY

### **Wait. Isn't this still all entirely illegal at the federal level?**

Yup. Federal agents could prosecute anyone they catch with pot bought in one of these recreational stores. The store owners, distributors and growers are also exposed to federal prosecution as drug dealers, and banks caught handling their cash could be prosecuted under organized-crime laws. Furthermore, people with commercial or pilots' licenses or federal security clearances, along with federal employees and contractors, can still lose their jobs if they're caught using pot. That being said, it's highly unlikely the feds would target individual customers. Instead, they've largely gone after people who have been growing pot intended for the black market.



A marijuana user smokes a joint of Colorado-legal cannabis during a marijuana pairing dinner in Boulder, Colo.  
TREVOR HUGHES/USA TODAY

### **Can I take it home?**

Nope. Airport TSA agents are generally not looking for drugs in your bags but if they find any marijuana, they can call the local police, who could arrest you for possession,

since airports are covered by federal rules. In legal states, airports provide trash cans before security and post reminders not to fly with marijuana. Even though marijuana is legal in both Nevada and Oregon, you're not supposed to cross state borders with it. The easy rule of thumb: Consume your cannabis in the state you bought it.

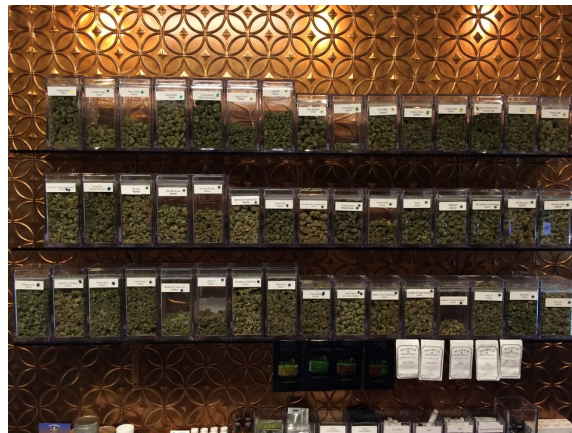


A marijuana researcher walks through a grow warehouse in Denver in 2015. The Supreme Court on Monday declined to hear a lawsuit brought by Oklahoma ... [Show more](#)

TREVOR HUGHES/USA TODAY

### **Where are my taxes going?**

The state is levying a 15% tax on marijuana, collected by the distribution companies. Cities and towns can also add their own taxes on top of that. The special state tax is supposed to be dedicated to a host of special areas, from increased black-market enforcement to environmental protection and grants to help low-income people find work. In other states, marijuana taxes have been used to help the homeless, repair and expand schools, and even send kids to college.



Glass jars of high-grade Colorado-grown marijuana sit on a shelf at a Pueblo-area cannabis store. Pueblo County officials are using some of the taxes collected ... [Show more](#)

TREVOR HUGHES/USA TODAY

### **How will this change the price for black-market cannabis elsewhere?**

Unclear. An estimate by cannabis data firm GreenWave Advisors suggests that half of the marijuana grown in California is illegally sold elsewhere. If the majority of

California growers go legitimate and sell through the state's legal system, that could significantly reduce the flow of black-market pot available elsewhere in the United States, driving up prices. And that's why legalization advocates say more states should make pot legal, thus eliminating the black market and generating more local taxes. Critics counter that legalizing more marijuana wrongly sends the message to kids that pot is safe to use.



'Budtender' Jason Coleman describes the effects of a marijuana-infused lubricant to customers inside the Medicine Man cannabis dispensary in Denver on April 19, 2017. Thousands ... [Show more](#)  
TREVOR HUGHES, USA TODAY

### **Are there any deals available?**

Probably lots of them. This one made us laugh the most: Cannabis firm Merry Jane is partnering with Jack in the Box to offer a special “420” deal at three of the fast-food chain's Long Beach, Calif., locations shortly after legalization begins. The “MERRY Munchie Meal” includes an order of curly fries and onion rings, two tacos, five mini churros, three chicken strips and a small drink, all for \$4.20, plus tax. But sorry, no pot included: you'll have to buy that separately.

# ***Marijuana reform: New California law gives people with records a do-over***

**LINDSAY SCHNELL** | USA TODAY

Hailed by advocates as a chance for people to “reclaim their lives,” a new California law will soon make it easier for people with past marijuana convictions to get their records expunged completely, or their sentences significantly reduced.

Assembly Bill 1793 – passed by overwhelming majority in the California state Legislature and signed into law Sunday night by Gov. Jerry Brown – will streamline a previously tedious process that made it difficult for residents with a prior cannabis-related conviction to clear their names.

“This is transformative,” said Rodney Holcombe of the Drug Policy Alliance, a New York City-based national organization that advocates for human rights-driven drug policies. “This creates an opportunity for people to reclaim their lives.”

California is not the first state to retroactively allow those with cannabis convictions a chance to reduce or completely remove their past; that distinction goes to Oregon, which legalized recreational weed in 2014. Colorado, Maryland, Massachusetts and New Hampshire, plus the cities of San Francisco, Seattle and San Diego, have laws similar to Oregon’s, where individuals convicted of some marijuana-related crimes – like possession, cultivation or manufacturing – can work to get their records sealed or expunged.

But California is the first state to automate the system, which lawmakers and bill supporters hope will be a game-changer for thousands of residents who have limited access to student loans, housing and jobs because of their criminal records. The Judicial Council of California estimates at least 218,000 residents would benefit from the new law.

“The failed war on drugs has, in so many ways, wreaked havoc, damage, pain and anguish on so many Californians,” said Assemblymember Ron Bonta, D-Oakland, who proposed the measure. “This is where government can step in and make it better.

Pot convictions disproportionately affect communities of color, according to a 2016 study from the ACLU and Drug Policy Alliance. That study found that while white people consume marijuana at similar rates to black people – and more than Latinos – communities of color are more likely to be targeted by law enforcement for low-level marijuana possession infractions. In 2010, for example, black people were 3.73 times more likely to be arrested for marijuana possession than white people nationwide.

The measure is California's latest effort to help those with marijuana charges move on with their lives. Two years ago, Californians passed Proposition 64, which legalized recreational marijuana use for adults 21 and over and allowed for those with criminal convictions to request to have their records erased. But the process was lengthy and convoluted, requiring people to petition the courts to reduce their sentence for prior convictions, back when cannabis was illegal. It could also be an expensive process, with costs spanning court fees, hiring a lawyer (to walk people

through paragraphs of confusing legal jargon) and time spent away from work and home.

“It was so inaccessible for a variety of reasons,” said Holcombe, adding that it was especially complicated for those who couldn’t obtain free legal counsel. “This (new law) will empower people. My heart goes out to people who have had to navigate this process on their own. It’s confusing, expensive and tiring.”

The Drug Policy Alliance tries to educate the public on what it calls “collateral consequences,” the side effects that stem from a sometimes decades-old conviction, Holcombe said. Those collateral consequences can include not being able to acquire student loans, find meaningful employment or access good housing, among other issues.

Under the new law, the state will do the work to clean up people’s records – even if they didn’t know they were eligible. Some individuals will be able to completely clear their record, while others will see their crimes significantly reduced. Possession with the intent to sell, for example, will now be reduced from a felony to a misdemeanor.

Here’s how it will work: Starting Jan. 1, 2019, the Department of Justice has seven months to review all marijuana cases and send potential petitions to county district attorneys. DAs will have one year to challenge or grant the petition to change residents’ marijuana-related convictions. Priority will be given to those currently serving time.

“Prop. 64 provided redemption and rehab and a chance to rebuild those lives – these expungement and reductions are a big part of that,” Bonta said. “I wanted to make sure that the promise in Prop. 64 was kept.”

Support for legalizing marijuana has grown steadily over the last 20 years in America. According to the Pew Research Center, only 31 percent of adults in 2000 believed it should be legal. Now, that number is 61 percent. In January, Oklahoma became the 30th state to legalize medical marijuana use. This fall, Utah and Missouri will vote on medical marijuana, while North Dakota and Michigan vote on recreational use.

The new California law comes on the heels of reports that President Donald Trump and the White House have secretly assembled a variety of federal agencies with hopes of thwarting public support for marijuana legalization. BuzzFeed News reported on Aug. 29 that the administration will attempt to [“portray the drug as a national threat.”](#)

“The Trump administration is stuck in the past,” Bonta said. “California is at the vanguard of this issue ... and we’re moving forward with the values we believe in in California.”

Despite opposition, Holcombe and the DPA are hopeful that if California’s landmark law is successful, other states could adopt similar measures.

“Popular opinion has changed so much,” Holcombe said. “Lots of support has already been generated around the folks who have been convicted and are still burdened by these collateral consequences – and there’s growing interest in remedying that.

“My hope is that this momentum can continue, and we can use California as a guide on how to move forward.”

# ***Legal marijuana arriving in California after decades of underground dealing***

**TREVOR HUGHES , TREVOR HUGHES | USA TODAY**



A new gold rush is sweeping California as the state prepares to launch legal marijuana sales Monday, bringing the powerful and largely underground economy finally into public view.

Marijuana has long been one of California’s most important cash crops, albeit one many visitors would never see amid the vineyards and avocado farms. Now, tens of thousands of entrepreneurs are rushing to carve out a slice of an about-to-be-legal market that has grass-growing cannabis evangelists colliding with out-of-state suits eager to make a now-legal buck.



Marijuana at Joy of Life Wellness Center in Palm Springs  
LANCE GERBER/DESERT MAGAZINE

And there's a lot to be made: The state's existing marijuana black market is worth \$13.5 billion, according to cannabis financial analysis firm GreenWave Advisors, while the legal market could be worth \$5.1 billion in 2018.

“You’re taking an industry that was completely underground and making it the most regulated product of all time,” said Jessica Lilga, who runs a medical cannabis

distribution service in Oakland, Calif., and hopes to expand into recreational pot. “It’s just insane.”

Legalization through voter approval of Prop. 64, which created a system for legally growing and selling cannabis, also raises concerns about whether kids will start using more marijuana thanks to increased visibility and whether the state is creating a new Big Tobacco industry that puts profits ahead of public health.



Marijuana plants at PSA Organica in Palm Springs  
LANCE GERBER/DESERT MAGAZINE

While five other states already offer legal marijuana sales, the Golden State’s sheer size is expected to reshape the pot industry worldwide, potentially driving down prices for consumers while generating hundreds of millions of dollars in taxes. It also holds the promise of wiping out criminal records for some people with previous cannabis convictions and helping longtime illegal drug dealers go legal by getting them licensed.

Eight states and the District of Columbia have legalized marijuana, but only Colorado, Oregon, Nevada, Alaska and Washington have functioning marketplaces. Massachusetts and Maine expect to begin sales sometime later next year. Marijuana remains illegal at the federal level, but the Trump administration has made no high-profile moves against any state where pot is openly sold to adults.



Marijuana at Desert's Finest in Desert Hot Springs

## LANCE GERBER/DESERT MAGAZINE

That has store owners scrambling to erect billboards near Los Angeles International Airport and flooding bars with street marketers. California rules limit marijuana advertising, so dispensaries are getting creative in how they reach potential customers. Med Men, which sells medical cannabis but hopes to offer recreational pot come Monday, is wrapping 30 trucks with advertisements for its four existing high-end dispensaries. [Cannabis firm American Green even bought an entire town](#) — Nipton, Calif. — to create a marijuana mecca.

Because California's marijuana law requires all cannabis to arrive in stores pre-packaged, growers and distributors are frantically developing branding and packaging to set their wares apart.

“You're seeing a lot more sophisticated people from other industries starting to move into the space,” said B.J. Carretta, Med Men's chief marketing officer. “If traffic doubles in January, it can't be amateur hour.”

California's marijuana growers are already highly sophisticated when it comes to operating illegal farms in the mountains of the Emerald Triangle north of San Francisco. But playing by these new rules is a different proposition. California's pot regulations require a variety of water and environmental considerations, along with tight accounting and tracking.

Many longtime cannabis farmers are struggling with whether to go legal, in part because getting licensed can cost tens of thousands of dollars. Additionally, many longtime marijuana moonshiners are culturally opposed to playing by the rules. For generations, they have secretly grown vast quantities of pot destined for black-market users across America.



Clear containers allow customers to see and smell the 20 strains of marijuana offered at the MedMen marijuana dispensary on Santa Monica Blvd in West ... [Show more](#)

## RICHARD LUI/THE DESERT SUN

Matt Karnes of GreenWave Advisors estimates at least half of all the cannabis grown in California is illegally shipped across state lines and sold at two or even three times the price it would fetch if sold locally as medical marijuana. Those growers have an extensive network of distributors built through mutual trust over decades of underground dealing.



“What we are going to see is not only a legal shift but a cultural shift,” said Michael Steinmetz, the CEO of cannabis distribution company Flow Kana.

Steinmetz bought an abandoned vineyard and winery in Mendocino County to serve as a centralized processing marijuana center for small growers. He envisions dozens of farmers pooling their crops to be trimmed, packaged and distributed as a premium umbrella brand.

“Commodity cannabis is going to be a race to the bottom. We want to be more like wine and less like wheat,” he said.



A worker at Harborside Health Center in Oakland, Calif., packages marijuana cigarettes -- joints -- for customers. Harborside's founder recruits his staff from the city, ... [Show more](#)

TREVOR HUGHES, USA TODAY

Like other states that have legalized recreational marijuana, California is creating a network of privately owned but tightly regulated pot shops that will offer shoppers a wide variety of products, from the smokeable “flower” most people are familiar with to cannabis-infused foods called edibles, and increasingly popular marijuana extracts used for vaping. The state requires quality testing and will regulate the kinds of pesticides and other chemicals used in growing.

“Consumers at large haven’t seen that,” Steinmetz said. “In the black market, you buy whatever the dealer has and you want him out of your house as soon as possible.”

Lilga said she expects to see retail prices drop as newly formed cannabis conglomerates use their size to price out smaller players. While there's a state tax on marijuana, the government isn't regulating how much consumers will pay, leaving that largely up to the free market.

“There’s a lot of culture and community and soul being sucked out,” she said. “We see that inevitably that a lot of people will not survive the next year.”



'Budtender' Jason Coleman describes the effects of a marijuana-infused lubricant to customers inside the Medicine Man cannabis dispensary in Denver on April 19, 2017. Thousands ... [Show more](#)

TREVOR HUGHES, USA TODAY

Steve DeAngelo, one of California's best-known medical marijuana business owners and advocates, said he worries the new regulations will artificially limit the supply early next year, potentially driving up prices.

“Cannabis consumers deserve the same choices enjoyed by shoppers at the grocery store. While everybody would like to be able to afford heirloom tomatoes, meticulously tended in small patches and selling for \$5.99 a pound — most families can't afford them,” said DeAngelo, the CEO of Oakland-based Harborside cannabis dispensary. “Most can only afford the lower-priced tomatoes grown by larger, more efficient farms. And thankfully for these consumers, regulations allow the existence of such tomato farms.”



A box of joints awaits customers at Harborside Health Center in Oakland, Calif.  
TREVOR HUGHES, USA TODAY

Still, the state faces major challenges in the coming months, said Kevin Sabet, the director of the anti-legalization group Smart Approaches to Marijuana, which warns that California's legalization of marijuana is creating a new Big Tobacco industry

because many Americans don't see the broader consequences of widespread cannabis cultivation and consumption.

Data about how legalization has affected cannabis use rates, particularly among kids, remains consistently unreliable. Marijuana remains entirely illegal at the federal level, most banks refuse to handle cannabis cash and employers are struggling with how to handle routine drug testing for workers in states where pot is legal.

Knowing those challenges, Sabet said California should have taken more time to work out the kinks.

“Prop. 64 was written with this expedited timeline because the industry was its main author. And the industry only makes money if things are rolled out quickly, without much thought about the actual way this will operate. California is not ready for recreational legalization,” Sabet said. “The only people who will benefit from this rollout are the Silicon Valley billionaires who have invested in this whole thing.”

Silicon Valley billionaires heavily backed Prop. 64, particularly Napster co-founder and former Facebook president Sean Parker, who donated more than \$1 million to the November 2016 ballot measure.

Some industry experts say they believe venture capitalists hope to commoditize cannabis production and create a legitimate cash crop. “We’re going to have more Budweiser than craft brewers,” said Lilga, the distributor. “I can tell you it’s not fun at all. This is the epitome of the corporate model.”

That corporate model is expected to generate hefty tax returns for the state: \$300-\$500 million in marijuana taxes in the first year, according to cannabis analytics firm New Frontier Data. That estimate doesn't include local sales taxes and depends heavily on how quickly the industry ramps up.

Former California Attorney General Bill Lockyer counts himself as both a responsible member of the community and someone who thinks legal cannabis can be done right. Lockyer, who was in office as medical marijuana became widespread in California, said he thinks the new recreational pot regulations are far better than the state's original medical marijuana rules — so much that he's co-founding a marijuana distribution company with colleagues drawn from the brewing and alcohol-distribution fields.

“This is the right thing for California, and we’re trying to do it in a legal and smart way,” he said. “If it winds up helping pay for my kids’ college education, I won’t complain about that.”

# ***San Francisco wiping thousands of pot convictions off the record after legalization***

**TREVOR HUGHES , TREVOR HUGHES | USA TODAY**

Thousands of Californians' marijuana convictions are being automatically dismissed by a top prosecutor under the state's new legal cannabis system, and thousands more could have convictions or punishments reduced.

More than 3,000 people will automatically have misdemeanor marijuana convictions wiped from their records, and 4,000 felony cases will be reconsidered for reduction to misdemeanor convictions, San Francisco District Attorney George Gascon announced Wednesday.

Gascon said the move, which applies only to convictions from San Francisco dating back to 1975, will make it easier for people with criminal records to get jobs and help right the wrongs of the War on Drugs, which his office said disproportionately targeted minority communities. Gascon's office hopes to finish the process by the end of the year.

“Long ago we lost our ability to distinguish the dangerous from the nuisance, and it has broken our pocket books, the fabric of our communities, and we are no safer for it,” Gascon said. “A criminal conviction can be a barrier to employment, housing and other benefits, so instead of waiting for the community to take action, we’re taking action for the community.”

California's new legal cannabis system allows anyone with a misdemeanor pot conviction to petition to have it dismissed. However, after so few eligible people applied, Gascon said he decided to make the move himself.

“This isn't just an urgent issue of social justice here in California, it's a model for the rest of the nation,” said Lt. Gov. Gavin Newsom, who applauded Gascon's decision.



A box of joints awaits customers at the Harborside Health Center in Oakland, Calif.  
TREVOR HUGHES, USA TODAY

California's new cannabis system legalized the growing and sale of small amounts of marijuana for personal consumption. Proponents of the November 2016 ballot initiative argued that legalizing pot would help reduce the suffering of minority communities targeted by police. In 2011, 50% of all cannabis-related arrests in San Francisco were of black residents, even though they made up only 6% of the entire population, Gascon's office said. Health surveys show white and black Americans use cannabis at roughly the same levels.

Today, Gascon's office has zero ongoing marijuana-related prosecutions.

Gascon's move is in line with a [similar effort in nearby Oakland](#), where city officials have created a system through which longtime residents with marijuana convictions can get preferential treatment for marijuana sales licenses. Other states that have legalized marijuana specifically ban people with drug convictions from working in the field or limit their ability to participate by requiring extensive documentation of their history.

Nine states and the District of Columbia have legalized recreational marijuana use, but cannabis remains illegal at the federal level and is listed by the Drug Enforcement Agency as a Schedule 1 controlled substance, defined as drugs with no currently accepted medical use and a high potential for abuse.

# ***Nearly 66,000 weed convictions dating back to 1961 to be dismissed in Los Angeles County***

**JORDAN CULVER** | USA TODAY

Citing the need to bring relief to people of color who are disproportionately impacted by drug laws, Los Angeles County District Attorney Jackie Lacey dismissed [nearly 66,000 marijuana convictions](#) on Thursday.

Prosecutors asked a Los Angeles Superior Court judge to dismiss 62,000 felony cannabis convictions for cases dating back to 1961, according to a news release. An additional 4,000 misdemeanor cases were dismissed across 10 cities in Los Angeles County.

“I am privileged to be part of a system dedicated to finding innovative solutions and implementing meaningful criminal justice reform that gives all people the support they need to build the life they deserve,” Lacey said in a statement.

According to the District Attorney’s Office, “Approximately 53,000 individuals will receive conviction relief through this partnership. Of those, approximately 32% are Black or African American, 20% are White, 45% are Latinx, and 3% are other or unknown.”

California legalized recreational marijuana years ago. Thursday’s announcement was made in partnership with Code for America, a nonprofit which created an algorithm to identify convictions eligible to be dismissed under Proposition 64, which voters approved in 2016.

Code for America has offered its Clear My Record technology free to all 58 state district attorneys, The Associated Press reported. The State Attorney’s office announced Clear My Record helped reduce or dismiss more than 85,000 Proposition 64 eligible convictions across five counties.

Assembly Bill 1793, which passed in 2018, charges prosecutors with reviewing convictions eligible for dismissal or reduction under Proposition 64 by July 1 of this year -- the District Attorney’s office said only 3% of people eligible for conviction relief have received it before Thursday’s announcement.

The current process for clearing records involves petitioning the court, which the District Attorney’s Office calls “time-consuming, expensive and confusing.”

Evonne Silva, Code for America’s Senior Program Director of Criminal Justice, said in a statement Thursday’s announcement shows “automatic record clearance is possible at scale and came help right the wrongs of the failed war on drugs.”

“Today’s action marks the completion of our California Clear My Record pilot, through which we will have helped to dismiss and seal more than 85,000 marijuana convictions across the state,” Silva said.

# ***New marijuana laws in 2019 could help black and Latino drug dealers go legal***

**TREVOR HUGHES** | USA TODAY

Fourth-generation Oakland native Tucky Blunt grew up around weed. His grandmother used it. So did his parents and his friends.

Blunt (yes, that's his real last name) started selling to friends in the neighborhood when he was 16. He was usually careful, buying in bulk from a trusted supplier and selling to customers who'd call him to meet up.

After nearly a decade of illegal sales, it was \$80 worth of pot that got him in trouble. He was found with a handful of baggies stashed in his pants when police officers came for him, tipped off by someone Blunt thought was a friend.

"We were out there trying to make money to help support our families at a time when people didn't have a lot of money. We didn't think we were hurting anyone," said Blunt, now 39. "I liked weed. I knew people who liked weed. Why not facilitate them getting good weed? That's how I looked at it."

His arrest in 2004 and his conviction left Blunt with a 10-year felony probation, allowing police to stop and search him anytime, for any reason. Meanwhile, all around Oakland, young black men like him were getting arrested while most of the white guys who were selling weed were left alone.



Alphonso "Tucky" Blunt, 39, is photographed at his marijuana dispensary, Blunts and Moore in Oakland, California.

MARTIN E. KLIMEK, USA TODAY

"It affected everybody in my circle because it was only targeted to us. I knew white people that was selling weed that never went to jail," Blunt said. "The war on drugs was just about putting as many of us in jail as possible. It tore up a lot of families."

The [war on drugs](#) has for decades disproportionately devastated minority communities by punishing people like Blunt and creating a cycle of poverty, incarceration and limited employment options, legal and social justice experts say.

Now, lawmakers and legalization advocates across the country are demanding not just [cannabis legalization](#) but remedies to address decades of demonstrably racist policing, from laws that automatically expunge criminal records for marijuana dealing and possession to policies that would give minority communities assistance in building cannabis businesses.

The same year as Blunt's arrest, Oakland's voters ordered police officers to make marijuana enforcement their lowest priority, below even jaywalking. [But a decade later, the problem was laid bare](#): Officers were still arresting black men for marijuana crimes at rates staggeringly higher than for whites.

According to the city's own statistics, 77 percent of the marijuana arrests in Oakland in 2015 were of African-Americans. Whites represented just 4 percent of those arrests, even though the city's population is about 30 percent white and 30 percent black.



Detail of marijuana flower at the marijuana dispensary, Blunts and Moore.

MARTIN E. KLIMEK, USA TODAY



Similar data have been reported throughout the U.S. While marijuana legalization has reduced the overall number of marijuana arrests, people of color are still being targeted by police.

Even in states with largely white populations, black people using or selling marijuana still face high arrest rates.

In Colorado, which in 2012 became the first state to legalize marijuana, the total number of marijuana arrests decreased by 52 percent between 2012 and 2017, from 12,709 to 6,153, according to state statistics. But at the same time, the marijuana arrest rate for African-Americans – 233 per 100,000 – was nearly double that of whites in 2017, and that's in a state that's 84 percent white.

In Alaska, of the 17 marijuana arrests in 2016, 29 percent were of African-Americans, even though they represent just 4 percent of the state's population, making Alaska's marijuana arrest rate for African-Americans nearly 10 times higher than that of whites. The state made recreational marijuana legal in 2014.

And in Washington, D.C., where marijuana is legal, a black person is 11 times more likely than a white person to be arrested for public consumption of marijuana, according to Metropolitan Police Department statistics.

Health statistics show that whites and African-Americans use marijuana at roughly equivalent rates, which means the disparity in arrests is driven not by use but by police.

### **Years of 'discriminatory enforcement'**

California has taken the lead in trying to amend years of racist drug policies.

In 2016, the state approved legal recreational marijuana in a ballot measure that also allowed people with pot arrests to get their records expunged. So few people took advantage of the opportunity, however, that state lawmakers passed a new law last fall ordering prosecutors to automatically review and potentially reduce or dismiss sentences and records for low-level marijuana offenses. It's the first statewide law of its kind.

Though such efforts have the potential to make a difference, advocates say, it would have been better to include, from the very start, automatic expungement and other provisions to aid minority communities.

"Once the train has left the station, it's hard to attach new boxcars," said Christine De La Rosa, who owns marijuana businesses in California and Oregon and is lobbying to pass legal recreational pot in New York state. "People are starting to understand and to put the pieces together: This child's father has been in jail for 16 years on a minor possession charge, and then right across the street at the marijuana convention you have a bunch of white guys in ties getting rich."

Similar debates over social justice reform and marijuana laws are unfolding in cities and states with legal marijuana and those without it. In Seattle, prosecutors have sought to abolish hundreds of convictions against people [arrested with small amounts of pot](#). In New Jersey and New York, lawmakers are looking to legalize pot and [expunge marijuana records](#) once they do.



Interior of Blunts and Moore, a marijuana dispensary in Oakland.  
MARTIN E. KLIMEK, USA TODAY

In Baltimore, State's Attorney Marilyn Mosby argues that police and prosecutor resources are better spent focusing on the city's extraordinarily high murder rate than on marijuana cases. Last month, Mosby announced that her office would no longer prosecute any marijuana possession cases, regardless of amount or prior criminal record, unless there was demonstrated intent to distribute. And she announced her office would vacate about 5,000 marijuana-related convictions dating back to 2011.

Maryland decriminalized possession in 2014, but police still can and do issue citations. In a [white paper released by her office](#), Mosby said that of the 431 marijuana citations issued by Baltimore police in 2017, 95 percent of them went to African-Americans, even though the city is roughly 60 percent black and 30 percent white. And of those citations, more than 40 percent were issued in one majority-black neighborhood.

Drug laws have been "disproportionately enforced in communities of color, and that's creating an erosion of public trust," Mosby told USA TODAY. "We're moving toward legalization, and it makes absolutely no sense as the top prosecutor to be complicit in that discriminatory enforcement."

As a prosecutor, Mosby said, she's all too aware of how a criminal record can hurt someone for decades, even generations. In Baltimore, even though simple marijuana possession is a civil infraction, someone caught with a little bit of cannabis but without an ID can be arrested and booked, which turns the civil case into a criminal one.

"When you think about those collateral consequences, it's got impacts on housing, employment, adoption, mobility, property rights," Mosby said. "It's a greater

realization that these failed policies did not work and we need to take a different approach."

## **Who gets to sell legal marijuana**

Kevin Sabet, CEO of the anti-legalization group Smart Approaches to Marijuana, said states should decriminalize marijuana and provide drug treatment rather than punishing users.

That could help lots of Americans targeted by the war on drugs. But he doubts it will help people who have been shut out of the legal weed industry because of their records. His group argues that the licensing systems created to sell marijuana are primarily benefiting companies racing to become the next Big Tobacco.

"The pot industry is largely rich, white, male, and despite lip service by some legalization advocates, this won't change anytime soon," he said. "The pot industry requires major institutional capital, and unless a state is handing out seven-figure checks to certain populations, license preference programs won't make a dent."

To understand how this situation occurred, you first have to understand not just the laws governing marijuana legalization, but the regulations implementing the stores and licenses.

In general, the first states that legalized recreational marijuana made it hard for anyone with a criminal record to enter the marijuana business and gave preference to people already operating medical marijuana businesses, which were in many cases subject to even tougher licensing laws because those stores came first, when regulators were at their wariest.

And because small-business loans are usually reserved for people without drug convictions, an arrest for simple possession also shut many would-be entrepreneurs out of now-legal cannabis business opportunities.

The end result? Tech workers, real estate investors and guys who owned construction companies have been the market leaders for years now, joined increasingly by white politicians like former House Speaker John Boehner, who backed the war on drugs and then, after leaving office, joined the board of a cannabis company in April 2018.

A first-of-its kind survey by Marijuana Business Daily in 2017 found that whites made up 81 percent of people who had either started a marijuana company or had an ownership stake. New York congresswoman Alexandria Ocasio-Cortez, a Democrat, cited those statistics at a hearing this month, suggesting that most marijuana legalization systems were actually compounding the racial wealth gap.

"It all comes down to money in the bank, time and community support," said Adam Powers, who with his twin brother, Andrew, has worked in dispensaries and as cannabis consultants in Washington state. The Powers brothers, who are African-American, say they frequently deal with marijuana store owners looking to launch stores the pair compare to a Starbucks experience: non-threatening, consistent and accessible. And bland.

"From a logical standpoint, I can agree with it," Powers said. "You make the industry super-hard to get into, that only people who are squeaky clean can get into it, because you know all eyes are on you. However, that is the approach always, always, that you take to whitewash things and make it clean. That's literally what you say before you fire the black people and the minorities."

Powers, 31, said social justice was a clear motivating factor for many voters who supported legalization in Washington; they just didn't realize that legalizing pot sales wouldn't immediately right decades of wrongs.

"My life as a minority is a little bit easier knowing, hoping, that's one less reason for someone to bug me over something I use medically or recreationally, like alcohol," he said.



[View 17 Photos](#)

### **efforts legalize marijuana help blacks, Latinos hurt most war drugs**

Dozens of minority drug dealers with minor drug convictions are getting assistance breaking into what many feared was becoming a whitewashed industry.

Fears of being targeted by police – especially federal law enforcement – kept many African-Americans without arrest records from immediately joining the semi-legal cannabis industry in its early days. For them, waiting to see how things shook out just made sense.

Actor and pot entrepreneur Whoopi Goldberg took a different approach. A longtime advocate for both racial equality and marijuana legalization, Goldberg, 63, co-founded a medical marijuana company in 2016, counting on her celebrity and age to insulate her from the unfair policing faced by young black men, she said.

“When you look at who is in jail for marijuana, it kind of explains it all,” she said. “Black folks with marijuana went to jail a lot more than white folks with marijuana. I think it’s always been guy-oriented, and in particular white guys, because they could get away with it.”

## Helping drug dealers go legal

For many marijuana legalization activists, it's now up to local governments to diversify the legal pot industry by clearing conviction records and handing out subsidies. If white men have unfairly benefited from marijuana legalization, then it's only fair that minority communities be given extra help now because they suffered more, the thinking goes.

"We actually do have to overcorrect," said Cassandra Frederique, 32, the New York state director of the Drug Policy Alliance, which is lobbying to legalize marijuana in the Empire State. "People from our communities, black and brown communities, were the one first ones to be criminalized. Why shouldn't we be the first ones to benefit?"

In California, several cities have created cannabis equity programs to help former drug dealers go legal. The programs include business development, loan assistance and mentor relationships. In September 2018, former Gov. Jerry Brown signed legislation to partially fund such programs. [The bill stated it would help](#) ensure "that persons most harmed by cannabis criminalization and poverty be offered assistance to enter the multibillion-dollar industry as entrepreneurs or as employees with high-quality, well-paying jobs."

In Massachusetts, regulators have also [launched an equity program](#) after acknowledging that while the state's population is 22 percent Latino or African-American, that same demographic makes up 75 percent of people imprisoned under mandatory minimums for drug crimes. The Bay State's equity program is specifically reserved for residents with a drug conviction or those who are married to someone with a drug conviction.

Years after he was arrested, Blunt is now the first Oakland resident to benefit from the city's [special license preference program](#). Under the equity program, longtime Oakland residents who were hurt by the war on drugs are getting priority, preference and special assistance to open up marijuana stores so they can sell cannabis legally. Blunt, who got his criminal record cleared once he finished his sentence, actually had to get it temporarily reopened so equity program managers could verify his arrest.

Blunt tried to break into the industry on his own a few years back but couldn't crack into California's majority-white cannabis club scene. The equity program helped him launch his marijuana store, Blunts+Moore, in November. He sees the national push for more equity programs as a key component to easing the damage caused by the war on drugs.

"We're not just budtenders, not just security guards anymore. We're owners now," he said. "To be able to sell this legally in my city, literally 10 blocks from where I caught my case, I'm fine – I wasn't going to let anything stop me. I'm the new kid on the block, and I'm here to change the game."

# *California city to use pot shops to fight racial inequities*

**TREVOR HUGHES** , **TREVOR HUGHES** | USA TODAY

OAKLAND, Calif. — Convicted marijuana dealers are getting help to go legal under a precedent-setting system here.

The city’s “Equity Applicant” system aims to help poor, longtime Oakland residents — including those with convictions for illegally selling marijuana — get started in a business that otherwise has remained stubbornly white, male and middle class across the USA. City officials designed the system to help rectify what they see as longstanding, provable inequities in how the war on drugs was prosecuted against the poor and communities of color.



A worker at Harborside Health Center in Oakland, Calif., packages marijuana cigarettes -- joints -- for customers. Harborside's founder recruits his staff from the city, ... [Show more](#)

TREVOR HUGHES, USA TODAY

In 2015, 77% of the marijuana arrests in Oakland were black; whites made up 4% of those arrests. The city’s population is about 30% white and 30% black, and officials who look at those numbers say police officers obviously were targeting black communities because studies show whites and blacks use marijuana at comparable rates.

In 2004, residents formally ordered the police department to make most marijuana-law enforcement the lowest priority, below even jaywalking.

It’s no wonder that whites run most of the city’s marijuana stores, officials say.

“When you look across the country, there are jurisdictions that handed out (marijuana business) permits and not a single person of color got a permit. How does that happen?” asked Desley Brooks, an Oakland city councilwoman who pushed for the special licensing system.

“It is clear, throughout America, that black and brown people have borne the brunt of the war on drugs,” she said. “And as government, we should not set up systems that perpetuate inequity.”

In fall 2016, California voters approved legal recreational marijuana, but the system for selling that pot doesn't exist yet.

Regulators developing the recreational rules are basing them in large part on the existing medical marijuana system, which means what governs medical marijuana businesses today largely will govern recreational pot shops next year.

The key difference: Medical marijuana users need a note from their doctor recommending they use cannabis for a specific condition or disease. Recreational marijuana is available to any adult.

Oakland's equity system requires that half of any new medical marijuana licenses be set aside for people who are low income and either have a marijuana conviction or have lived in certain Oakland neighborhoods for at least 10 of the past 20 years. The city will give priority to other applicants if they partner with equity applicants by giving them free space to operate a competing business.

Many of the city's existing marijuana business owners say the equity provision is a typical Oakland approach. Oakland was one of the first American cities to create a medical-marijuana marketplace, and many other cities later copied portions of its regulations.



Containers of marijuana sit in April 2017 in a display case at Harbourside Health Center in Oakland, Calif.

TREVOR HUGHES, USA TODAY

“We’re not afraid of being first and being waaaaay ahead of the curve,” said Steve DeAngelo, the founder of Oakland marijuana dispensary Harborside Heath Center. “This city has a tremendous amount of overlooked and underutilized talent. Hopefully, that gets unlocked with the equity program.”

Harborside's Oakland dispensary serves about 1,000 customers a day, and both customers and staff reflect the city's diversity. It stands in stark contrast to stores in Alaska, Colorado, Oregon and Washington where the face of marijuana is white and middle class.

“Everybody is the same age as I am and the same race as I am. There’s a total lack of diversity,” DeAngelo said of most other marijuana businesses. “Our ambition has always been to reflect the diversity of our community.”

White middle-class operators dominate the legal marijuana industry because regulations favor people with clean criminal records, access to family money for startup costs and an ability to fill out regulatory paperwork.

Would-be entrepreneurs can’t get federal Small Business Administration loans. If they don’t own their own home or if have bad credit, they can’t take out a second mortgage to lease shop space and equipment to get started.

“How can you explain that to people, to look at that and think it’s not discriminatory?” said Darlene Flynn, the director of Oakland’s Department of Race and Equity.

“Whether it was on purpose or not, it continues to hold back one part of society,” she said. “And if we know that’s the situation, then what is our responsibility?”

Flynn’s office exists in part to foster hard conversations about what Oakland officials call “explicitly racist” past policies. Her goal is not to assign blame but to find ways to ensure everyone has a chance to succeed.



A worker at Maya & Whoopi, the medical marijuana company co-founded by Whoopi Goldberg, pours cannabis-infused salve into jars to cool.  
TREVOR HUGHES, USA TODAY

That institutional racism dissuades minority entrepreneurs skeptical that they’ll be left alone when entering the marijuana business. In a searingly honest report, Flynn’s office earlier this year laid out how decades of disproportionate drug-law enforcement hurt minorities while giving white drug dealers a chance to go legal.

The report pointed out that a criminal record can bar access to public housing assistance, good-paying jobs and overall economic security, which leads to gang activity and perpetuates the cycle.

“In contrast, drug trade in white communities and lack of enforcement during the same period has resulted in growth in new business ownership and the financial



starting line for the next phase of entrepreneurial wealth and community building,” the report concluded. “This permissive business environment on one hand and the aggressive enforcement of drug laws on the other has widened the opportunity gap between people of color and white residents in the City of Oakland.”

That gap is obvious: A USA TODAY survey shows whites own a disproportionate number of the city’s marijuana businesses. In many cases, those marijuana businesses have faced less competition than they might on an otherwise level playing field.

“It feels horrible that other people haven’t been given the same opportunity,” said co-founder Kristi Knoblich Palmer of Oakland-based Kiva Confections, which makes marijuana-infused candies and snacks.

Palmer said she’s confident the marijuana industry eventually will ensure everyone has a chance to participate, regardless of background. Oakland’s regulations, including the equity program, establish the groundwork for a world-class system.

“We have an amazing opportunity, and we have to take it,” she said. “We have the perfect environment for a knock-your-socks-off cannabis program.”

# *Marijuana industry poised for supercharged growth thanks to President Trump*

**TREVOR HUGHES , TREVOR HUGHES | USA TODAY**

DENVER — America's fast-growing marijuana industry appears poised for supercharged growth after winning what cannabis entrepreneurs see as approval from the Trump administration to forge ahead.

The legal marijuana market was already growing exponentially despite fears of a federal crackdown under Trump and Attorney General Jeff Sessions, but Trump's signal that he'll respect state legalization may swing open the floodgates by reassuring traditional investors, entrepreneurs and local lawmakers that it's OK to jump in.

Across the nation, risk-takers have poured billions of dollars into the industry while knowing they could be arrested by federal agents at any moment.

They've built — largely unseen — a powerful network of businesses poised to take advantage of a more favorable federal climate. That industry has already woven itself into the fabric of the states where pot is legal, providing tens of thousands of jobs and generating billions of dollars in new tax revenues.



A clerk at the Cannabaska marijuana store in Anchorage discusses the particulars of a strain of cannabis with a customer. The store's owner recruited workers ... [Show more](#)

TREVOR HUGHES, USA TODAY

Experts say those numbers are now likely to rise rapidly thanks to Trump's promised hands-off approach and support of some sort of federal solution.

"Every day we wake up and build this industry. And every day we do that, it's a little harder to shut it down," said Daniel Yi, a spokesman for the California-based marijuana powerhouse MedMen.

There's no denying America's love affair with marijuana is accelerating across the nation as voters loosen laws and grow increasingly comfortable with a drug that has been forbidden for generations. Today, more than 60% of Americans believe marijuana should be legal, double its popularity in 2000, according to a January

2018 poll by the Pew Research Center. That comes against a backdrop of contrasting studies that have offered little insight into how legalization is impacting youth use, stoned driving and border-state black markets.



Budtender Tyler Schneckenberger shows off marijuana from a glass jar he was stocking in preparation for increasing sales during the Super Bowl weekend at the ... [Show more](#)  
TREVOR HUGHES, USA TODAY

But Trump's acceptance of popular state legalization reflects the reality and power of this increasingly important industry. Across the country, cannabis legalization is transforming communities in ways big and small, winning many converts among skeptical cops and local politicians as new tax dollars pour into schools and scholarships, pay for road paving and drug treatment, and, if advocates have their way, lift up minority communities devastated by the War on Drugs.

“It’s really fun to see people’s minds change,” Jen Lujan of California-based marijuana firm Eaze said.

Marijuana’s economic impact in particular has helped keep the focus on the positives of legalization. While most supporters agree that marijuana taxes haven’t been the boon many expected, the industry’s economic power is undeniable.

At least 121,000 people are already working directly in the nation’s home-grown marijuana industry, tending plants, trimming leaves and selling cannabis products to eager consumers, according to BDS Analytics and Arcview Market Research. For comparison, there are fewer than 50,000 coal miners, according to the federal Bureau of Labor Statistics.

[The Potcast, a USA TODAY Network podcast](#), tells the story of America’s shifting attitude toward legalizing pot:

Nine states — Alaska, California, Colorado, Oregon, Massachusetts, Maine, Nevada, Vermont and Washington, along with Washington D.C., — have legalized recreational pot use, although not all of them permit and tax sales. Those states selling pot have collected more than \$1.6 billion in taxes since their legalization programs began, and California’s launch of legal sales earlier this year is expected to supercharge that number.



Glass jars of marijuana offered for sale at the Medicine Man cannabis dispensary in Denver.

TREVOR HUGHES, USA TODAY

Medical and recreational cannabis sales will hit \$11.7 billion this year, predicts cannabis analytics firm New Frontier Data, increase by 25% in 2019 and hit \$25 billion in seven years. For comparison, wine sales in the United States were worth \$60 billion last year, according to the Beverage Information and Insights Group. For risk-taking entrepreneurs, cannabis holds the promise of a vast new industry that's entirely homegrown.

How the federal government acts could change that dramatically. President Obama's administration had promised it would leave well-run state marijuana programs alone, but Sessions rescinded that promise in January, throwing the industry into chaos. Many traditional investors have shied away from pouring their capital into the industry over fears they'd be treated like drug traffickers, and a strong sign of support from Trump over Congressional action might provide the reassurance they're seeking.

Last week, U.S. Sen. Cory Gardner said Trump promised him he'd respect states' rights when it comes to legal pot and would support a federal-level change to bring consistency. Several members of Congress have introduced bills to either legalize cannabis entirely or at least remove it as a Schedule 1 controlled substance.

"By supporting this law, President Trump has arguably done more to advance the growth of the regulated cannabis industry than any other president," said Isaac Dietrich, CEO of marijuana services firm MassRoots.

Because legalization has happened almost entirely at state ballot boxes, the United States has so far avoided having a national conversation about the broader implications of increased use and availability. That troubles legalization opponents such as Kevin Sabet of Smart Approaches to Marijuana, the nation's leading anti-cannabis organization. SAM has been fighting a state-by-state battle against legalization on the grounds that increased access will lead to increased use. SAM supports increased access to drug treatment and a reduction or elimination of criminal penalties for minor marijuana consumption but opposes broad legalization.



A box of joints awaits customers at the Harborside Health Center in Oakland, Calif.  
TREVOR HUGHES, USA TODAY

"This reckless plan will not go unanswered," Sabet said.

Whether there really is a plan remains uncertain, and many marijuana industry experts say they'll believe Trump only once there's a law in place. In dealing with a president who sets policy via Twitter, they want to see actual legislation.

"This is another head-spinning moment," said Oregon Congressman Earl Blumenauer, a Democrat and leading voice for federal legalization. "We should hope for the best, but not take anything for granted. Trump changes his mind constantly, and Republican leadership is still in our way."

A USA TODAY survey in January found hundreds of thousands of dollars flowing from the cannabis industry into campaign finance accounts of both lawmakers and political action committees, with emphasis this year on Congressional Republicans who control the agenda. Democrats typically have been the largest recipients of marijuana campaign money in the past, but Republicans are now taking the lead in accepting those donations, according to the Center for Responsive Politics, which analyzed contributions at the request of USA TODAY. Experts say the recent shift is largely attributable to the belief by marijuana businesses that Republicans who support states' rights are their best allies today.

But in the industry's increasing clout, legalization critics see echoes of a time when Big Tobacco called the shots. Critics see worrying similarities in how the marijuana industry makes broad health claims about its products while simultaneously touting its economic impact. Cigarette manufacturers made similar claims, and the health costs of tobacco use, including lung cancer, are widely acknowledged to dwarf the industry's benefits.

"Tobacco Road also hired a lot of people and kept a lot of people employed," said Deni Carise, an addiction expert and chief scientific officer at Recovery Centers of America. "I think (marijuana legalization) is going to cost our country a lot of money."

Adds Sabet: "It's one thing to let someone grow a little pot at home. It's another entirely to get Madison Avenue involved. This isn't something that Cheech and Chong would have ever envisioned. The people in suits have taken over."



A cloud of marijuana smoke hangs over the annual 4/20 rally April 20, 2017, in Denver. Experts say they have no clear answers on how ... [Show more](#)  
TREVOR HUGHES, USA TODAY

Legalization supporters brush off those concerns, arguing that the War on Drugs for too long has demonized a plant widely used by humans for thousands of years. They say it's about time national politicians recognize that marijuana legalization is the right thing to do. And they say if the nation's economy can benefit, all the better.

"Now, finally seeing that momentum, seeing that shift, it's pretty amazing. And it's happening quickly, quicker than maybe even the regulators are ready for. I don't think anybody realized how big this industry really is," said Dennis Hunter, founder of California-based premium marijuana supplier CannaCraft. "Everybody's aware of it right now, but it's getting normalized, and in a couple years we'll all just accept it."

## ***Want to get marijuana legalization right? Favor Black entrepreneurs.***

*Many states now have 'social equity' provisions that give people and communities most impacted by the war on drugs preference in licensing. This is good. But it's not enough.*

Ben Cohen | Opinion contributor

With the emergence of legal adult-use cannabis, we are witnessing the birth of a new industry. That's pretty rare. Already, [adult-use cannabis is legal](#) in 19 states and Washington, D.C. And [37 states have legalized its medical use](#).

The size of the industry is huge. In [Washington](#) alone, state adult-use cannabis sales topped \$1.5 billion last year, a 43% increase from 2019. Across all states, recreational sales are projected to hit [\\$25 billion](#) by 2025.

According to national polling, [two-thirds of Americans want adult use legalized](#) at the federal level. If you project that out, the size of the U.S. market could be about 130 million customers: That's 66% [of adults over 21](#).

Amid this historic opportunity, it's critical for the federal government to not just legalize adult use but to do it right.

### **Righting past wrongs on cannabis**

This means prioritizing small business entrepreneurs over big industries, providing startup resources for Black entrepreneurs who [bore the brunt of the racist war on drugs](#), and expunging criminal records for nonviolent cannabis crimes.

***Our View:*** [Federal ban on marijuana use causes more harm than good](#)



Ben & Jerry's co-founders Ben Cohen, front right, and Jerry Greenfield speak on police reform at the U.S. Supreme Court in 2021.

KEVIN DIETSCH/GETTY IMAGES

In the war on drugs, cannabis was placed on Schedule 1 – putting it in the same category as heroin. Schedule 1 is supposed to be reserved for drugs that have a serious risk of addiction and no medical benefits. That [does not apply to cannabis](#).

So how did it end up there?

During Prohibition, Harry Anslinger (who at one point [headed the Federal Bureau of Narcotics](#)) was in charge of enforcement on alcohol. When Prohibition was lifted and his job was at risk, he lobbied to make pot illegal.

According to the book "God made Marijuana," [he told a congressional hearing](#): "There are 100,000 total marijuana smokers in the U.S., and most are Negroes, Hispanics, Filipinos and entertainers. Their Satanic music, jazz and swing, result from marijuana use. This marijuana causes white women to seek sexual relations with Negroes, entertainers and others. Reefer makes darkies think they're as good as white men."

As a result of his racist fearmongering, Anslinger got Congress to pass the [Marijuana Tax Act in 1937](#), effectively outlawing pot and providing him with a new job. In 1951, he lobbied for the Boggs Act, which created [mandatory minimum sentencing for drug convictions](#).



Ben & Jerry's Change the Whirled pint of ice cream in front of the Change the Whirled mural in Old West Tampa.

ANALIS BAILEY/USA TODAY SPORTS

## 'Social equity' in licensing is not enough. New York has a better way.

Despite [using cannabis at about the same rate](#), Black people are arrested [about four times the rate of white people](#) as part of the war on drugs.

And while the war on drugs disproportionately targets Black people, economic opportunity favors white people: Large corporations and Wall Street. Less than 2% of [cannabis businesses](#) nationwide are owned by Black people, according to [Leafly's Jobs Report](#).

Many states now have "[social equity](#)" provisions that give people and communities most impacted by the war on drugs preference in licensing. This is good. But it's not enough.

At the heart of this burgeoning industry is a grotesque injustice. Without appropriate legislation, people who bore the brunt of the war on drugs will be shut out of the legal market due to centuries of discrimination – slavery, segregation, redlining – which prevented them from accruing the generational wealth that is practically a



prerequisite for starting a business. It is [something that we were able to build on](#), even as the children of immigrants, thanks, in part, to opportunities that weren't taken from us because of our skin color.



Jerry Greenfield, left, and Ben Cohen with their "Cowmobile" in Burlington, Vt., in 1987. They use the modified motor home to distribute samples of Ben ... [Show more](#)

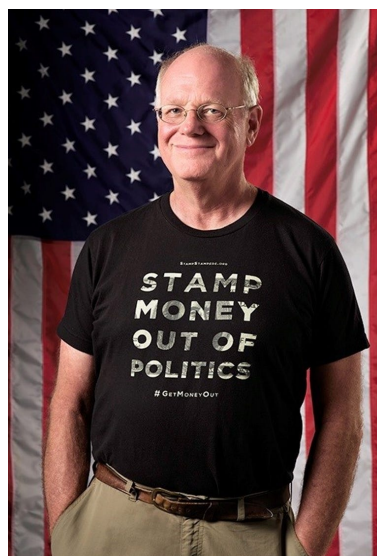
AP PHOTO/TOBY TALBOT

New York's [Seeding Opportunity Initiative](#) points to a better way forward. The state has established a \$200 million social equity fund and has [pledged to reserve 50% of the licenses](#) for people impacted by the war on drugs. But still more resources will be needed to launch the next generation of entrepreneurs. Other states and Congress should look to New York as inspiration to imitate and innovate.

This is an opportunity to create a new industry owned by regular American people instead of Big Pharma, Big Tobacco and Big Banks.

This is an opportunity to overcome hundreds of years of discrimination, and to right some of the wrongs of the past.

But we have to do it right.



Ben Cohen is a social justice advocate and the co-founder of Ben & Jerry's ice cream.

GLENN MOODY

*Ben Cohen is a social justice advocate and the co-founder of Ben & Jerry's ice cream. Along with Jerry Greenfield, he co-authored the book "[Ben & Jerry's Double-Dip: How to Run a Values-Led Business and Make Money, Too.](#)"*

*This column is part of a series by USA TODAY Opinion about police accountability and building safer communities. The project began in 2021 by examining [qualified immunity](#) and continues in 2022 by examining various ways to improve law enforcement. The project is made possible in part by a grant from [Stand Together](#), which does not provide editorial input.*



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### **[efforts legalize marijuana help blacks, Latinos hurt most war drugs](#)**

Dozens of minority drug dealers with minor drug convictions are getting assistance breaking into what many feared was becoming a whitewashed industry.

# ***Can changing the name 'marijuana' help address racial divide from America's drug war?***

*As legalization and decriminalization of pot spread, state and federal lawmakers have moved to strike the word "marijuana" from law. Here's what's behind the movement.*

**AMANDA PÉREZ PINTADO** | USA TODAY

VIDEO

Some call it "weed" or "pot." Others use "ganja" or "hash." But the most common way to refer to the dried buds and leaves of the cannabis plant is "marijuana."

Now, as legalization and decriminalization of marijuana spread, some wrestle with the word because of its racially charged etymology.

Last week, the U.S. House of Representatives [passed a bill to decriminalize cannabis](#) at the federal level. The [Marijuana Opportunity, Reinvestment and Expungement \(MORE\) Act](#), among other provisions, would replace statutory references to "marijuana" and "marihuana" with "cannabis."

A few states have already presented legislation to strike the word "marijuana" from local laws. Last month, Washington Gov. Jay Inslee [signed a bill](#) that erases "marijuana" from state statute to use "cannabis" instead. [Virginia](#) and [Maine](#) have proposed similar bills.

Lawmakers seek to redress the disproportionate impact anti-drug policies have had on people of color, particularly Black and Latino communities. Racial disparities in marijuana-related arrests, for example, persist even in states that have legalized or decriminalized it, according to the [American Civil Liberties Union](#).

"The term 'marijuana' has a racist history in the United States," Inslee said during [the bill signing ceremony](#). "It was used in anti-immigrant rhetoric in the early 20th century. We are tied to our history of language, and changing the word to 'cannabis' signals that we acknowledge the history of that language that targeted communities of color."

## **A brief history of marijuana**

The word "marijuana" ("marihuana" in Spanish) comes from Mexico and entered American lexicon in the late 19th century. By the 1910s, "marijuana" was one of the most widely used words for cannabis.

During the 1930s, however, anti-drug advocates began to spread misinformation on the effects of pot. In 1937, federal government [passed a law](#) that stopped the

recreational use of pot, pushed by the commissioner of what was then the Federal Bureau of Narcotics, Harry Anslinger.

Anslinger is said to be responsible for adopting "marijuana" to exoticize weed and stoke fear.

VIDEO

## US House passes bill to decriminalize marijuana, allows states to set policies

The U.S. House passed the MORE Act to decriminalize marijuana and allow states to set their own policies on pot, but many Republicans opposed it.

ARIANA TRIGGS, USA TODAY

"We can't deny that this country has a problem and has a very, very difficult time talking about race. And the [war on drugs](#) has very, very specific roots in that racial dialogue in this country," said Toi Hutchinson, president and CEO of the [Marijuana Policy Project](#), an advocacy organization.

Today, as [states have gone down the road of legalization](#), marijuana has grown into a multibillion-dollar-a-year industry. But communities that have been harmed the most by the drug's prohibition benefit the least from the market, the MORE Act says.

"A legacy of racial and ethnic injustices, compounded by the disproportionate collateral consequences of 80 years of cannabis prohibition enforcement, now limits participation in the industry," the MORE Act reads.

On average, a Black person is almost four times more likely to be arrested for possessing marijuana than a white person, though Black and white people use cannabis at a similar rate, according to the ACLU.

For Hutchinson, understanding the history of marijuana's criminalization and its consequences is more than what word people use for it.

"Personally, I don't care what you call it. But I want you to know why, and I want you to know how we got here," Hutchinson said. "You can't fix what you can't see."



The 1936 film "Reefer Madness" was a campy slice of anti-pot propaganda and was recut for the exploitation market and later embraced as a work ... [Show more](#)  
COURTESY OF NO DISTRIBUTOR FOUND

Isaac Campos, associate professor of history at the University of Cincinnati, said the narrative that the federal government purposefully decided to use the word "marijuana" in the early 20th century to demonize the drug is incomplete and inaccurate.

He said false stories that cannabis caused madness or violence didn't originate in the U.S. but in Mexico, where negative associations with the drug were widespread.

"The use of the word is in no way racist," said Campos, who wrote ["Home Grown: Marijuana and the Origins of Mexico's War on Drugs."](#) "It's just the Mexican word for marijuana, and to stop using it is just to try to erase, essentially, Mexico's history with this drug and Mexico's influence on the United States."

He said the debate around whether the word "marijuana" is racist detracts from issues like how to regulate the industry as the country moves toward federal legalization.

"This fussing about the word is distracting people from the real issues that they should be thinking about as we move down the legalization route."

# ***Kamala Harris' stance on marijuana has certainly evolved. Here's what to know.***

**N'DEA YANCEY-BRAGG** USA TODAY

In the hours after President Joe Biden endorsed Kamala Harris to take his place [atop the Democratic ticket](#) in the 2024 presidential race, Americans began [hastily searching for information](#) about the vice president's stance on various issues – including the legalization of marijuana.

Harris' position on weed has evolved over her years in public service, becoming more progressive as she ascended to federal office.

As vice president, she championed [the Biden administration offering pardons for Americans convicted of federal marijuana possession](#) and [the landmark changes reclassifying marijuana as a less dangerous and addictive drug](#). There's even a strain of weed, Kamala Kush, named after her, which [Jimmy Kimmel](#) joked about during an interview with Harris last month.

The California Democrat has advocated for decriminalizing marijuana but she wasn't always so lenient. Harris has been criticized for aggressively prosecuting weed-related crimes when she was California's attorney general and San Francisco's district attorney, particularly given the the racial disparities in punishment nationwide. Data shows that [African Americans are more likely than whites to be arrested for pot](#). Harris' loosening opposition to marijuana appears to have begun when she was in the U.S. Senate, in the lead-up to her 2020 presidential bid. And experts say her evolution could continue if she becomes the Democratic candidate and wins the election.

"During her time in the White House, the vice president has been an even stronger advocate for [ending] any cannabis prohibition and restoring or repairing the harms that it has caused than the president has been, and in many ways, has been a real leader on this issue, particularly as it relates to criminal justice reform," Morgan Fox, political director of NORML, the National Organization for the Reform of Marijuana Laws, the country's oldest cannabis legalization advocacy group, told USA TODAY.



U.S. Vice President Kamala Harris at the White House on June 3, 2021.  
EVELYN HOCKSTEIN, REUTERS

## Harris called for changes to federal rules on marijuana

In 2022, Biden directed the Department of Health and Human Services to review how marijuana is classified and subsequently recommended it be reclassified as a less dangerous drug. In March, Harris called on HHS and the Justice Department [to speed up reclassification](#) during a [discussion with rapper Fat Joe](#) and others who had been pardoned for weed convictions.

For decades, the Drug Enforcement Administration classified pot among the most dangerous controlled substances, which Harris said was wrong.

"Marijuana is considered as dangerous as heroin and more dangerous than fentanyl, which is absurd, not to mention patently unfair," Harris said at the event.

Harris again called for "change to our nation's approach to marijuana" at the gathering held at 4:20 p.m. on [April 20](#), the unofficial holiday celebrating weed. "Nobody should have to go to jail for smoking weed," she [said on the social media platform X](#).

In May, the Justice Department [moved to reclassify the drug](#). This would change marijuana from a Schedule I to Schedule III drug under the Controlled Substances Act, marking the biggest shift in marijuana policy the federal government has made since pot was first outlawed.

The DOJ hasn't finalized the decision, and Fox, from NORML, said it's difficult to know exactly how long the process might take. Opponents have made a concerted effort to delay the rescheduling, he said.

[Schedule I drugs](#) are considered highly dangerous and addictive and do not have a medical use, whereas Schedule III drugs, such as Tylenol with codeine and anabolic steroids, are believed to have a moderate to low potential for physical and psychological dependence and may be lawfully prescribed as medication.

## Harris introduced legislation to decriminalize marijuana

Just a week after she announced her presidential bid in January 2019, Harris told the hosts on the radio program "The Breakfast Club" that she was in favor of legalizing marijuana and had smoked a joint while in college.

"I did inhale. It was a long time ago. But, yes," she said, referencing Bill Clinton's statement, when he was running for president, that he'd tried pot but didn't like it and didn't inhale.

Harris, who has faced [criticism from progressives for her tough-on-crime approach](#) to criminal justice, acknowledged that in the past she "had concerns" about marijuana. During the interview, Harris also joked about her Jamaican heritage when asked about her history with marijuana, which drew criticism from her father Donald J. Harris, an emeritus [economics professor at Stanford University](#).

"Speaking for myself and my immediate Jamaican family, we wish to categorically dissociate ourselves from this travesty," he said in a statement to Kingston-based Jamaica Global Online, [according to Politico](#).

As Harris, then junior senator for California, emerged as a top contender in the [crowded Democratic primary field](#) during the 2020 election, she [introduced legislation](#) to decriminalize and tax marijuana at the federal level. The Marijuana Opportunity Reinvestment and Expungement Act would have also triggered resentencing or expunged charges for marijuana convictions and allocated 50% of tax revenue generated by the marijuana industry to three trust funds.

“Times have changed – marijuana should not be a crime,” Harris said when she announced the proposed legislation. “We need to start regulating marijuana and expunge marijuana convictions from the records of millions of Americans so they can get on with their lives.”

As a senator, she also cosponsored the [Marijuana Justice Act](#) introduced by Sen. Cory Booker, who also ran in the 2020 presidential race.

Harris took a genuine interest in criminal justice reform when she was a senator, said Maritza Perez Medina, director of federal affairs at Drug Policy Action, the advocacy and political partner of the Drug Policy Alliance. “She talked about it, and not just talked about it, she introduced legislation and supported legislation to reform our criminal justice system, marijuana being just one piece of that, and she always talked about it from a racial justice perspective, which I really appreciated.”



[View 160 Photos](#)

[Vice President Kamala Harris: Top photos of her political career](#)

Vice President Kamala Harris is the first woman, first African American woman, and first Asian American person to hold the nation's second-highest office.

## Harris' marijuana convictions in California

When Harris was San Francisco's district attorney, she supported the legal use of medical marijuana but opposed a 2010 measure to legalize pot in California, according to the [Los Angeles Times](#). During her tenure, she oversaw the conviction of more than 1,900 people for weed violations, [The Mercury News](#) reported. Prosecutors



on her staff convicted people on these charges at a rate higher than under her predecessor, however, most of the defendants were not incarcerated for low-level pot possession, according to the outlet.

[More than 2,000 people were incarcerated](#) in California state prisons for marijuana and hashish-related offenses while Harris was the state's attorney general. As she sought reelection for the state position in 2014, Harris declined to comment one way or the other about her then-opponent's support for legalizing recreational marijuana in an interview.

"Your opponent, Ron Gold, has said that he is for the legalization of marijuana recreationally. Your thoughts on that?" [KCRA-TV](#) asked Harris.

"Um, I – that he is entitled to his opinion," she replied.

The following year, during the 2015 Democratic State Convention, Harris called for an end to the federal ban on medical marijuana. Kevin Sabet, president of Smart Approaches to Marijuana, said he believes the concern from pro-legalization advocates about Harris' record as a prosecutor is likely overstated.

"I don't think she personally was targeting ... simple marijuana users," he said. "I think that's been overblown."

## What Harris could do as president

Fox, political director of NORML, said the tremendous transformation Harris has undergone on marijuana policy "is really indicative of a base level of change in philosophy" that reflects a broader shift in the beliefs of the vast majority of Americans. Nearly 90% of U.S. adults say marijuana should be legal for medical or recreational use, according to a March [report from the Pew Research Center](#).

Fox said if Harris becomes the Democratic candidate and wins the election he suspects she would publicly support descheduling marijuana, which would be "a great step in the right direction." Marijuana would have to be descheduled, or removed from the Controlled Substances Act list altogether, to resolve the stark difference between state and federal laws, [experts and advocates previously told USA TODAY](#). Though marijuana is still illegal under federal law, weed is [legal in some capacity in nearly 40 states](#) and in Washington, D.C.

Sabet, however, said he believes Harris would "tread carefully" and likely adopt a similar position to Biden if she were elected. She would advocate for reforms and continue to issue pardons but would oppose full legalization, he said. Sabet, a former White House drug policy advisor to Presidents Obama, Bush and Clinton, added that he believes her shift on marijuana policy is likely driven by political calculations rather than the genuine support of legalization that fellow California Democrats such as [Gov. Gavin Newsom have expressed](#).

"She's got a complicated relationship, but I think it's been one lately that's been driven more by politics than science," he said.

Perez Medina, from Drug Policy Action, thinks the impetus for Harris' shift is likely a mix of politics and fact-finding, calling Harris "a really savvy politician."

"It took her perhaps longer than we would like to get here, but I think now she gets it," she said. "She gets that this is a racial justice issue, first and foremost."

## Cannabis industry shouldn't expand until we fix marijuana's racial inequities, injustices

*Cannabis industry growth comes at the expense of those with a criminal record tied to low-level marijuana possession, and those still incarcerated.*

Kristen Clarke | Opinion contributor

Until states allow the immediate and automatic expungement of criminal records for all people with convictions for low-level marijuana possession, grant pardons for and release those who remain incarcerated on charges that are no longer criminalized, allow those with prior convictions to be first in line for licensing and job opportunities, and make current license holders commit to equitable hiring practices, there should be no further growth of the state-sanctioned cannabis industry. With the [First Step Act](#) now passed, it is important to turn to next steps in the fight for a fair criminal justice system. We must address the bill's shortcoming — its failure to decriminalize marijuana at the federal level.

For those without a past criminal conviction, the cannabis industry is booming in the [33 states](#) that have legalized marijuana for recreational or medicinal purposes. The industry is projected to balloon to [\\$50 billion by 2026](#), and its job market is projected to grow [700 percent](#) by 2020. But the growth of this industry has come at the expense of millions of people who bear the resulting impact from a criminal record tied to low-level marijuana possession, not to mention those who remain incarcerated.



Cannabis  
RICHARD VOGEL/AP

African Americans and Latinos are seeing no material benefit from our nation's thriving cannabis industry. Legal marijuana is an overwhelmingly white industry whose promises on racial equity have been left unfulfilled. Few racial minorities stand to profit from the cannabis industry's growth because most states bar access to anyone with a [criminal record](#). While marijuana use is roughly equal according to

race, African Americans are almost [four times more likely](#) to be arrested for unlawful marijuana possession than whites. As case in point, people of color made up to [86 percent](#) of marijuana arrests in New York in 2017. These figures stand in stark contrast to estimates suggesting that those who hold licenses today in this growing industry are roughly [99 percent white](#).

## **Marijuana put people of color in prison**

More than [70 million people](#) with criminal records today, a disproportionate number of whom are African American or Latino, remain beleaguered by criminal records. They are not only banned from participation in the cannabis industry in many places, but also encounter barriers accessing jobs, housing and educational opportunities. Some remain behind bars today, including at the federal level, serving long sentences, for conduct that is no longer a crime in a growing segment of the country.

Today's cannabis industry is one that emerged in the shadows of the [War on Drugs](#) — a legal regime that unleashed law enforcement on communities of color and entangled vast numbers of people of color in a justice system that imposed harsh criminal sentences for low-level possession.

Further expansion should be suspended by barring the issuance of further licenses. Additionally, a significant share of tax revenue generated from the industry should be specifically directed to helping those with convictions and most impacted by the War on Drugs get back on their feet.

## **Waiting for Congress to decide will take too long**

During his confirmation hearing, William Barr, President Trump's nominee for Attorney General, suggested that he would [not enforce](#) federal marijuana laws on individuals or companies that already comply with that state's marijuana laws around the legalization of adult use and medical use cannabis.

Barr also suggested that he would support a [federal law](#) banning Marijuana, that he noted would be up to the [Congress to decide](#).

Some jurisdictions have already started the process of vacating their misdemeanor marijuana convictions. In December, Boulder County, Colorado [announced plans](#) to expunge past convictions of low-level marijuana crimes from criminal records. In April, Seattle City Attorney Pete Holmes announced that he will ask the Seattle Municipal Court to vacate all convictions and dismiss marijuana possessions prosecuted before legalization began [statewide in 2012](#). The [court passed](#) the motion in September. Seattle's move follows an announcement by San Francisco District Attorney George Gascón, who [vowed to dismiss](#) 3,038 misdemeanor marijuana charges and would consider reducing 4,900 felony marijuana charges. These actions are great, and provide a path forward for local jurisdictions, but waiting for broader political will to develop is not enough.

## **We must end inequality before more legalization**

I issued a letter to hundreds of officials in a dozen states across the country that have legalized recreational marijuana urging them to take action to expunge these records. My request was met with wildly divergent responses. In some states, district attorneys claimed that they could not act without legislative authorization, while other DAs in the same state have used discretion to act. California is perhaps the best example of this patchwork response. In other states, officials claimed that they could

only respond on a case-by-case basis after impacted individuals submitted expungement petitions for consideration. The legal costs tied to such petitions makes this option impractical and beyond reach for many.

All further expansion of the cannabis industry must cease until we can correct the gross racial inequities and injustices that have come to define it, especially while people remain incarcerated for cannabis offenses that are no longer illegal and are forced to suffer needlessly and lose opportunities unjustly. Those impacted should be given first-in-line access to licensing and job opportunities in this booming industry. It is essential that these actions are taken now to bring overdue relief to those whose lives were destroyed by the heavy hand of the criminal justice system.

# ***A DA is trying to dismiss weed convictions after a review missed about half of eligible cases***



By [Kim Bellware](#)

September 28, 2021 at 8:55 p.m. EDT

The Los Angeles County District Attorney's Office says it will move to dismiss and seal the records of nearly 60,000 cannabis convictions from California's pre-legalization marijuana enforcement, part of a broader effort to redress the harms from the state's drug laws.

District Attorney George Gascón, [in a statement announcing the decision](#) on Monday, said dismissing the eligible convictions — some of which date to the late 1980s — opens the door to a “better future” for those who have been convicted because of possessing or selling a substance that is now legal in California.

“It clears the path for them to find jobs, housing and other services that previously were denied to them because of unjust cannabis laws,” he said. Gascón (D) made a [similar move](#) in 2018 as the San Francisco district attorney.

The 58,000 cases identified in Monday's announcement are in addition to the nearly 66,000 cases that Gascón's predecessor, Jackie Lacey, [requested](#) be tossed out and sealed last year. Lacey's request was in response to [a 2018 law](#) that required the California Justice Department to identify pre-legalization cannabis convictions that could be eligible for adjustment or expungement.

Felicia Carbajal, executive director of the Social Impact Center, an L.A.-based nonprofit organization, said she questioned the 66,000-case figure when Lacey's office announced it. In April, she raised the issue to an aide in Gascón's office. (The office credited the Social Impact Center for its support in Monday's announcement.)

“No one had to check past that,” Carbajal said of the list the California Justice Department gave to the office. “This district attorney made the decision to check past the basic requirements and unearth this.”

More than 45 percent of potentially eligible cases escaped the California Justice Department's review, probably because the state did not have access to the records systems of some local jurisdictions, according to law professor Deborah Ahrens.

"The state doesn't necessarily have access to all the convictions; a lot of them will just be local convictions," Ahrens, a visiting faculty member at the University of San Francisco School of Law, told The Washington Post. "I've had clients prosecuted by the state and by the city, and the two systems didn't speak to each other."

## **Psaki reiterates Biden's support for rescheduling marijuana**

1:19

White House press secretary Jen Psaki dodged a question on April 20 about whether President Biden would support congressional efforts to legalize marijuana. (Video: The Washington Post)

Despite the communication challenges, Ahrens said, California continues to be a leader in harm reduction when it comes to old cannabis convictions.

"They're doing the affirmative work of expunging convictions, and they're reducing felony convictions to misdemeanors instead of just expunging misdemeanor convictions."

Getting a felony drug conviction reduced to a misdemeanor can help people even if they have other convictions, Ahrens said. "Just the weight of the number of convictions can trigger a number of things, from police being willing to arrest you, to bail determinations and sentencing."

When Californians voted to legalize recreational marijuana for adults in 2016, the measure known as Proposition 64 eliminated several cannabis-related crimes on the books and applied retroactively.

But those eligible to get their pot-related felonies reduced to misdemeanors or their lower-level offenses wiped out had no straightforward mechanism to do so. Criminal justice advocates said the process could be difficult and expensive, which made it improbable that the most vulnerable people would be able to take advantage of the change.

For years, a felony drug conviction could make someone ineligible for food and shelter benefits, and a misdemeanor drug record could hinder a person's ability to get a new job or housing.

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Ahrens said drug convictions, even when they're decades old, can carry a greater stigma than other crimes.

"If you have a landlord or employer or a job where you're in charge of looking after someone's children and they're going to background-check you, people may have concerns" about an old drug-related charge the way they wouldn't about an old trespassing charge.

L.A. native Abigail Cuevas and her twin sister, Noemy, grew up surrounded by people she saw adversely affected by cannabis-related convictions — from college classmates who were ineligible for federal financial aid to street vendors who sold weed to afford food.

“People in our community would sell because they needed to feed their kids, fill plates on their table that night,” Cuevas said. “Or they were using it for medical purposes.” Cuevas, who works in the cannabis industry, observed how those with drug records continued to face hurdles to better housing and employment while newcomers to L.A. — often White ones — were cashing in on California’s newly legal cannabis market. It’s unclear how and when people eligible under Monday’s announcement by the district attorney’s office will be notified. Greg Risling, a spokesperson for the office, said it has no set timeline.

“Our office is confident that these cases will be dismissed. We continue to work with the court and the public defender’s office to ensure the convictions are dismissed,” Risling told The Post in an email. He said affected individuals won’t be required to take additional steps, but he and Carbajal of the Social Impact Center said people should check with the public defender’s office.

Jeannette Zanipatin, the California director for the nonprofit Drug Policy Alliance, said the announcement from Gascón’s office represents an important shift in the approach some jurisdictions are taking toward people who use or sell drugs. “It’s significant in that we’re treating people with old convictions from a harm-reduction approach, a public health approach and not an enforcement approach,” she told The Post. “As big of a county as L.A. is, to make this statement is significant.”

# *San Francisco to clear all marijuana misdemeanor convictions dating to 1975*

A marijuana plant is seen in a greenhouse in Mendocino County, Calif. (Josh Edelson/AFP/Getty Images)



By [Katie Zezima](#)

January 31, 2018 at 5:49 p.m. EST

District Attorney George Gascón said Wednesday that San Francisco will immediately dismiss all marijuana misdemeanor convictions dating to 1975 and will wipe arrest records clean for anyone who faced such charges. The city also plans to review all marijuana felonies recorded during the same time period and, in appropriate cases, resentence them to misdemeanor offenses.

“We want to address the wrongs that were caused by the failures of the war on drugs for many years in this country and begin to fix some of the harm that was done not only to the entire nation but specifically to communities of color,” Gascón said at a news conference Wednesday.

The decision stems from a lesser-known provision in California law that legalized recreational marijuana, language that offers a second chance to people convicted of marijuana crimes in the state. The new law allows people with misdemeanor marijuana records to have them expunged and those with felony convictions the opportunity to have them reduced, pending a review.

But it does not happen automatically: A person convicted of a marijuana crime must petition a court to have his or her record changed. At least 4,500 people have petitioned to have their convictions changed since the provision went into effect in November 2016, upon passage. But lawyers and others say that the change has not been well publicized and that the requirement to petition a court makes it difficult for low-income people to have their records changed.

That, Gascón and others in San Francisco said, is part of the reason he is automatically changing or reviewing convictions.



“There are thousands of cases that are going to be dismissed at no cost,” said San Francisco supervisor Malia Cohen.

Gascón estimates that just more than 3,000 misdemeanors will be automatically dismissed. Nearly 5,000 felonies will be reviewed and, if appropriate, resentenced to misdemeanors. Prosecutors can decide not to support a reduction should the person have a major felony, such as murder, on their record. Old convictions will be reclassified under the law as it reads now. For example, if someone had been convicted of possessing an ounce or less of marijuana, that conviction would be tossed out because that is now legal under California law.

The Drug Policy Alliance said there have been 500,000 arrests for marijuana offenses in California in the past 10 years, and it estimates up to a million people have reviewable convictions on their records.

# ***Maryland governor pardons 175,000 marijuana convictions in sweeping order***

The blanket pardon by Gov. Wes Moore is among the country's most far reaching and forgives decades of low-level marijuana possession charges for an estimated 100,000 people.



Gov. Wes Moore signs an executive order pardoning more than 170,000 state convictions related to cannabis. (Michael Robinson Chávez/FTWP)

By [Erin Cox](#), [Katie Shepherd](#) and [Katie Mettler](#)

Updated June 17, 2024 at 2:44 p.m. EDT|Published June 16, 2024 at 7:45 p.m. EDT

Maryland Gov. Wes Moore issued a mass pardon of more than 175,000 marijuana convictions Monday morning, one of the nation's most sweeping acts of clemency involving a drug now in widespread recreational use.

The pardons forgive low-level marijuana possession charges for an estimated 100,000 people in what the Democratic governor said is a step to heal decades of social and economic injustice that disproportionately harms Black and Brown people. Moore noted criminal records have been used to deny housing, employment and education, holding people and their families back long after their sentences have been served.

“We aren’t nibbling around the edges. We are taking actions that are intentional, that are sweeping and unapologetic,” Moore said at an Annapolis event interrupted three times by standing ovations. “Policymaking is powerful. And if you look at the past, you see how policies have been intentionally deployed to hold back entire communities.”

Moore called the scope of his pardons “the most far-reaching and aggressive” executive action among officials nationwide who have sought to unwind criminal justice inequities with the growing legalization of marijuana. Nine other states and multiple cities have [pardoned hundreds of thousands of old marijuana convictions](#) in recent years, according to the National Organization for the Reform of Marijuana Laws. Legalized marijuana markets reap [billions in revenue](#) for state governments each year, and polls show public sentiment on the drug has also turned — with more people both embracing cannabis use and repudiating racial disparities exacerbated by the War on Drugs.

### **Maryland marijuana pardons**

Maryland Gov. Wes Moore (D) issued a sweeping pardon of 175,000 marijuana-related convictions, including misdemeanor possession of cannabis and certain convictions for misdemeanor possession of drug paraphernalia. The pardon comes after a voter-approved constitutional amendment in [2022 legalized a marijuana market](#) in the state.

The pardons include more than 150,000 misdemeanor convictions for simple possession of cannabis and more than 18,000 misdemeanor convictions for use or possession with intent to use drug paraphernalia. An estimated 100,000 people will be impacted. In some cases, a person may be pardoned of more than one conviction. The pardons won’t result in the release of people from incarceration. About 25 percent of pardons are from convictions in Baltimore city.

Electronic court records will reflect pardons within two weeks and convictions will be eliminated from criminal background check databases within 10 months. But an individual’s court record showing the pardoned conviction will still remain public unless they [file for an expungement](#). Anyone who believes they should have received a pardon but didn’t receive one can [apply for one through the state](#).

The pardons, timed to coincide with Wednesday’s Juneteenth holiday, a day that has come to symbolize the end of slavery in the United States, come from a rising star in the Democratic Party and the lone Black governor of a U.S. state whose ascent is built on the promise to “leave no one behind.”

Derek Liggins, 57, will be among those pardoned Monday, more than 16 years after his last day in prison for possessing and dealing marijuana in the late 1990s. Despite working hard to build a new life after serving time, Liggins said he still loses out on job opportunities and potential income.

“You can’t hold people accountable for possession of marijuana when you’ve got a dispensary on almost every corner,” he said.

Nationwide, according to the ACLU, Black people were more than three times more likely than White people to be arrested for marijuana possession. [President Biden](#) in 2022 issued a mass pardon of federal marijuana convictions — a reprieve for roughly 6,500 people — and urged governors to follow suit in states, where the vast majority of marijuana prosecutions take place.



A man smokes cannabis in Baltimore. (Jahi Chikwendiu/The Washington Post)

Maryland's pardon action rivals only Massachusetts, where the governor and an executive council together issued a blanket pardon in March expected to affect hundreds of thousands of people.

#### **What are Maryland's weed laws?**



A budding marijuana plant grows at the Verano cultivation facility in Jessup, MD on June 14, 2023. (Minh Connors/The Washington Post)

Recreational marijuana is legal in Maryland. Here's what we know about [Maryland's relaxed marijuana laws](#), which went into effect in 2023, clearing the way for adults 21 and older to buy and use the drug recreationally.

But Moore's pardons appear to stand alone in the impact to communities of color in a state known for having one of the nation's worst records for disproportionately incarcerating Black people for any crimes. More than 70 percent of the state's male incarcerated population is Black, according to state data, more than double their proportion in society.

In announcing the pardons, he directly addressed how policies in Maryland and nationwide have systematically held back people of color — through incarceration and restricted access to jobs and housing.

“We’re talking about tools that have led to an eight-to-one racial wealth gap in our state — because we know that we do not get to an eight-to-one racial wealth gap because one group is working eight times harder,” he said.

Moore introduced Shiloh Jordan, 32, who was once fired on his second day of a job because a background check revealed a lone cannabis possession charge. Jordan went on to earn a college degree and build a career.

“Shiloh was not handed a second chance, he built one for himself, despite the odds, despite a system that was not built to support those actions,” Moore said. Jordan handed Moore the pen used to sign the mass pardons, an orange retractable one from the Last Prisoner Project, an advocacy group for drug policy reform. Jordan told reporters that despite overcoming the conviction, “it really bothered me” to have it hang over him.

Maryland, the [most diverse state on the East Coast](#), has a dramatically higher concentration of Black people compared with other states that have issued broad pardons for marijuana: 33 percent of Maryland’s population is Black, while the next highest is Illinois, with 15 percent.

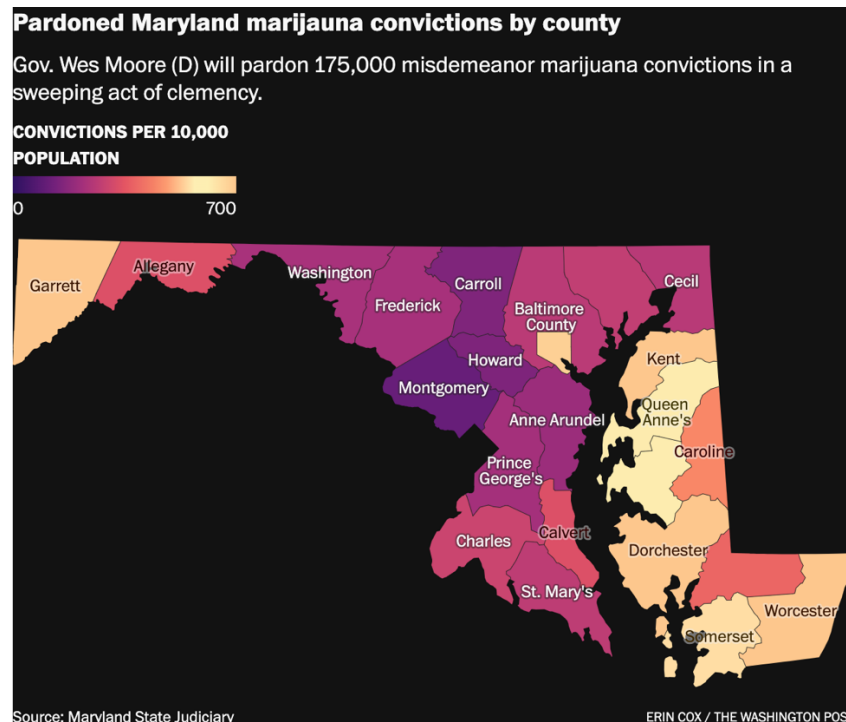
Maryland is the only state in the D.C. region that has fully legalized cannabis sales, though both the District and Virginia have decriminalized possession and have [gray markets](#) for the drug. Virginia and D.C. have not issued mass pardons of cannabis convictions, according to the National Organization for the Reform of Marijuana Laws, but Biden’s pardons had impact in D.C. because they applied to thousands of people arrested on federal land.

Maryland Attorney General Anthony G. Brown (D), called the pardons “certainly long overdue as a nation” and “a racial equity issue.”

“While the pardons will extend to anyone and everyone with a misdemeanor conviction for the possession of marijuana or paraphernalia, this unequivocally, without any doubt or reservation, disproportionately impacts — in a good way — Black and Brown Marylanders,” he said in an interview. “We are arrested and convicted at higher rates for possession and use of marijuana when the rate at which we used it was no different than any other category of people.”

Reducing the state’s mass incarceration disparity has been a chief goal of Moore, Brown and Maryland Public Defender Natasha Dartigue, who are all the first Black people to hold their offices in the state. Brown and Dartigue have launched a [prosecutor-defender partnership](#) to study the “the entire continuum of the criminal system,” from stops with law enforcement to reentry, trying to detect all junctures where discretion or bias could influence how justice is applied, and ultimately reform it.

Maryland officials said the pardons, which would also apply to people who are dead, will not result in releasing anyone from incarceration because none are imprisoned. Misdemeanor cannabis charges yield short sentences and prosecutions for misdemeanor criminal possession have stopped, as possessing small amounts of the drug is legal statewide.



Moore's pardon action will automatically forgive every misdemeanor marijuana possession charge the Maryland judiciary could locate in the state's electronic court records system, along with every misdemeanor paraphernalia charge tied to use or possession of marijuana. Maryland is the only state to pardon such paraphernalia charges, state officials said.

The electronic records in some Maryland jurisdictions date back to the 1980s, while others begin in the 1990s or later. People with older cannabis convictions stored on paper records may also apply for a pardon.

Demographic data on those pardoned is limited as of Monday.

But Moore's administration noted that nearly a quarter of the pardoned convictions were in Baltimore — a city with a history of [unconstitutional over-policing](#) of Black communities — even though less than 10 percent of the state's population lives there. In the D.C. suburbs, roughly 12 percent of the pardoned convictions are in Prince George's County, and 6 percent are in Montgomery County.

An ACLU [report](#) from 2013 noted that cannabis arrests in states increased nationwide in the first decade of the century, and Maryland and D.C. had among the five highest arrest rates in the country.

As recently as 2020, according to a [state analysis](#), cannabis arrests in Maryland exceeded 10,000 per year — nearly a decade after possession of small amounts was decriminalized and three years after it became legal to use the drug as a medical patient.

As Maryland prepared to legalize the drug for recreational use in 2022 — joining nearly two dozen other states — [a report](#) by state analysts found that White Maryland

residents use cannabis at higher rates than Black residents, but Black people were more than twice as likely to be charged with possession. By law, 35 percent of the tax revenue generated by legal marijuana sales must go back into communities where [cannabis enforcement was disproportionate](#) to the rest of the state.

“The entire basis of the work that we did was about righting injustices from the War on Drugs,” said Del. Jheanelle K. Wilkins (D-Montgomery), chair of the Maryland Legislative Black Caucus. She noted Maryland has newly elevated [Black people to key offices of power](#) — the House speaker among them — and said, “We’re in this moment in Maryland where we’re truly focused on equity.”

People who benefit from the mass pardon will see the charges marked in state court records within two weeks, and they will be eliminated from criminal background check databases within 10 months. The convictions, however, will still appear in public court records unless someone applies for an expungement.

Other states have forgone pardons — which forgive the crime — and instead simply blocked cannabis convictions from public view. California, for example, has sealed, dismissed or expunged [more than 200,000](#) convictions since a 2018 law passed requiring it.



Cannabis grows at Maryland's first legal outdoor marijuana farm in 2019. (Jahi Chikwendiu/The Washington Post)

The nationwide efforts to lessen the impact of marijuana convictions follow a recent loosening of federal regulations that could clear the way for more widespread access to the drug across the United States.

The Biden administration began working on the issue in 2022, when the president directed health officials to review whether existing science supported reclassifying cannabis so that it would no longer be considered a Schedule I controlled substance, which carries the most stringent restrictions. Other Schedule I drugs include heroin, LSD and ecstasy.

Health officials recommended reclassifying cannabis as a Schedule III drug, which puts it among substances such as Tylenol with codeine, ketamine and anabolic steroids. In April, the Drug Enforcement Administration concurred with federal health officials, and Attorney General Merrick Garland officially recommended reclassifying the drug. Although reclassification does not legalize cannabis federally, it does pave the way for more research on the drug and may broaden access to medical marijuana. This year for the first time [marijuana surpassed alcohol](#) in daily use, with 17.7 million people reporting daily or near-daily marijuana use.

Liggins, who was pardoned, said he applauds Moore's forgiveness of marijuana crimes that would not be prosecuted under Maryland's laws today — even if it wasn't immediately clear how much this would transform his life.

Shortly after leaving prison in 2008, the Center for Urban Families helped find the job he still holds with an HVAC construction company in Baltimore. He said his employer trusts him to lead teams on multimillion-dollar projects as a foreman, but Liggins cannot work on the highest-paying contracts with the federal government because of his marijuana convictions. Despite his pardon, Liggins is unsure whether a related charge for providing a false statement will still prevent him from working on those projects. "A person can change," he said. "A person should be able to pay their debt to society and start fresh."



# ***Cities, states work to clear marijuana convictions, calling it a states' rights issue***

A sheriff's deputy arrests a man for alleged marijuana crimes in California in September. (AP Photo/Noah Berger, File)



By [Katie Zezima](#)

February 1, 2018 at 6:15 p.m. EST

When California voters passed a measure in 2016 that legalized cannabis and allowed for people to have their marijuana convictions wiped away or reduced, San Diego County District Attorney Summer Stephan ordered her staff to immediately start scouring the city's criminal records to find people who qualified.

As marijuana becomes legal in more states, some are allowing people to ask to have their old marijuana convictions expunged or reduced. It is, proponents say, a way to atone a war on drugs that disproportionately affected low-income and minority communities and to ensure that the criminal records people carry are not out of sync with current laws.

It also attempts to get to the root of a complex legal question: what happens when people have a conviction on their record for a crime that is no longer illegal? "If you've made a legislative determination that this is no longer criminal, why would you want to continue to have people feeling the ramifications of something that people going forward will no longer have to suffer?" said Jenny Roberts, an American University law professor.

At least nine states, including Colorado, Maryland and Oregon, have made it easier to have some marijuana charges sealed or thrown out completely. Recreational marijuana use is legal in some, but not all, of those states. Colorado last year approved a bill that allows people convicted of misdemeanor marijuana possession before Dec. 10, 2012, to petition to have their convictions sealed.

In Oregon, lawmakers stated that judges must take the current law -- which says that possessing and selling marijuana is legal -- into account when they consider whether or not to change a person's criminal record. In Maryland, people convicted of marijuana possession can petition a court for expungement.

“It really makes sense to not burden these people with a lifelong criminal record,” said Kate Bell, a lobbyist for the Marijuana Policy Project in Maryland.

In most places, people must specifically request to have their records expunged, a process that can be costly and time-consuming. Though the laws largely aimed to help low-income people, there is concern that the petitioning process makes it more difficult, and therefore less likely, that they will move to have their records changed.

On Wednesday, San Francisco District Attorney George Gascón announced that his office will clear all marijuana misdemeanor convictions dating to 1975 and review all felony convictions to see if they are eligible for a reduction.

“California voters have clearly sent a message,” he said. “The war on drugs has been a failure, and more specifically, the war on marijuana has been a failure.”

Gascón said he is concerned about how U.S. Attorney General Jeff Sessions is handling federal marijuana policy. Sessions last month rescinded Obama-era guidance that eased the federal enforcement of marijuana.

“It’s really a question of states’ rights,” Gascón said. “I’m very disturbed and concerned about the national trend ... when you have the attorney general making marijuana a potential threat against our communities. Any middle school kid will tell you that’s a complete joke.”

A spokesman for Sessions declined comment Thursday.

Gascón said he made the decision to automatically clear records so people “will not have to jump through hoops to get relief.” He estimates that about 3,000 people will be eligible to have their convictions vacated and about 5,000 will be eligible to have their cases reviewed for possible reduction.

Prosecutors can decide not to support a reduction should a person have a major felony, such as murder, on their record. Old convictions will be reclassified under the law as it reads now. For example, if someone had been convicted of possessing an ounce or less of marijuana, that conviction would be tossed out because that is now legal under California law.

California Assemblyman Rob Bonta (D-Oakland) introduced a bill that would require automatic expungement of records.

“The role of government should be to ease burdens and expedite the operation of law — not create unneeded obstacles, barriers and delay,” Bonta said in a statement. “These individuals are legally entitled to expungement or reduction and a fresh start. It should be implemented without unnecessary delay or burden.”

Nevada assemblyman William McCurdy (D) introduced a bill that would allow people convicted of possessing less than an ounce of marijuana to have their records wiped clean; it was vetoed by Gov. Brian Sandoval (R). McCurdy said he would like to reintroduce the legislation in the state, where marijuana is now legal.

“I’ve always been under the belief that if you made a mistake in the past and the law has changed, you should definitely benefit from the changing of that law,” he said. “There’s a lot of folks who are sitting behind bars for less than an ounce of marijuana, and that’s troubling.”

In San Diego, Stephan ordered attorneys to look at cases shortly after voters passed the ballot initiative in November 2016, when the expungement provisions took effect. Prosecutors first looked at people in prison, then at those who were recently convicted, recommending their cases to public defenders.

They worked “backward, with the idea that persons that received their convictions more recently might be directly impacted in terms of their ability to look for jobs or have informal probation, housing benefits, military, other things,” she said.

About 680 people have had their convictions lessened, 55 of whom are currently behind bars, Stephan said. She believes there are about 5,000 people who are eligible to have their convictions changed.

“Our hope is that they will take advantage of it and use it to reintegrate and enter society without the burden of having a felony conviction,” she said.

Most of the sentencing laws are tied to the legalization of marijuana, something that Kevin Sabet, the founder of Smart Approaches to Marijuana, which opposes legalization, said shouldn’t be the case.

“People deserve a second chance, and we shouldn’t penalize people for past convictions, but it shouldn’t take having to legalize -- and commercialize -- marijuana for that to happen,” he said. “This a false choice between legalization and criminalization.”

Mark A.R. Kleiman, a professor of public policy at New York University, said the logic of such laws is complex.

“On the one hand, we’ve decided that doing X is no longer against the law, why are we still punishing people for still doing X?,” he said. “And one answer is, ‘We didn’t let Al Capone out of prison until after prohibition.’”

But, Kleiman said that he thinks California and other states are making the correct decisions.

“I think Gascón is absolutely right to get rid of as many of these convictions as possible, especially if it’s the sole conviction,” he said. “It’s very expensive over a lifetime.”

# *Maryland's marijuana pardons reflect uneven shift in U.S. drug policy*

Experts say expungements are more effective in keeping people from being penalized for crimes that are no longer illegal in many places.

Maryland Gov. Wes Moore, right, hugs Shiloh Jordan, who was convicted years ago of a minor cannabis offense, after Moore signed an executive order pardoning 175,000 cannabis-related convictions Monday. (Jim Lo Scalzo/EPA-EFE/Shutterstock)

By [Katie Shepherd](#), [David Ovalle](#) and [David Nakamura](#)  
June 19, 2024 at 5:00 a.m. EDT



Maryland Gov. Wes Moore's decision to [offer mass pardons](#) for low-level marijuana crimes is part of a nascent but growing effort to remedy inequities in the criminal justice system wrought by a drug that is now legal in many parts of the country.

Experts and civil rights advocates said the historic movement, driven by the Biden administration and officials in liberal-leaning states, reflects an unevenly applied prescription that often does not go far enough to clear the records of those who have been convicted and has lagged in states with more conservative leadership. Twenty-four states and D.C. have legalized recreational adult use of marijuana, with [more than half of Americans now living](#) in a jurisdiction where they can legally buy the drug. Advocates and public officials have increasingly pushed to put an end to the lingering consequences for people convicted of marijuana-related activities that are no longer against the law, especially in Black and Brown communities that have been disproportionately targeted by the war on drugs.

But the patchwork of remedies has been complicated by state laws, politics and bureaucracy. Most Republican-led states still ban recreational and, in some cases,

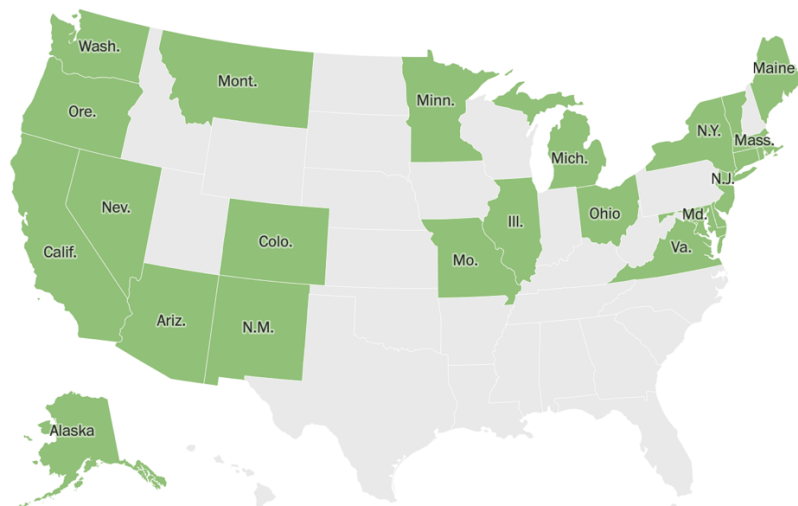
medical use of cannabis. And even the most aggressive measures to automatically clear criminal records do not ensure that people once charged with marijuana possession won't have that record used against them when they seek jobs or housing.

The Biden administration began a major push to forgive individuals with minor marijuana convictions in 2022, when the president [pardoned about 6,500 people](#) convicted on federal possession charges. In December, he [expanded those pardons](#) to thousands more and called on governors to follow suit, stirring hope among advocates that has grown even stronger with Maryland's [pardon announcement](#) this week.

"I'm optimistic those dominoes are falling," said Sarah Gersten, executive director and general counsel for the Last Prisoner Project, a nonprofit that advocates for ending incarceration for marijuana-related crimes. "Hopefully, this is just the first step in a much larger moment for cannabis justice."

#### States where recreational use of marijuana is legal

Twenty-four states and D.C. have legalized recreational marijuana



Source: National Conference of State legislatures

Cynthia W. Roseberry, director of policy and government affairs focused on justice issues for the American Civil Liberties Union, said the pardons for low-level marijuana offenses in Maryland and some other states are a "good first step, but it is a small step" to address what she described as systemic, racial inequities in the criminal justice system.

"This really is a signal that elected officials are beginning to listen to the people," Roseberry said. "The people want folks to do more, and I think elected officials have to be bold enough to follow the people in that way."

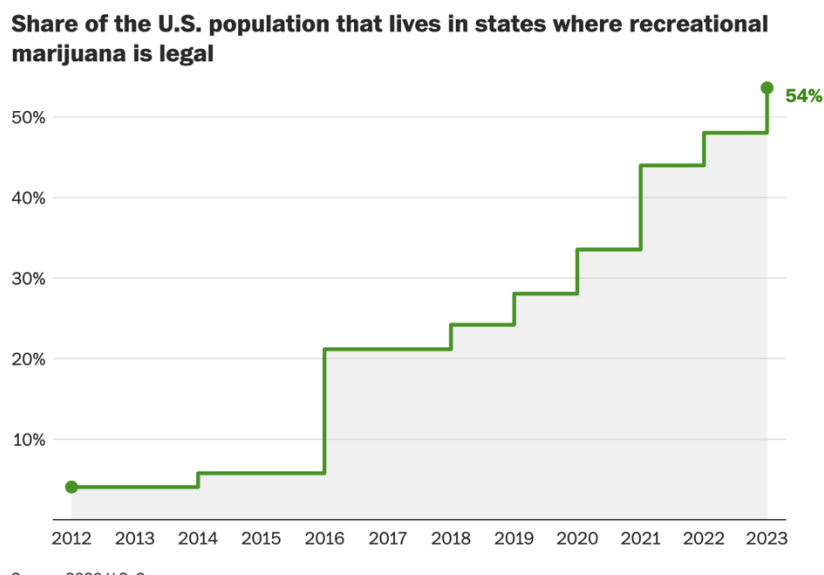
More than 2 million Americans have had their cases expunged or pardoned in recent years, said Paul Armentano, deputy director of the National Organization for the Reform of Marijuana Laws, known as NORML, which [closely tracks such efforts across the country](#).

The action by Moore (D) in Maryland will affect about 100,000 individuals. But while mass pardons from him, Biden and Massachusetts Gov. Maura Healey (D) have drawn the biggest headlines, legislative and voter-approved measures to expunge such cases are having a wider impact, Armentano said.

That's because while pardons amount to forgiveness for a crime, only expungements erase the records of convictions, which can still pose a barrier for people seeking employment, housing or social services.

States that used to rank high in marijuana arrests but have legalized the drug, such as New Jersey, New York and California, have expunged hundreds of thousands of low-level cases in recent years, Armentano said. But in states such as Florida and Texas, where marijuana remains illegal for recreational use, law enforcement officers continue to arrest people for low-level marijuana offenses. There were nearly 209,000 arrests nationwide for marijuana possession in 2022, according to FBI statistics.

Legal experts caution that state-level expungements are not always automatic — and note that people often don't have the time or means to petition a court to have their cases stricken.



Maryland will automatically expunge records for people whose only charge was misdemeanor marijuana possession, accounting for about 40,000 of the 175,000 charges Moore pardoned this week, according to the governor's office.

The pardons come as the Justice Department has acted to [move marijuana](#) to a less-restrictive category of controlled substances, a historic policy shift that does not completely legalize the drug at the federal level but may broaden access to medical cannabis and [spark](#) scientific research into its health benefits and risks.

Public opinion on marijuana has also changed substantially, with a 2023 Gallup poll showing [70 percent of Americans](#) — and more than half of Republicans and conservatives — now back legalization.

Although cannabis policy is [not a top issue](#) for most voters, some Democratic strategists have said the issue could [boost their candidates in November](#). [Donald Trump](#), the

presumptive Republican presidential nominee, has expressed inconsistent views on marijuana policy in the past, and his campaign has remained quiet on the issue in recent months. During his 2016 presidential campaign, Trump [said he supported states](#) making their own decisions about whether cannabis should be legal.

A few Republican-led states, including Ohio, Montana and Missouri, have decriminalized the drug.

Under Missouri's 2022 constitutional amendment legalizing marijuana, expungements for marijuana-related crimes were supposed to be automatic and completed on a tight deadline. More than 123,000 cases [have been expunged](#). But not all have actually disappeared. Court clerks were overwhelmed by the number of prosecutions, old records were hard to find, and some cases were labeled as possession of a controlled substance, not marijuana, said Sydney Ragsdale, an attorney with the expungement clinic at the University of Missouri at Kansas City School of Law.

Many cases still appear on certain background checks that involve government jobs because the records aren't being completely destroyed, Ragsdale said. Courts have also refused to expunge local ordinance violations involving marijuana, even though they are punishable by jail time.

"In Missouri, municipal offenses aren't technically a crime. But at the same time, they are considered crimes for the FBI purposes. And so they come up on criminal background checks," Ragsdale said.

Kamisha Webb, 46, was charged with violating a marijuana possession ordinance in 2004 in Lee's Summit, Mo., an accusation she still disputes. She pleaded guilty only to a traffic violation. Webb, a civilian investigator from Kansas City, Mo., said she earlier lost out on two federal government jobs because of the arrest, which remains visible on some background searches even though it was technically expunged in recent months. "It's been very humiliating and very crippling to see those job opportunities disappear," said Webb, who is asking an appeals court to completely purge the record.

Other states have also confronted the gulf between their policy aims and the reality of this country's complex justice system.

When New Mexico legalized marijuana in 2021, the law provided for automatic expungement of some low-level cannabis-related crimes. But officials found that many expungements were not so clear-cut, said Serge Martinez, a professor of law at the University of New Mexico School of Law.

Some cases involved convictions for other crimes. Some were recorded in the offices of rural sheriffs. For more complex cases, the state now asks people to petition for an expungement instead of expecting it to happen automatically, Martinez said.

"It's a reflection that these policies are sound and great until the rubber hits the road, and we have to deal with nuts and bolts."

# ***The casualties of California legalizing pot: Growers who went legal***

A blue state's taxes and regulation have boosted corporate producers, leading to the near-death of the small cannabis farmer

Cannabis farmer Drew Barber examines a plant at his farm in Humboldt County in Petrolia, Calif. (Melina Mara/The Washington Post)



By [Scott Wilson](#)

August 21, 2022 at 12:39 p.m. EDT

PETROLIA, Calif. — The Wild Cat Road skips along a ridge line, a narrow half-paved, half washed-out track that once carried much of the world's finest marijuana to market.

Even in mists that obscured its treacherous course as it bows toward the Pacific, the road hummed in tune with the family weed farms around it. Now there is little cannabis to carry, nor “trimmigrants” who traveled here to the Mattole River Valley to pick the flower that made Humboldt County shorthand for the best marijuana around.

“I’m not making it,” said Drew Barber, 48, who has grown cannabis here for more than 15 years, watching the price for his product shrink from \$1,200 a pound to about a third of that today. “I can’t lose money from one year to the next, and it’s getting to be that time when I have to decide if I can go on.”

The irony, bitter and true, is shared on the front porches of hillside homesteads across this valley where the King Range mountains and the San Andreas Fault meet the sea. The once-mystical heart of the nation’s marijuana industry is dying, fast, strangled not by law enforcement but by the high taxes and baffling regulation that have crushed small farmers since state voters approved legalization almost six years ago.



The story of Humboldt's fate highlights how inconsistently this influential blue state has treated a quintessentially blue-state industry, a product once rogue and now a public tax bonanza. In the first quarter of this year alone, cannabis taxes delivered nearly [\\$300 million in revenue to the state](#) and additional money to the counties that have embraced what they once punished.

Following legalization, state officials made several far-reaching decisions that have effectively driven many small cannabis farmers to the brink of insolvency while consolidating a \$5 billion-a-year legal market in the hands of industrial-scale growers, most of them based far from these northern reaches.

Drew Barber begins his workday among the cannabis rows accompanied by his dog Loka in Petrolia, Calif. (Melina Mara/The Washington Post)  
Barber's 450 cannabis plants are registered and tagged at his farm. (Melina Mara/The Washington Post)  
"I'm not making it," says Barber, seen here with his wife, Amanda Malachesky, and dog Pabloma. (Melina Mara/The Washington Post)

The chosen course concentrated much of the tax and regulatory power at the state level, dominated by Democrats who often decry corporate influence, and left counties and cities, some far more conservative, with broad discretion over whether to even establish a cannabis industry.

The state imposed multiple taxes across the cannabis supply chain, a burden unmatched in other nearby marijuana-legal states. At the same time, the state declined — after initially signaling it would do so — to limit the size of cannabis cultivations or the number of grower licenses it would issue to farmers.

As a result, the state is now awash in tax revenue, much of it from the industrial-scale farmers and retailers, and in marijuana, a market glut that has gutted wholesale prices and left farmers such as Barber unable to break even. The state rules and omissions have also empowered a still-thriving black market for marijuana — once a chief target of state regulators — whose growers sell their product illegally across state borders and still fetch a lucrative price.

Here in the Humboldt hills, the changes resulting from state policy decisions have also precipitated the slow fade of a unique out-there-alone way of life, pioneered by disillusioned migrants who had soured on the post-1960s vibe farther south.

In the renegade days, a farmer could get \$4,000 a pound for Humboldt flower, the plant's coveted bud. Today, not far from Barber's operation, one farmer

recently dumped three pounds of cannabis at the desperation price of \$100 a pound. Others are simply walking away from already cultivated plots.

“The government has actually managed to do in just a few years what the war on drugs couldn’t do in decades,” said Natalynne DeLapp, executive director of the [Humboldt County Growers Alliance](#), which represents a few hundred small farmers here. “It has killed the cannabis market.”

The morning fog leaves a layer of dew on cannabis plants at Barber's farm in Humboldt County, the once-mystical heart of the nation’s marijuana industry. (Melina Mara/The Washington Post)

The change in the industry since voters passed [Proposition 64](#) in 2016, making it legal to possess and grow a small amount of cannabis for personal use while leaving decisions on larger cultivations and retail sales to local governments, has now spurred Gov. Gavin Newsom (D) and the state bureaucracy to act on behalf of small growers.

Since 2018, when the new legalization rules took effect, the state has taxed marijuana three separate times as it travels from farm to consumer. Many counties and cities impose their own taxes, at varying levels, on top of the state levies. In some regions of the state, one pound of cannabis is subjected to as many as five separate taxes, some based on weight and others on sales.

By contrast, the state of Oregon imposes a single 17 percent sales tax on cannabis, the only product the state imposes a sales tax on at all. Counties there are allowed to impose as high as a 3 percent sales tax on top of that, which still leaves it far lower than California’s tax burden.

California’s cannabis taxes come on top of licensing fees and regulatory permits, which can cost tens of thousands of dollars annually for growers, burying those who used to work without regulation in red tape and state invoices. The option to become legal, which roughly half of Humboldt’s farmers once accepted, has been a stunningly expensive one.

In his most recent budget, bursting with a record \$97 billion surplus, Newsom eliminated the “cultivation tax” on growers, which in the first quarter of this year brought the state \$32.7 million. Counties will still be able to impose their own cultivation tax, called the single most burdensome by many in the industry.

Barber prepares for an early morning walk with Loka. (Melina Mara/The Washington Post)

Barber at home with his wife, Amanda Malachesky, and children, Ray, 16, and Gardner, 11. (Melina Mara/The Washington Post)

Barber works at the kitchen table while Gardner makes waffles. (Melina Mara/The Washington Post)

The state government also pledged not to raise the 15 percent excise tax imposed on distributors — the system’s middlemen who also inspect the marijuana before it moves to retailers — for at least three years. The state collected \$156.4 million in cannabis excise taxes in the first quarter of the year.

Newsom signed the specific cannabis measures the last day of June, and the cultivation-tax elimination took immediate effect.

“The question we asked in designing this package was how do we make this simpler,” said [Nicole Elliott](#), director of the state Department of Cannabis Control. “The burden falls most especially on these small farmers. And if we want to have a diverse industry, we have to take care of these small farmers.” To Barber and his neighbors, the recent tax break is welcome but far from decisive. His cultivation taxes alone ran to roughly \$160 a pound, taking an increasingly large chunk of his revenue as wholesale prices fell to an average of \$450 a pound. In an emergency step, Humboldt County just cut its cultivation tax by 85 percent.

Barber, freckled from years farming in the sun, said it is his wife’s health consultancy business that is keeping the family, including two kids, afloat for now.

“The car has three flat tires and a blown valve, and the question is what do we fix first,” Barber said of the tax changes. “The car still isn’t going to run if you fix one flat tire. But it will help.”

The Mattole Road runs down from the fertile mountains and then along the Pacific Ocean in Petrolia, California. (Melina Mara/The Washington Post)

Cannabis industry veterans say it didn’t have to be this way. Marijuana long flourished in the state’s far north. A back-to-the-land hippie migration in the early 1970s established a culture accepting of illegal drugs, and an out-of-sight, out-of-mind remoteness discouraged intensive law enforcement.

From that fertile ground, the Emerald Triangle of Humboldt, Trinity and Mendocino counties built a marketable mythology around the marijuana from the region that endures today.

Here, in the Mattole River Valley, the King Range rises thousands of feet high to the south, thickly forested and sheer. The San Andreas begins its state-splitting run south from this wild place of pastures, farms and rain-filled rivers in a rare wet patch of a very dry state.

This is the Lost Coast, about 100 miles of marshy, distant topographic challenges that is the only place in the West to defeat ambitious highway builders. There is no coastal highway here. Nature won.

Like its landscape, Humboldt had a Wild West feel for decades. Big cartels saw opportunities in its canyons and hilltops, planting large plots with little regard for the fate of redwood forests and clear, cold rivers.

Then the industry opened up, at least a crack.

The so-called green rush began in 1996 with the passage of [Proposition 215](#). The measure allowed cannabis dispensaries to sell to customers who could prove they needed the drug for anxiety, pain or other ailments.

It also made it nearly impossible to determine which growers were licensed to supply the dispensaries and which remained outside the law, a line-blurring oversight that brought many into the business and began pushing down prices.

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Then two decades later came Proposition 64, expanding legal recreational use to every adult. It passed easily, in part because it placed so much power to regulate the industry in the hands of local governments — the step that would create the patchwork of rules, from taxes to local cultivation caps to retail licenses — across the state.

By the time the proposition took effect in 2018, a grower's pound of cannabis had dropped in price to \$800 from about \$1,200 in 2016.

Pelicans skim the Pacific surf along Mattole Road in Petrolia. (Melina Mara/The Washington Post)

A rare tourist photographs the Petrolia General Store and Post Office along Mattole Road. (Melina Mara/The Washington Post)

An abandoned phone booth beside Mattole Road in Petrolia. (Melina Mara/The Washington Post)

Here in Humboldt, where at least 5,000 growers operated at the time, DeLapp nonetheless persuaded nearly half to sign pledges to become legal despite the costs involved.

But there were gaps between the broadly written proposition and the rules that put the new measure into practice.

Many in the industry and law enforcement favored a proposed statewide one-acre cap on farms as a protection for small growers; by the time the final rules came out, though, there was no statewide cap. There was also no limit on the number of cultivation licenses that could be issued.

“We still have a vibrant black market in Northern California, and we empathize with the small legal growers,” said Humboldt County Sheriff William Honsal, better known as Billy, who was born in the county as the illegal cannabis market boomed.

“By not capping licenses, there has been this flood of supply and I just would have thought our state would have been a little smarter with policies to allow small growers to make it.”

There were an estimated 69,000 marijuana growers in the state at the time Proposition 64 passed. In the spring of 2018, three months after the regulations took effect, [the state had issued 2,000 grower licenses](#) with an expected annual yield of 4.1 million pounds. That translated to at least double California’s legal annual demand.

Now, according to the state Department of Cannabis Control, there are 8,600 licensed marijuana farmers and the amount of cannabis being grown legally in California could be more than quadruple the state demand.

“The oversupply makes it hard to do business legally or illegally at this point,” said [Dale Gieringer](#), state coordinator for the legalization advocacy group NORML.

Cannabis farmer and owner Dylan Mattole speaks to fellow growers Dayna Kress, brand manager at Uplift Co-op, and Josh Free of Empress Farms, on the porch at his regenerative farm in Honeydew, Calif. (Melina Mara/The Washington Post)

Mattole tends to cannabis rows at his regenerative farm, Mattole Valley Sungrown. (Melina Mara/The Washington Post)

Moriah Gregori smells cured cannabis at Mattole Valley Sungrown farm. (Melina Mara/The Washington Post)

The lack of state cultivation limits, which was not addressed in Newsom's recent plan, stands in contrast to some other Democratic-controlled cannabis states, which have experienced market gluts in the past but not nearly to the degree facing California. Colorado, for example, has rules allowing the state to limit — and even shrink — cultivation size to better control supply.

The option of fallowing a cannabis crop for a year to wait for higher prices is also impossible in California; a grower who allows a license to lapse for a year must start the arduous and expensive process of applying for a new license as if they never held one. Cannabis, unlike wine grapes, is not classified as an agriculture product here and so farmers are denied state benefits that accrue to other crops.

“Everything about the regulations have been written as if cannabis farming were a criminal enterprise,” said Dylan Mattole, who farms a quarter-acre in Honeydew, a town in the river valley his family is named for. “And also with the assumption that this business is so profitable they can squeeze and squeeze and squeeze.”

Mattole's family moved to this valley from San Francisco in the early 1970s, part of the post-Summer of Love exodus. His father, Walter Sharp III, renamed himself Mattole, just Mattole, for the river he moved next to. He did give his son two names; Dylan got his from the renowned singer-songwriter his dad once saw at San Francisco's famous Fillmore theater.

But the roughly one-acre farm is shriveling. Last month he laid off his last two farmworkers. He pays more than \$35,000 in annual cultivation, transfer and processing licenses, in addition to his cannabis taxes. His revenue is declining at the same time.

A pound of his marijuana, branded [Mattole Valley Sungrown](#), is supposedly selling for about \$300 a pound these days. Yet last month, he sold three pounds for \$100 each. There were no buyers on the horizon and the weed was growing old.

“At one point did being honest hurt us?” asked Mattole, a 48-year-old father of three.

Mattole looks at curing cannabis on his farm. (Melina Mara/The Washington Post)

One major industry challenge is that California is not an entirely legal state, at least not for growers and retailers. A majority of California's 58 counties still

prohibit any cannabis business, according to the state, limiting in particular the number of retail outlets where legal marijuana can be purchased.

“Most people say the problem is oversupply,” said Graham Farrar, founder and president of [Glass House Farms](#), a major grower and retailer based in Southern California. “I say it’s under-demand.”

His business began with state-of-the-art indoor crops in former cut-flower greenhouses in Carpinteria, along Santa Barbara County’s south coast. He has added retail licenses and now holds more than half a dozen, including one here in Humboldt County. But it is the size of his company’s cultivation that is astonishing.

Earlier this year, Farrar opened a [5.5 million-square-foot greenhouse](#), roughly 126 acres, in the Ventura County city of Camarillo where agriculture has long been a prominent industry. By comparison, 90 percent of Humboldt cannabis farms are smaller than one acre.

Farrar and other big cannabis businesses are preparing for federal legalization or at least more modest interstate commerce between cannabis-legal states, a measure now under consideration in the California legislature.

“In a state like California it’s hard to change policy in a rapid way,” said Elliott, the cannabis department director. “There is still a lot of reform that needs to happen.”

Ross Gordon, policy director of the Humboldt County Growers Alliance and policy chair at the [Origins Council](#), which represents about 900 growers in six state regions, said big cannabis producers have the capital to ride out the low prices and wait for federal and interstate trade laws to change.

“Glass House and others like it represent the massive upward transfer of wealth that is taking place within California’s cannabis industry,” Gordon said. “There is policy trying to get at some of these issue of disparity. But not nearly to the depth needed to fix an industry that is structurally broken.”

Mattole searches for a baby sheep he is bottle feeding. (Melina Mara/The Washington Post)

Mattole lays a tarp over cannabis rows. (Melina Mara/The Washington Post)

Mattole grows several cannabis varieties at his farm. (Melina Mara/The Washington Post)

Humboldt growers say a couple of initiatives that saved small vintners in Napa County when they faced extinction from giant wine corporations could help rescue small-scale cannabis farming in California.

The first is a strict “appellation” regimen that would distinguish Humboldt-grown marijuana on dispensary shelves from the mass-produced cannabis from the south. Humboldt, after all, still has mystique.

“Humboldt County produces more redwood fencing than any place in the world,” said Rex Bohn, a county supervisor. “But nobody I run into outside of this county asks me about the redwood fencing.”

The second is the ability to mail their product anywhere. That could depend on the federal government making cannabis legal, and several U.S. senators, including Majority Leader [Charles E. Schumer](#) (D-N.Y.), introduced a bill earlier this year to do so.

But industry experts say national legalization, like relaxing interstate commerce, is years off, time farmers here do not have.

“I would expect to see at least half of our businesses fail in the next year,” said [Genine Coleman](#), executive director of the Origins Council. “If I’m being quite frank, I think we need a new proposition. So much wrong is baked into this system that we are just not going to be able to move ahead without one.”



# ***Report: Pot arrests still fall heavily on Hispanics, Blacks***

By Michael R. Blood | AP  
July 16, 2020 at 7:31 p.m. EDT

LOS ANGELES — The number of felony marijuana arrests in California continued to decline in 2019 in the age of legalization, but another trend remained unchanged: those arrests fell disproportionately on Hispanics and Blacks, state data showed.

The California Department of Justice, in an annual snapshot of crime rates in the nation's most populous state released earlier this month, said there were 1,181 felony cannabis arrests last year, down from 1,617 in 2018, the first year of broad legalization. That represents a 27% decline.

According to a breakdown of demographic data, Hispanics accounted for nearly 42% of those arrests, followed by Blacks, at 22%, with whites at 21%. Other groups accounted for the remainder.

The overall number of arrests declined last year, but “the harassment went up,” Donnie Anderson, co-founder of the cannabis trade group California Minority Alliance, said in an email.

FILE - In this Sept. 29, 2017, file photo, a sheriff's deputy arrests a man for allegedly cultivating marijuana in unincorporated Calaveras County, Calif. Arrest data released by the California Department of Justice show there were 1,181 felony marijuana arrests in California in 2019, down 27% from 2018, of 1,617 arrests and the lowest number since 1954. (Noah Berger, File/Associated Press)

Ellen Komp, deputy director of the California arm of the National Organization for the Reform of Marijuana Laws, known as NORML, said Thursday the figures point to the difficulty many Hispanics and Blacks have had entering the legal market, which comes with hefty investment costs, taxes and regulatory fees.

The percentage of Black and Hispanic arrests “is troubling, especially now that we've legalized it,” Komp said. “It's legal if you have the venture capital to open up on Main Street.”

The report did not include a breakdown of the charges, but they could include such violations as unlicensed cultivation and sales of marijuana, or sales to a minor.

Misdemeanor marijuana arrests were down slightly in 2019: They numbered 3,769, versus 3,835 in 2018, NORML said.

In a statement, NORML said Blacks were 4.47 times more likely than whites to be arrested for a marijuana crime in California in 2019, compared with 4.05 times as often

in 2018, when weighted for population. Hispanics were about twice as likely as whites to be arrested, also up from 2018, the group said.

The number of felony arrests last year marked the lowest figure since 1954, NORML said.

California broadly legalized marijuana in January 2018, after voters approved the move in 2016. In general, California treats cannabis like alcohol, allowing people 21 and older to legally possess up to an ounce and grow six marijuana plants at home. Shops, cultivation and manufacturing in the legal market must be licensed by the state.

However, robust illegal sales, free of hefty taxes that can approach 50% in some communities, continue to outpace the legal market.

Law enforcement has long been criticized for disproportionate marijuana arrest rates for people of color. A study earlier this year by the American Civil Liberties Union found that nationwide, Black people are 3.6 times more likely than white people to be arrested for marijuana, despite similar usage rates.

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# ***Battling the racial roadblocks to joining the legalized marijuana trade***

## **Darryl Hill broke racial barriers in football. Can he do the same for the cannabis industry?**

A successful entrepreneur is now trying to break into the legal cannabis industry, which researchers say is leaving African-Americans out. (Video: Jorge Ribas/The Washington Post)

By [Tracy Jan](#) and [Fenit Nirappil](#)

June 2, 2017 at 6:51 p.m. EDT

Darryl Hill, hailed for integrating college football in his youth half a century ago, was a successful entrepreneur with no criminal record and plenty of capital when he applied for a license to grow marijuana in Maryland — a perfect candidate, or so he thought, to enter a wide-open industry that was supposed to take racial diversity into account.

To his dismay, Hill was shut out on his first attempt. So were at least a dozen other African American applicants for Maryland licenses. They were not told why.

Now, Hill, who has a long history of helping minority firms get financing and federal contracts, has a new game plan for breaking into the industry — just as a number of jurisdictions are turning to address the yawning racial disparities in the legal marijuana business.

States generally do not track the race and ethnicity of license applicants, but industry analysts and researchers say that dispensaries and the more-profitable growing operations across the country are overwhelmingly dominated by white men.

The lack of minority representation is especially fraught, given that research shows African Americans were disproportionately arrested and incarcerated during the war on drugs. Now that marijuana is seen as a legitimate business, advocates argue that minorities should also reap the profits.

“Here’s a drug that for years has been the bane of the minority community, sending young people to jail by the boatloads,” Hill said. “Now, it could be a boon to these communities, but minorities have been left out.”

So the 73-year-old great-grandfather who was the first black football player at the University of Maryland sought an ally in his quest to help other minorities — and himself — break into the closed ranks of cannabis cultivation and sales.

Hill's new business partner, Rhett Jordan, happens to be a groundbreaker in his own right. The 33-year-old Colorado industry pioneer, who is white, founded one of the largest legal marijuana operations in the nation.

"The way minorities get into the game is they need top management, technical expertise and money," Hill said. "If Jordan is involved, there's automatic respect and credibility when it comes to raising money."

The marijuana trade, legal in some form in 29 states plus the District of Columbia, is one of the country's fastest-growing industries. The \$6.6 billion in medical and recreational marijuana sales in 2016 is expected to expand to \$16 billion by 2020, according to New Frontier Data, a cannabis data analytics company headquartered in the District.

But African Americans seeking to go into business as growers or retailers face a host of hurdles, researchers say. Many states bar convicted drug felons from the industry, disproportionately hurting minorities because of historically higher conviction rates. Others have set high investment requirements. Some dole out licenses through appointed commissions that industry researchers say reward the politically connected, who by and large are wealthy and white.

"Marijuana legalization without racial justice risks being an extension of white privilege," said Bill Piper, a lobbyist for Drug Policy Alliance, which advocates for drug policy reforms.

The disparities have become such a source of consternation for some lawmakers and industry leaders that more than half a dozen states and municipalities, including Oakland and the District, are taking steps to boost minorities in the competitive licensing process.

Hill and Jordan plan to test their new partnership in Pennsylvania, where they are applying for one of the state's first marijuana licenses, to be issued in June.

Unlike in Maryland, those licenses will award points for diversity and community impact — potentially giving African American applicants like Hill an advantage.

"Maryland is a blueprint for Pennsylvania for what not to do. There should be additional efforts put in place to ensure that groups that have been marginalized could be a part of this brand new industry," said Pennsylvania state Rep. Jordan Harris (D-Philadelphia), chairman of the Legislative Black Caucus. "For years, people of color have been arrested and incarcerated for participating in this industry. The least we can do is to make sure they are included now that we want to make it legal."

Hill and Jordan say they plan to lobby other state legislatures for inclusive regulations like Pennsylvania's and to act as consultants or active business partners for other minority entrepreneurs.

They also hope to start a marijuana training academy in southwest Philadelphia to help minorities from Maryland, New York and Pennsylvania acquire the technical cultivation, extraction and retail skills to apply for their own licenses.

Jordan, who is expected to hold around a 15 percent interest in Hill's dispensary, said he saw an opportunity to expand his potential customer base by increasing the diversity of growers and dispensary owners.

"Ultimately, old or young, black or white, it's an entrepreneur's game," said Jordan, who got his start by growing marijuana in his Denver basement and opened his first dispensary in 2010. "Cannabis only knows green."

Colorado, one of the earliest states to legalize marijuana, has nearly 1,000 dispensary licenses and nearly 1,500 cultivation licenses. African Americans make up less than a handful of license holders, according to cannabis entrepreneurs in the state.

Wanda James, a former Navy lieutenant who says she's one of the few black growers and dispensary owners in Colorado, blames regulations barring those convicted of drug crimes from owning, and working in, a dispensary or cultivation center.

"In Colorado, if you sell 10 pounds of cannabis today, you probably get written up in Forbes about what a great businessperson you are, but if a young black man sells a dime bag on a street corner in Alabama, he's probably going to jail for 10 years," she said.

A black person is nearly four times more likely than a white person to be arrested for marijuana possession, even though the two groups use marijuana at similar rates, according to a 2013 American Civil Liberties Union report that examined arrests in every state using a decade's worth of FBI crime data.

James's brother was arrested at 19 for possessing 4.5 ounces of marijuana. He spent 10 years in the criminal justice system, including four and a half years picking cotton in Texas, where he was incarcerated, followed by probation. He moved to Colorado to work as James's grower in 2009, but she said she had to fire him after a new state law forbade drug felons from working in the industry.

"In America right now, your Zip code determines whether you are a felon or a millionaire," she said.

Jesse Horton, an Oregon marijuana entrepreneur who started the Minority Cannabis Business Association in 2015 to diversify the industry, said that as a college student in Florida, he was arrested three times for marijuana possession. His criminal record would have barred him from entering the business in other states.

"It's really a slap in the face to communities who have been targeted," Horton said. "A lot of people see these as racist regulations. These are fear-based tactics by legislators who are more than willing to go along with the business interests sitting in the room."

Some states also require applicants to have financial holdings upward of \$1 million, a particularly high bar, given the documented wealth disparities between blacks and whites. Those without ready access to capital cannot turn to banks, which are unwilling to provide business loans for an industry that is still illegal at the federal level.

The Trump administration's new focus on drug control and law enforcement has injected additional uncertainty into the industry, especially in the eight states that have legalized marijuana for recreational use.

A temporary provision in effect since 2014 prohibits the Justice Department from spending money to interfere with state medical marijuana programs. But Attorney General Jeff Sessions, who has declared marijuana a dangerous drug, has launched a task force to review current charging and sentencing under the drug laws.

Sessions also recently directed federal prosecutors to get tougher on drug defendants, a prospect that some industry leaders fear could perpetuate racial disparities.

The threat of federal raids could further deter minorities. Corey Barnette, the only black cannabis cultivator in the District, suggested that minority communities "might be somewhat skeptical" and reluctant to participate in an industry in which "they no longer even believe opportunity actually exists for them."

Even with potential shifts in federal drug-enforcement policies, several jurisdictions have moved to address racial disparities in the industry.

Oakland recently voted to set aside half of all marijuana business permits for people who had been arrested for drug crimes in the city or lived in neighborhoods with high marijuana arrests.

Illinois, like Pennsylvania, awards extra points to minority applicants. Ohio requires 15 percent of licenses to be issued to minorities. Florida has reserved one of its future marijuana-cultivation licenses for a member of the state's Black Farmers and Agriculturalists Association.

In February, the District lifted its prohibition against felons convicted of possession with the intent to distribute marijuana from entering the industry.

Maryland marijuana regulators, meanwhile, are fending off a lawsuit that threatens to halt its program after no black-owned businesses won cultivation licenses.

Hill, despite his first loss, is still hoping to enter the industry next year after receiving a preapproved license to open a Maryland dispensary in 2018.

It's progress, Hill said, but he still hasn't won the game.

"Before you can sell marijuana," he said, "someone has to be growing some."

# ***8 of 10 weed firms seeking equity licenses in Md. are minority- or woman-owned***

Eligible applicants learned on Friday that they had advanced to a lottery expected to take place in March

Cannabis grows at Maryland's first legal outdoor marijuana farm in October 2019 in Cambridge. (Jahi Chikwendiu/The Washington Post)



By [Katie Shepherd](#)

February 12, 2024 at 4:04 p.m. EST

Just over 1,700 people applied for a cannabis license in Maryland's first round designed to foster social equity, which lawmakers championed as an argument for legalizing recreational marijuana in the state.

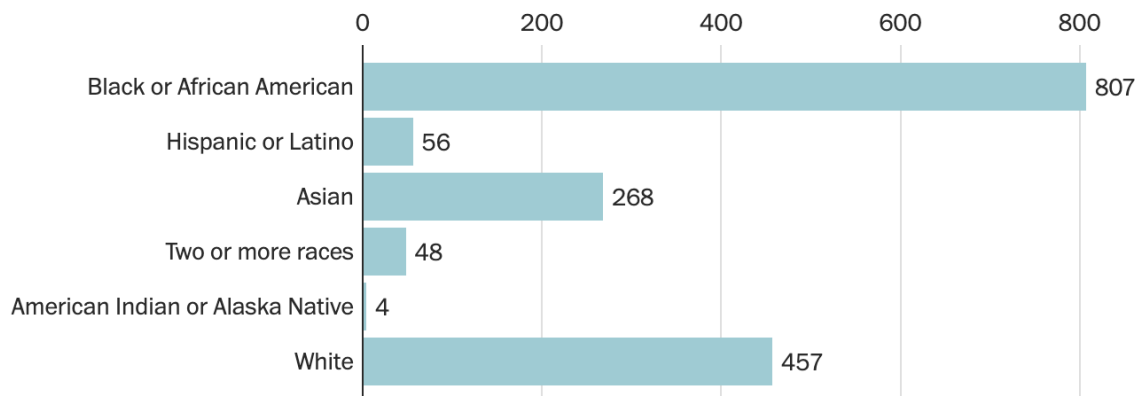
Only 179 of those admitted to a state-run lottery will ultimately receive a coveted [license or micro-license](#) in this round. This first major round of licenses since legal recreational sales began in July is tailored to benefit people from communities most affected by the war on drugs, which had a disproportionate impact on Black people.

Maryland's social equity round did not take race into account; instead it worked to increase diversity without [running afoul of legal advice](#) against using race as a criteria for eligibility. The state opened the process up to people who either live or attended public school in Zip codes that exceeded the state's 10-year average for cannabis possession charges [by 150 percent or more](#), or those who attended a Maryland university where at least 40 percent of students received Pell Grants. Those who did not advance to the lottery were informed Friday.

Maryland officials last week touted the diversity of the applicant pool drawn in by the geographic approach. More than half of the applicants self-identified as Black or African American, according to statistics shared by the Maryland Cannabis Administration. Another 22 percent identified as a race other than White, with roughly 84 percent of the businesses that applied identifying either as woman- or minority-owned, or both. Women accounted for 41 percent of the applicants.

## Self-reported race and ethnicity of social equity license applicants

About 1,700 people applied to get a cannabis license in Maryland's social equity round.



“The diversity of the applicants demonstrates our success in putting social equity at the center of the process,” Maryland House Speaker Adrienne A. Jones (D-Baltimore County) [said in a statement on X](#).

Several steps remain before the licenses are granted, but if the new licenses end up in the hands of a diverse group of growers and dispensary owners, it will be a major success for a state that [struggled to meet its social equity goals](#) after launching a medical market.

The General Assembly last year set a goal for the adult-use licensing process to begin on or before Jan. 1. Although the bulk of new licenses have not yet been granted, the Maryland Cannabis Administration did issue one so-called Pigford license to the only eligible applicant who was part of a class-action lawsuit [filed against the U.S. Department of Agriculture](#) for systemic discrimination against a dwindling group of Black farmers in the 1980s and '90s. Another three dispensary licenses were awarded to businesses that secured grower licenses during a diversity round of licensing for Maryland’s medical cannabis industry.

The state agency had originally hoped to begin the social equity lottery in January, as well, but the Maryland Cannabis Administration said vetting the thousands of applications submitted in December took more time than anticipated.

“There were a lot of submissions, which is terrific news,” William Tilburg, acting director of the Maryland Cannabis Administration, said in an interview. But the high level of interest made a comprehensive review of each application a time-consuming prospect, he added.

Maryland’s recreational market has been up and running since July, when medical marijuana companies were allowed to transition their medical licenses into adult-use licenses. By December, those companies had made more than [\\$331.8 million in adult-use sales](#).

Tilburg said Maryland officials have embraced a cautious approach after other states faced stunning failures in their equity licensing rounds. After Arizona granted 26 equity



licenses, corporations and investors [quickly bought the vast majority](#) from the original applicants, so that fewer than two years later only eight were held by the people who won them, according to the Arizona Center for Investigative Reporting. Up to one-quarter of the equity licenses granted in Missouri went to ineligible applicants, the [Missouri Independent reported](#).

Of the 1,708 verified applicants, 1,474 met the agency's eligibility requirements to advance to the lottery stage. The rejected applicants will be able to request a review with the agency to understand why the application was rejected and raise any objections over how the application was evaluated. Those reviews will take place between Feb. 15 and Feb. 29, and any rejected applicants can amend and resubmit their applications in the second round of licensing without charge.

The lottery — which will consist of 44 lottery pools for different categories of licenses and micro-licenses for dispensaries, processors and growers in several regions of the state — will be held in March, Tilburg said.

# ***After Virginia legalized pot, majority of defendants are still Black***

Cannabis flower at a Coastal Cannabis Club event in Chesapeake, Va., on July 1. (Parker Michels-Boyce for The Washington Post)

By [Karina Elwood](#) and [John D. Harden](#)

October 16, 2022 at 7:00 a.m. EDT

A year after Virginia lawmakers legalized recreational marijuana with hopes of lessening racial disparities in enforcement, police in the state are still more likely to arrest Black people than White people for marijuana-related offenses, a Washington Post analysis found.

While marijuana arrests overall dropped in the year since Virginia became [the first state in the South to legalize](#), Black adults accounted for nearly 60 percent of marijuana-related cases before the state's general district and circuit courts, an analysis of marijuana-related code citations in the state's court system concluded, despite Black people accounting for about [20 percent of the state population](#).

The findings echo results seen in other states and the [District of Columbia](#), as state lawmakers across the country increasingly describe legalization as a vehicle for social equity — an intent of Democratic lawmakers in Virginia who hoped to counter the toll the nation's war on drugs had on Black communities. Lawmakers in Maryland voiced similar hopes for impact when they decided to ask voters if they want to legalize recreational use on the ballot next month. Yet gaps between intent and implementation persist, with White entrepreneurs so far making up most of [the legal market](#) as Black people continue to [account for a bulk of marijuana-related arrests nationwide](#).

While racial equity often drives calls for reform — [President Biden this month announced that he would grant mass pardons](#) for anyone convicted of federal simple possession charges as a first step to “right these wrongs” — cannabis and criminal justice experts said disparities will remain stubborn against a backdrop of broader, unchanged trends in policing.

“The policing practices haven't changed,” said Jon Gettman, associate professor of criminology and criminal justice at Shenandoah University. “The laws they have to enforce have changed, but the practices haven't.”

Those practices often relate to the structural organization of police operations and where officers are deployed, Gettman said, and areas where police are more concentrated, because of increased crime or more need for those services, can often have more minorities. And law enforcement officials say the shifting laws on marijuana are complex and have been, at times, difficult to manage.

The law in Virginia allowed individuals 21 or older to possess up to one ounce of marijuana in public and cultivate up to four pot plants at home. But sales remained illegal under the Virginia law, to give the legislature time to establish a framework for the new market. As a result, [distribution charges](#) make up a bulk of marijuana-related arrests.

Possession of more than one ounce was subject to a \$25 civil penalty during the first year of legalization — Gov. Glenn Youngkin (R) [proposed](#) and signed a law that went into effect July 1 this year that created misdemeanor charges for possession over four ounces. Possession of more than [one pound is a felony](#), as is [selling more than one ounce of marijuana](#).

The Post’s analysis was drawn from a list of more than 1,700 marijuana-related code citations between July 1, 2021, and the end of June this year, provided by the Supreme Court of Virginia’s Office of the Executive Secretary in response to a Virginia Freedom of Information Act request. The data does not include data from the Alexandria Circuit Court or from the state’s juvenile court, and race data was only labeled as Black, White, Asian and unknown.

The list is made up of cases in which a code relating to marijuana use, possession or sale was recorded. The majority of the cases included [code citations for sales](#) or [possession by those under age 21](#). The data does not reflect the nature of these arrests or any other charges in an individual case.

Some other marijuana-related charges in police data, such as [possession by those who are incarcerated](#), were not included in the analysis.

While overall marijuana-related citations dropped by about 90 percent in Virginia from 2019, those bearing the brunt of enforcement still face compounding repercussions, said Ashley Shapiro, a deputy public defender in Richmond and criminal justice reform advocate with Justice Forward Virginia.

“Anytime there’s a criminal consequence, it has foreseen and unforeseen consequences with getting a job, with applying for housing,” Shapiro said. “So there are a lot of collateral consequences, even in this time when it’s technically legalized.”

And in a state like Virginia, enforcement could greatly depend on location. Chesterfield County General District Court had the second-highest number of cases in the state behind Virginia Beach General District Court, though it is the fifth most populous. In Chesterfield, Black defendants made up 71 percent of 110 pot-related cases in the year after legalization passed, according to The Post’s analysis.

In Fairfax County, the state’s most populous county, Black defendants made up just over 30 percent of 108 pot-related cases in the year after legalization passed.

“This is more proof that there should be no penalty because anyone receiving the penalties, or the majority of the people receiving the penalties, at this point are going to be Black and Brown folks that are already marginalized,” said Chelsea Higgs Wise, executive director of Marijuana Justice, a Virginia legalization advocacy group.

State Sen. Adam P. Ebbin (D-Alexandria), a main sponsor of legalization, said that until that regulatory framework is established and there is a legal route to sales in Virginia, disparate enforcement of the laws that exist will continue to be a problem.

“It’s well past time that we stand up a legal marketplace that allows adults to legally purchase and until we do that, we’ll still continue to see trends in disparate enforcement of cannabis crimes,” Ebbin said.

But even states with legal markets, a report [from 2016](#) found, have not been successful in fully stamping out disproportionate enforcement of marijuana laws. John Hudak, a Brookings Institution senior fellow in governance studies, emphasized that while the disproportionate enforcement is not falling off, the number of arrests is plummeting, so there are fewer people of color being arrested for cannabis crimes after legalization than before.

“People need to think of dealing with issues of race in our country as a big, comprehensive, institutional effort, that one policy reform is not going to fix,” Hudak said. “You don’t undo 400 years of racial injustice by the passage of one law in the state.”

The commonwealth [decriminalized marijuana possession in 2020](#), leading to the first major dip in enforcement. In 2019, the [state reported](#) more than 26,000 marijuana-related arrests. That figure dropped [to more than 13,000 in 2020](#).

And for all of 2021 — which included the six months after legalization went into effect on July 1 — there were just over 2,000 marijuana-related arrests.

JM Pedini, executive director of the Virginia National Organization for the Reform of Marijuana Laws, said that the lower figures were a victory for Virginia. Pedini noted [a recent study](#) showing that while legalization does not eliminate disparities, states that have not legalized showed an increase in the arrest disparities between Black and White people over time.

“What sensible cannabis policy can do is remove certain tools used for disproportionate policing from the toolbox,” Pedini said. “Notably, decriminalization, the elimination of using the odor of marijuana for search or seizure, and then legalization.”

Police in Virginia said they are adjusting to the new laws, but the complexity of what’s legal and what’s not can at times be difficult to manage, especially changes around not relying on the odor of cannabis as cause.

“The big thing is if you had a traffic stop and you smelled, basically the officer would be in control on whether this person can leave freely to go or not,” said Jeff Guess with the Henrico County Police Department. But now, “we have to show something more, not just the smell.”

Guess, the commanding officer for the organized crime section, said the agency is still pursuing marijuana offenses, but possession violations are not always a priority.

“If it’s a simple civil penalty, when you are an administrator and you have to answer for more severe drugs that are out there that people are overdosing and dying off, you kind of gotta weigh your options,” Guess said.

Dana Schrad, executive director of the Virginia Association of Chiefs of Police, said that managing traffic stops — especially for impaired driving — has been difficult across the state because there are no set standards to measure someone’s impairment from marijuana. As for the disparate enforcement, Schrad said the issue is more nuanced than people tend to think, like considering where calls for service are generated, or where there are a larger number of crashes.

“It’s just something where it’s still a violation of federal law and, theoretically, we should be able to rely on that,” Schrad said. “But we can’t because it’s a different legal framework here in Virginia.”

# *Marijuana industry looks to get more women, minorities in the pot business*

D.C. marijuana advocates gather in April near the Capitol grounds to urge lawmakers to lower restrictions on marijuana use. (Melina Mara/The Washington Post)



By [Justin Wm. Moyer](#)

September 21, 2017 at 11:09 a.m. EDT

Compared with a year ago, times may seem tough for those banking on the legalization of marijuana.

Attorney General Jeff Sessions, who has raised "[serious questions](#)" about legalization, appears less friendly to the cannabis industry than his predecessor. Even after the District of Columbia permitted recreational use of the drug [in 2015](#), arrests in the city for public use of marijuana are [on the rise](#).

Yet a panel of speakers who gathered Wednesday at Howard University said entrepreneurs — particularly women and minorities — should not fear what those in the marijuana industry call “the cannabis space.”

“It’s a good business — we’re at the start, it’s brand new,” said Lisa Scott, a former chef who runs Bud Appetit, an edibles company based in the District. “So many minorities are locked up — white people are getting filthy rich from it.”

The panel, “Minority Leaders in Cannabis,” came together through Women Grow, a national for-profit group founded in Denver in 2014 “as a catalyst for women to influence and succeed in the cannabis industry as the end of marijuana prohibition occurs on a national scale,” [according to its website](#).

Chanda Macias, head of the group’s D.C. chapter and owner of a dispensary in Dupont Circle, said cultivating diversity in the marijuana business is vital.

“We are the leaders — the minority leaders — in cannabis, and we make cannabis look good,” Macias said at the event.

The hurdles to people of color seeking to produce and sell marijuana products are significant, those on the panel said. The war on drugs disproportionately targeted minorities, and criminal histories can complicate applications for dispensary licenses. Meanwhile, communities destroyed by the crack epidemic are not always eager to welcome a pot business to the block — even though those communities could benefit economically and physically from marijuana products, advocates said.

“Prohibition is built on a racist formula,” said Rachel Knox, a member of a family of doctors in Portland, Ore., whose practice focuses on cannabis. “The health-care disparity between blacks and whites is large.”

After the election of Donald Trump, some in the industry worry about the specter of federal action against the marijuana industry. The drug, a federal Schedule 1 controlled substance, has a “high potential for abuse” and “no medically accepted use” in the eyes of [the federal government](#).

“I can’t say I feel comfortable,” Macias said. “As the industry continues to change, less minorities participate because of their fears.”

But according to Marvin Washington, a cannabis investor and former New York Jets defensive lineman, minorities have a historic chance to turn a bad break into a good one. “We have the opportunity to do this right and make sure the people that suffered when cannabis was in the black market . . . have the opportunity to participate in the upswing,” he said.

Washington, a plaintiff in a federal lawsuit against the Justice Department that seeks marijuana legalization, also discounted the possibility that Sessions would somehow re-criminalize marijuana across the nation after legalization in the District and elsewhere. “The genie is out of the bottle,” he said. “I’m not sure how you get it back in.”

As the issue winds its way through the courts, Gia Morón, Women Grow's communications director, said it's important for a new industry to address diversity early — and avoid the battles that Silicon Valley is fighting over [minority representation](#).

“We are calling it out early,” Morón said. “We’re starting out saying, ‘You’re going to do better.’ . . . I hope in five years we’re not talking about diversity.”

# ***Va. lawmakers begin to tackle weed sales three years after legalization***

By [Laura Vozzella](#) and [Gregory S. Schneider](#)

January 28, 2024 at 6:00 a.m. EST

RICHMOND — Three years after Virginia lawmakers voted to [legalize possession](#) of small amounts of marijuana for adults, the General Assembly is finally moving ahead with efforts to create a marketplace for the manufacture and sale of recreational cannabis.

There's a long way to go. And even supporters don't agree on an approach — or know whether Gov. Glenn Youngkin (R) will go along.

On Friday, a Senate committee [advanced a bill](#) to get a regulated retail system up and running by Jan. 1, driven partly by concern that an illicit market is already flourishing as the state tries to get its act together.

“We already have a \$3 billion adult-use cannabis market. It's just being run by drug dealers who are selling untested, unlabeled, untaxed products,” said Greg Habeeb, a former Republican delegate lobbying on behalf of the Virginia Cannabis Association. “We are not creating the market. We are regulating the market.”

Though Democrats — and some Republicans — have expressed interest in passing some kind of legislation to rein in the marijuana marketplace, Youngkin has sent signals that he's not on board, though he stopped short of promising a veto.

Asked Friday about the governor's position, a spokesman referred to comments Youngkin made to reporters earlier this month when asked about marijuana legislation: “This is an area that I really don't have any interest in,” Youngkin said, citing behavioral health and education as areas he thinks are more ripe for bipartisan agreement.

“There's so many things that we can work on that I think we can get to the finish line and ... I just don't have a lot of interest in pressing forward with marijuana legislation,” he said. But Youngkin did not use the word “veto”; when asked on Friday about the governor's omission of the word in his comments, Youngkin spokesman Christian Martinez did not respond.

Several powerful Democrats have said they want to push Youngkin to reach a deal on marijuana legislation as a prerequisite to backing his plan to help Monumental Sports & Entertainment build a [\\$2 billion arena](#) for the Wizards and Capitals at Potomac Yard in Alexandria.

The Senate's cannabis subcommittee considered two bills for establishing a legal framework for sales, both pitched as ways to prevent big business from monopolizing the market.



The panel opted for a bill sponsored by Sen. Aaron R. Rouse (D-Virginia Beach), which would allow the Virginia Cannabis Control Authority to begin issuing retail licenses July 1 but would not allow sales to begin until Jan. 1. The delay is intended to allow smaller operators time to get established.

“It’s about protecting Virginians and giving everyone an opportunity at a fair shot to be in this market,” Rouse said in an interview Friday.

The subcommittee weighed Rouse’s bill against a measure from Sen. Adam P. Ebbin (D-Alexandria), which would have allowed existing medical marijuana companies to start selling recreational marijuana July 1. In exchange for that right, each of those companies would be required to mentor or “incubate” six small businesses to help them get up and running.

The small businesses could begin operations Jan. 1, 2025. Other sellers could obtain licenses July 1, 2025, six months after the small businesses and a full year after the medical marijuana operators. The medical marijuana firms also would have to pay a \$1 million license fee, with that money used for a grant fund for small marijuana businesses, which might otherwise struggle to get start-up capital.

“The approach of my bill allowed for more assistance to small businesses to try to get a foothold in the cannabis market,” Ebbin said.

Rouse contended that Ebbin’s bill would have given the medical cannabis industry a head start.

“The major difference was not allowing pharmaceutical companies to monopolize the cannabis industry,” Rouse said Friday. “I think pharmaceutical companies, they were really trying hard to be able to [go to] market six months ahead of time, before any of the small businesses have an opportunity to come to market. And that’s just unfair.”

On Friday, the Senate’s full Rehabilitation and Social Services Committee referred Rouse’s bill to the Courts of Justice Committee on a bipartisan 10-5 vote.

All of those opposed were Republicans, but two Republicans who are new to the chamber, Emily M. Jordan (Isle of Wight) and Christie Craig (Chesapeake), voted with the Democrats to advance the bill.

Senators expect colleagues on the courts committee to hash out criminal-justice-related details in the bill, which as proposed would increase the legal possession amount from one ounce to 2.5 ounces.

Assuming the bill advances after that, it is expected that it will go to the Senate Finance and Appropriations Committee to work out details related to taxation. As submitted, Rouse’s bill requires marijuana products to be subject to a 12 percent retail cannabis tax in lieu of a sales tax. The revenue would be evenly split between the state and the locality where it is sold.

In the House of Delegates, Del. Paul E. Krizek (D-Fairfax) is carrying a version of the [bill](#) that Ebbin sponsored in the Senate; there is no House version of Rouse's bill. The Krizek bill is likely to be heard by a subcommittee sometime this week, though there's no firm schedule yet.

"It's just early days yet on the House side," Krizek said, adding that he has yet to survey the Democratic caucus to get a feel for any issues or the level of support. "There's a long way to go."

Reminded of Youngkin's comment that he isn't interested in a marijuana marketplace bill, Krizek laughed. "I'm sure there's a lot of things he doesn't want to see," he said. "But I hope he will read the bill."

Krizek said he's concerned that the version of the legislation advancing in the Senate omits the effort to create small-business incubators and help entrepreneurs from disadvantaged communities get a head start.

"I think that's really important," he said. "The bill's really a public safety bill, but it has to rectify the historic wrongs" that have affected communities through decades of over-policing in the war on drugs, he said.

His version of the bill was influenced by [social equity programs in Maryland's laws](#) establishing a legal market, Krizek said. It includes special provisions to license entrepreneurs from disadvantaged areas and directs tax proceeds for scholarships, job training and other programs in economically distressed neighborhoods.

In a news conference this month to tout the Krizek and Ebbin bills, Phillip Thompson — the president of Cannabis Equity Consultants and former head of the Loudoun County NAACP — acknowledged that efforts in other states to favor minorities when granting marijuana business licenses have been met with legal challenges.

That's why, he said, the proposed legislation avoids race and instead aims to set up "incubator" partnerships between disadvantaged entrepreneurs and companies already active in the medical cannabis market. "This bill ... presents one of the best chances to get minority participation," Thompson said.

The only other legislation in the House aimed at creating a retail marijuana marketplace is a resolution proposed by Del. Terry G. Kilgore (R-Scott), which would order the Virginia Cannabis Control Authority to study the creation of a retail marijuana market and make recommendations for each of the next two years.

The measure is not intended as an alternative to Krizek's bill, Kilgore said, but rather a backstop.

"If all these other ... retail bills fail, then [the study] is something we can go back to and at least set some guidelines to where people know what's legal, what's not legal, et cetera," Kilgore said.

He said that law enforcement officials in his far-southwest corner of the state have pleaded for guidance as cannabis-related shops “pop up on every corner.” Asked whether he could support some version of the bill being offered by Democrats, Kilgore said he hasn’t had a chance to look at the legislation but plans to this week.

Could some Republicans get behind it? “Who knows?” Kilgore said. “And that’s not going to be known ’til March,” when the session comes to a close. “You know, with all this deal — with all these big issues coming up,” he said — then acknowledged what he seemed to be starting to say: with so much dealmaking going on behind the scenes. “Yes,” Kilgore said with a smile as he walked away.

On the House side, at least one Republican — Del. Chris Obenshain (Blacksburg), a Montgomery County prosecutor — has told media in his district that he’s interested in passing some kind of marijuana market regulation.

“I favor clear regulations that include protections for public safety and more resources for mental health services,” Obenshain said last week in [Cardinal News](#), which also quoted him as saying at a forum in October that, “personally, I really don’t have a problem if responsible adults want to use marijuana in their own home, and they aren’t harming anyone.”

# *Maryland lawmakers unveil plan for legal cannabis market*

Medical cannabis business owners would be able to obtain dual licenses. State tax would be set at 6 percent. And hundreds more licenses would be issued with an effort toward equity.

From left, Thomas Moylan, Pat Clark and Dave Myrowitz harvest cannabis by clipping the plants' top flowers at Maryland's first legal outdoor marijuana grow at Culta on Oct. 1, 2019, in Cambridge. (Jahi Chikwendiu/The Washington Post)



By [Ovetta Wiggins](#)

February 3, 2023 at 6:22 p.m. EST

An omnibus bill to stand up Maryland's legal cannabis market gives medical cannabis license holders first dibs on selling recreational cannabis and seeks to foster social equity — something lawmakers say no other state has managed to do.

The legislation, filed Friday, comes three months after Maryland [voters overwhelmingly approved](#) a referendum to legalize cannabis for adults 21 and older and is expected to generate earnest debate about what the billion-dollar industry should look like. The planned launch of the new market comes on the heels of a botched rollout of the state's medical cannabis industry that initially shut out Black applicants.

"My argument has been from the beginning that it's not worth doing if there's no equity in the marketplace," C.T. Wilson (D-Charles), the House bill sponsor and chairman of the House Economic Matters Committee, told his fellow members of the Legislative Black Caucus of Maryland. The caucus is watching closely to ensure the market benefits Black people, who have been [disproportionately affected](#) by the war on drugs, a decades-old U.S. government campaign to reduce illegal drug use that led to the mass incarceration of Black people.

Since 2012, when Colorado and Washington passed ballot measures to legalize marijuana, 19 other states and the District have taken similar steps. But none, according to lawmakers, has appropriately addressed the impact of the war on drugs on minority communities. Others, [like Virginia](#), have left buyers and sellers operating in a gray area with no legal market in place.

Maryland's deadline for establishing legal sales is July 1. More than 400 licenses for growing, processing and dispensing could be issued.

"It's a complex topic. There's a lot of different pieces. No state has gotten it right," said Senate President Bill Ferguson (D-Baltimore City) of creating a system for legal sales with a social equity component. "I think [Maryland] has a possibility of being a national model."

Lawmakers will be racing against a clock as they try to implement a plan before legalization takes effect. They said they do not want to be in a position similar to New York, where the [illicit market exploded](#) with so-called pop-up weed bodegas selling cannabis products.

Ensuring minorities have a stake in the legal sale of recreational cannabis was a central part of [last year's debate](#) and became the reason standing up the legal market was delayed.

The bill allows people with medical cannabis licenses who were up and running by last October to enter the recreational market, with a one-time conversion fee based on their 2022 sales. For example, growers would have to pay \$100,000 if their gross revenue was under \$1 million and \$2.5 million if their gross revenue was more than \$20 million.

The bill creates an Office of Social Equity, a Community Reinvestment and Repair Fund and a grant program to support partnerships between those who hold operational licenses with those who have "social equity licenses."

The bill also sets up an avenue for someone who has lived in an area that was impacted by the war on drugs for five of the last 10 years, attended a public school in the geographic area for five years or meets another criterion created by the state Alcohol, Tobacco and Cannabis Commission and based on the state's disparity study to obtain a license. The "social equity" applicants would be part of the first round of applications to be considered.

Both presiding officers seemed pleased on Friday with the product.

"We knew Maryland needed to modernize its cannabis policies, and we knew we had to get it right," House Speaker Adrienne A. Jones (D-Baltimore County) said in a statement. "Part of getting [it] right meant making the new industry equitable while meeting that July 1 deadline."

Part of the goal of creating a legal recreational market, Wilson said, is to end an illegal stream of commerce that has led to the criminalization, arrest and death of too many Black men. According to the ACLU of Maryland, between 2018 and 2019 Black people in Maryland were over three times more likely to be arrested for marijuana possession than White people.

Wilson also said Black lawmakers cannot only be focused on the criminal justice aspect of cannabis.

“Big businesses want us to focus on people getting out of jail, which we should, and focus on citations versus tickets, which is fine, but they want that to be the distraction so we let that money slide off the table and if we’re lucky, we get crumbs,” Wilson told the caucus during its meeting on Thursday. “I don’t want the crumbs and honestly, I don’t want the cake. I want the bakery so my kids can own the block.”

Del. Gabriel Acevero (D-Montgomery) said he agrees with carving out a lane for minorities to obtain licenses, but he also wants to make sure that people who were jailed or served time for selling cannabis are not prohibited from participating in legal sales.

“I don’t want us to conflate diversity with equity and when we’re talking about equity we’re also talking about people who participated in this underground economy and are either currently incarcerated or formerly incarcerated and are either looking at or aren’t able to participate in this industry,” he said.

Meanwhile, lawmakers are also considering legislation that would ban police searches solely based on cannabis odor.

The Senate Judicial Proceedings Committee on Thursday heard testimony on the bill, sponsored by Sen. Jill Carter (D-Baltimore City), who said courts have given mixed decisions on searching vehicles based on the smell of cannabis. She said it is the responsibility of the legislature, as a matter of policy, to give guidance to the courts. “If the purpose of legalization was legalization for everyone then we have to take into account our painful, troubling history of racial disparity in the way laws are enforced,” Carter told the committee. “If we allow odor alone it’s still going to continue to be the same thing that we’ve had — which is more often than not people of color being pulled over, being searched, having the car searched for no reason other than odor — and then we haven’t accomplished the goal of legalization.”

## ***Reparations for marijuana offenders part of D.C.'s latest try to legalize sales***



In this April 12, 2018, photo, ... [more >](#)

By [Matt Delaney](#) *The Washington Times* Wednesday, January 25, 2023

Giving reparations to those convicted of marijuana drug offenses is part of the D.C. Council's latest bill that tries to legalize cannabis sales in the District of Columbia. The bill, introduced by Chairman Phil Mendelson and six other members, creates a Reparations for Victims of the War on [Cannabis Fund](#) where people arrested, convicted or incarcerated for marijuana-related offenses will receive payments of \$5,000 to \$80,000, according to DCist.

The money would come from taking 40% of the tax revenue generated from recreational marijuana sales for a 10-year period. The catch is that only people who endured legal trouble for their marijuana use prior to March 27, 2015 — when D.C. legalized possession of the drug by having Initiative 71 take effect — would be eligible for the payouts.

“Notwithstanding congressional interference in D.C. affairs, we’re thankful that the D.C. Council has moved so swiftly and decisively on this comprehensive cannabis legislation, which prioritizes social equity and community investment,” the i-71 Committee said in a statement to cannabis news site Marijuana Moment. “This policy is another step in the right direction for the D.C. cannabis industry. We look

forward to continued conversations and collaboration with the Council, ABCA and the mayor's team.”

Congressional roadblocks, however, have been a running theme during D.C.'s attempts to legalize recreational marijuana sales.

In response to D.C. legalizing possession, Maryland Republican Rep. Andy Harris put a rider in the congressional spending bill over seven years ago that prevented D.C. from taking the next step by legalizing marijuana sales. The D.C. Council first tried to legalize sales in the fall of 2021.

The rider's been reenacted in every federal budget cycle since then, even after Democrats took control of Congress and the White House.

Along with the reparations, the bill would require the D.C. Superior Court to automatically dismiss or expunge any convictions for marijuana-related activity that's been made legal.

Further, it would create a Cannabis Equity and Opportunity Fund to help fund the marijuana businesses of residents who were previously arrested for drug offenses or who live in high-poverty areas.

Recreational marijuana sales would be taxed at 13% while medical marijuana sales would be taxed at 6% in the proposed bill.



## ***Maryland governor pardons 175,000 marijuana convictions as decriminalization trend accelerates***



Maryland Gov. Wes Moore holds up ... [more >](#)  
By [Matt Delaney](#) *The Washington Times* Monday, June 17, 2024

Maryland Gov. [Wes Moore](#) pardoned more than 175,000 marijuana-related convictions on Monday, joining the ranks of mostly Democrat officeholders, including President [Biden](#), who are taking steps to decriminalize the drug.

Mr. [Moore](#) extended the sweeping pardon for misdemeanor cannabis possession and possession with intent to use drug paraphernalia days before the first anniversary of voters in the blue state legalizing recreational use of marijuana.

Mr. [Moore](#) said clemency for those convicted of low-level offenses represents an effort to right the wrongs of decades of aggressive drug enforcement policies that largely affected Black residents.

“You look at the past, you see how policies have been intentionally deployed to hold back entire communities,” Mr. [Moore](#), the state’s first Black governor, said during an address in Annapolis.

“We’re talking about tools that led to the mass incarceration of Black men and boys. We’re talking about tools that have led to restricted access to jobs and

housing in minority communities. We're talking about tools that have led to an eight-to-one racial wealth gap in our state.”

The 45-year-old governor — who's been mentioned as a future Democratic Party contender for the White House — said he collaborated with law enforcement and legislative leaders to make the executive action possible.

Mr. [Moore](#) said officials want the pardon to help people like Shiloh Jordan, whose 2013 paraphernalia conviction led to him being fired as a young man from a new job.

Mr. Jordan went on to graduate from Bowie State University and now works for the Center for Urban Families in Baltimore.

Mr. Jordan's experience was demonstrative, the governor said, of the employment system not being built to support second chances.

The executive order makes Maryland the first state to grant pardons for paraphernalia offenses.

The governor's office said over 150,000 marijuana possession convictions and more than 18,000 paraphernalia convictions are being forgiven, affecting about 100,000 people.

Roughly 23% of those pardoned convictions are coming from the City of Baltimore.

Maryland joins nine other states that have forgiven convictions for low-level marijuana offenses, while across the U.S., Maryland and 23 other states and the District of Columbia have legalized recreational use.

Mr. [Moore's](#) executive order will not expunge the conviction from a person's criminal record, and the governor's office said the action will not result in anyone being released from prison.

Maryland courts will update their electronic databases over the next two weeks to reflect the pardons, according to the governor's office.

Efforts to decriminalize marijuana have picked up steam in recent years. In 2022, President [Biden](#) granted mass pardons for those convicted in federal prosecutions of low-end marijuana possession.

The U.S. Sentencing Commission reported last year that most people sentenced for federal marijuana possession between 2014-21 were foreign nationals arrested at the U.S.-Mexico border — a large majority of whom were prosecuted in Arizona.

The Drug Enforcement Administration is also attempting to change marijuana's classification and treat the drug as less harmful.

The DEA put forward its proposal last month to reschedule cannabis from a Schedule I drug — substances with no medical purpose that are likely to be abused — to a Schedule III drug — substances with a moderate or low potential for developing a physical or psychological dependence.

Examples of Schedule III drugs include anabolic steroids, testosterone and ketamine.

A new classification won't affect the drug's status as a criminal substance, but it would ease regulations on the growing cannabis industry.

The DEA is accepting public comments on its proposed rescheduling of marijuana until July 22.

## ***Massachusetts council approves pardoning people with misdemeanor cannabis convictions***



Massachusetts Gov. Maura Healey holds a ... [more >](#)

*By Associated Press Wednesday, April 3, 2024*

BOSTON — A Massachusetts council on Wednesday approved Gov. [Maura Healey's](#) plan to pardon tens of thousands of people convicted of misdemeanor marijuana charges going back decades.

The pardons approved by the Governor's Council will take effect immediately, although it will take some time to update state criminal records, officials said. "Massachusetts made history today," [Healey](#), a Democrat, said in a statement. "Thousands of Massachusetts residents will now see their records cleared of this charge, which will help lower the barriers they face when seeking housing, education or a job."

Massachusetts joins several other states, including Rhode Island, Connecticut, Missouri and Oregon, in forgiving low-level marijuana offenders.

The pardons will apply to all adults convicted prior to March 13 in state court for possession of marijuana or a "Class D substance." Most people will not need to take any action to have their criminal records updated, according to [Healey](#). The

state also has set up an online page to request certificates confirming marijuana pardons.

[Healey](#), a former state attorney general, said the pardons are the most sweeping by a governor since President Joe Biden in December pardoned thousands of people with federal marijuana possession convictions and called on governors to follow suit. [Healey](#) said the pardons will apply to those arrested as far back as the 1970s war on drugs and earlier.

A pardon essentially acts as forgiveness initiated by the governor for a conviction. It does not automatically seal or expunge criminal records.

[Healey](#) said the pardons are a matter of justice. Thousands of people still have marijuana convictions on their records even though the state decriminalized possession for personal use in 2008 and legalized recreational marijuana in 2016.

## ***Vice President Harris, rapper Fat Joe team up for discussion on easing marijuana penalties***



Fat Joe arrives at a premiere, ... [more >](#)

By Darlene Superville. *Associated Press* Friday, March 15, 2024

WASHINGTON — Vice President [Kamala Harris](#) and rapper Fat Joe led a White House discussion Friday on easing marijuana penalties, with Harris saying it’s “absurd” that the federal government classifies marijuana as more dangerous than [fentanyl](#), the synthetic opioid blamed for tens of thousands of deaths annually the United States.

Harris, a former state prosecutor in California, also criticized the federal classification of cannabis as “patently unfair.” The government currently is reviewing how it classifies marijuana, and Harris urged that the process be wrapped up as quickly as possible.

Fat Joe, a Grammy-nominated artist and philanthropist whose real name is Joseph Cartagena, moderated a subsequent closed-door discussion that included Kentucky Gov. Andy Beshear and individuals who received pardons for prior marijuana convictions.

President [Joe Biden](#) has issued pardons to thousands of people for federal marijuana possession and commuted long sentences handed down for nonviolent

drug offenses. In 2022, he urged governors to pardon state offenses. Beshear then invited people convicted of simple marijuana possession to apply for pardons in Kentucky. [Biden](#) launched the process to review how marijuana is classified in 2022.

A full seven in 10 U.S. adults favor legalizing marijuana, according to Gallup polling. Support for legalization is closer to eight in 10 among 18- to 34-year-olds, a demographic whose support for [Biden](#), who is seeking reelection, has softened since he took office.

“I cannot emphasize enough that they need to get to it as quickly as possible and we need to have a resolution based on their findings and their assessment,” Harris said of the Departments of Health and Human Services and Justice, which are handling the review.

“But this issue is stark when one considers the fact that on the schedule currently marijuana is considered as dangerous as heroin,” she said during the public portion of the meeting. “Marijuana is considered as dangerous as heroin and more dangerous than [fentanyl](#), which is absurd. Not to mention patently unfair.”

“So I’m sure DEA is working as quickly as possible and will continue to do so and we look forward to the product of their work,” the vice president said, referring to the Drug Enforcement Administration.

[Fentanyl](#) is a powerful synthetic opioid blamed for tens of thousands of deaths annually in America.

U.S. regulators are studying reclassifying marijuana shifting it from a drug that has “no currently accepted medical use and a high potential for abuse,” known as “Schedule I,” to the less tightly regulated “Schedule III.”

[Biden](#) mentioned the marijuana classification review during his State of the Union address earlier this month. He said during a campaign appearance in Milwaukee this week that “no one should be jailed for marijuana.”

“If you’re just using, you should have that wiped off your record,” [Biden](#) said. Cartagena opened the roundtable by saying he’s hot on the issue of price transparency in health care “but, today, when the vice president calls me, I stop everything.”

He got a little ahead of himself when he proceeded to dismiss journalists so the closed-door discussion could begin, prompting Harris to tell him to “hold on” because she had a statement to make, too.

## Scotts Miracle-Gro catches cannabis fever, lobbies Congress to lift federal pot prohibition



Assistant manager Mandy Gratz arranges a ... [more >](#)

By [Susan Ferrechio](#) *The Washington Times* Thursday, February 9, 2023

The company that keeps your lawn green is also heavily invested in the cannabis industry and is pushing for an end to federal restrictions that prevent marijuana businesses from accessing banking services.

Scotts Miracle-Gro, an Ohio-based company that began selling lawn seed in 1868, has become a leading supplier of equipment that cannabis companies need to grow pot plants. It also has invested \$150 million in RIV Capital, a cannabis investment and acquisition firm.

Over the past few years, the company's executives have simultaneously stepped up efforts to persuade reluctant House and [Senate](#) lawmakers to support changes in federal law that would lift restrictions blocking marijuana dispensaries from accessing banking services.

Morgan Fox, the political director for NORML, which advocates for ending the federal marijuana prohibition, said executives at big companies such as Scotts often have connections with powerful lawmakers and their involvement in the cannabis industry "certainly helps legitimize the issue in the eyes of some lawmakers."



“How much they actually impact the legislative landscape through their lobbying efforts, I think is an open question,” Mr. Fox said.

[Congress](#) last year failed to advance the SAFE Banking Act, which would shield banks from federal penalties if they provide financial services to cannabis businesses.

Proponents have aggressively lobbied for the legislation for nearly four years. They say the federal prohibition has held back the cannabis industry and created dangerous situations in pot shops that are forced to deal only in cash, which has led to armed robberies.

Another measure that has failed to gain traction in [Congress](#) would change section 280E of the federal tax code to allow licensed cannabis operators to deduct business expenses. The deduction is prohibited for these businesses because pot is illegal at the federal level. As a result, cannabis businesses pay much higher taxes. In a November earnings call, Scotts Miracle-Gro CEO Jim Hagedorn said “lack of action on SAFE Banking” and other legislation was partly to blame for a “prolonged downturn” in the cannabis industry that had hurt the lawn company’s earnings.

The company recently reabsorbed its indoor and hydroponic gardening subsidiary, Hawthorne, which supplies the cannabis industry with lighting, nutrients, growing media, fans, filtration and other supplies. Hawthorne suffered a steady decline in 2022 sales after pandemic-era growth.

“It’s not lost on me that this business has been a drag on earnings,” Mr. Hagedorn said of Hawthorne in an earnings call. “I want to emphasize that we believe in the future of the cannabis industry and its eventual turnaround. There is a huge amount of value that will be unlocked in Hawthorne once this rebound occurs.”

Hawthorne made up nearly 30% of company sales in 2021 before earnings dropped in 2022.

In the fourth quarter of 2022, sales fell 31% to \$131.5 million. Company executives blamed the slowdown on several factors, including oversupply, lower consumer demand and the federal prohibition of marijuana.

The company’s fortunes are now tied to expanding legalization from the state to the federal level.

As of 2023, 21 states have legalized recreational marijuana and 37 states overall allow the use of cannabis for medical purposes.

Federal law, however, prohibits marijuana for medical or recreational purposes under the Controlled Substances Act. Marijuana is classified as a Schedule I drug along with heroin and cocaine.

The law prevents Scotts and other companies on the major stock exchanges from directly selling cannabis to consumers, but it has not prevented the company from investing \$150 million in RIV Capital, which describes itself as “a leading cannabis consumer packaged goods platform.” The company said its business is focusing on New York, which began allowing the sale of recreational marijuana last year.

A Scotts Miracle-Gro spokesperson did not respond to a request for an interview. Jim Hagedorn’s son, Chris Hagedorn, who is a top company executive and runs the Hawthorne division, told CNN last year that he believes marijuana eventually will be legalized at the federal level and suggested that Scotts may go beyond potting soil and grow lights and get more directly involved in cannabis sales.

“When it does, what are the most valuable assets going to be in a post-legalization world?” Mr. Hagedorn said. “I think anybody who thinks about it for a while says consumer-facing brands [that make and sell cannabis products] will be the most valuable.”

At the state level, the Scotts Miracle-Gro executives lobby against arbitrary limits on cultivation licenses and in favor of laws allowing people to grow pot plants at home.

“States should adopt measures that allow local governments to address legitimate public health and public safety issues while ensuring the illegal sales are not perpetuated in place of state-authorized sales through overly restrictive zoning requirements,” company officials said.

On Capitol Hill, lawmakers will again introduce the SAFE Banking Act and other measures to legalize marijuana at the federal level, but the timing is uncertain. [Senate](#) Majority Leader Charles E. Schumer, a New York Democrat who is in favor of decriminalizing marijuana at the federal level, held a closed-door meeting with lawmakers this month about the SAFE Banking Act, which may be reintroduced with funding to help state and local governments review and expunge cannabis convictions.

In the House, the Republican majority will likely be far less inclined to take up legalizing pot, but Financial Services Committee Chairman Patrick McHenry, North Carolina Republican, said he is open to considering the SAFE Banking Act if the Republican caucus is in favor of it, even though he opposes it.

Bethany Moore, a spokeswoman for the National Cannabis Industry Association, said large companies such as Scotts may be critical in pushing the SAFE Banking Act forward in time to keep the cannabis industry solvent.

“These bigger companies do have bigger budgets to contribute to the lobbying that is needed in order to influence and educate members of [Congress](#) on the issues like the SAFE Banking Act and Section 280E of the IRS tax code that are crippling cannabis operators,” she said.

# ***Americans support cannabis decriminalization legislation. So should Congress***

House passes Marijuana Opportunity Reinvestment and Expungement Act (MORE Act). Senate support unlikely



Marijuana Laws Illustration by Greg Groesch/The ... [more >](#)

## **COMMENTARY**

By Molly Davis *Thursday, December 10, 2020*

### **OPINION:**

Federal cannabis reform is on the congressional horizon again, and this time, there's actually some traction.

On Dec. 4, the House of Representatives passed the Marijuana Opportunity Reinvestment and Expungement Act of 2020 (MORE Act) with a vote of 228-164. Still, only five of the affirmative votes were Republican. And the bill will most likely be dead on arrival in the conservative-controlled Senate. That's a shame.

Republican senators have the opportunity to shift the narrative on cannabis by sticking up for principles of freedom, responsibility, reinvigorated communities and states rights by voting for the MORE Act. They can set a different, better precedent for their party.

The GOP has had a long and contentious past with cannabis legality, but times are changing, and even conservative states like Montana and South Dakota are legalizing recreational cannabis. The federal government shouldn't get in the way.

Yet Republican senators, unsurprisingly, are expected to kill the MORE Act despite the nation's growing support for cannabis legality. In fact, according to a recent Gallup poll conducted in October of this year, 68 percent of Americans support legalizing cannabis — meaning they won't much like the Senate's vote. And this begs the question: What does that percentage of American supporters have to be before Congress starts to vote for the will and the well-being of the people they're supposed to represent?

Not every Republican senator is missing the boat here — there are a few Republican senators who support criminal justice reform. Folks like Sens. Rand Paul, Mike Lee and Thomas Massie have acknowledged the long history of harm that federal marijuana scheduling and prohibition have caused. Between now and the next time this issue shows up, these men should try to rally support so a similar bill has a chance of passing with Republican backing in the future.

While Congress plays their partisan games, calculating who and what to vote for based on party lines and reelection efforts, the nation's communities, families and individuals will be suffering because of big government prohibition. Cannabis legalization has caused enough harm and despair in our country, destroying lives of individuals, and tearing families apart, leaving kids to grow up with incarcerated parents over a drug that's now fully legal in 15 states.

Federal cannabis prohibition is rooted in racism, and current cannabis policing practices still perpetuate the racist history. For example, African-Americans are nearly four times more likely to be arrested for cannabis than White people, who consume the drug at about the same rate.

Cannabis is currently listed as a Schedule I narcotic — that means, according to D.C. bureaucrats, it's defined as having “no currently accepted medical use and a high potential for abuse.” It's scheduled right alongside heroin, and categorized as even more dangerous than meth and fentanyl, which should give you a nice picture of the rationalism and scientific nature of this list. The MORE Act would remove cannabis from the list completely, which would open the door for states to legalize without the fear of Big Brother crackdown, and allow more medical studies for cannabis as medicine.

The MORE Act would also eliminate criminal penalties for possessing, manufacturing and distributing cannabis. And for those who have already sustained federal cannabis convictions, the legislation would establish a way for individuals to have a better mechanism to clear their record by obtaining an expungement so

they will have less obstacles on their pathway toward success. It would also legitimize cannabis businesses by allowing them to be eligible for Small Business Administration loans, which is so important in a time of COVID-19.

The part of the bill that many people aren't thrilled about is a 5% tax on cannabis which would be put in a trust fund established to support services for those impacted by the war on drugs. This sounds nice in theory, but in reality it's an area probably best left up to states that know the needs of their communities best. A federal tax is certainly not ideal for legalization, especially considering that state and local governments will likely want their share of the tax dollars that legal cannabis markets bring. And if taxes get too high, buyers will simply resort to black markets. This is already happening in states like California, whose cannabis prices are astronomical because of high taxes.

Legislation realistically probably isn't happening with the MORE Act. But bills like this have a chance of passing in the future if key Republican senators, who support meaningful criminal justice reform, speak up in support of the bill today. In terms of helping the most amount of people in the criminal system from the federal level, and helping reverse even a bit of the harm the drug war has caused, federal cannabis decriminalization is the path forward.

## ***Minnesota House Democrats launch push to legalize marijuana***



Marijuana buds are shown at Huron ... [more >](#)

By STEVE KARNOWSKI *Associated Press* Monday, February 1, 2021

MINNEAPOLIS (AP) - Minnesota House Democrats launched a push Monday to legalize recreational marijuana and automatically expunge most minor cannabis convictions, framing the issue as crucial to narrow racial disparities in the legal system.

“The issue of legalizing cannabis, creating a fair, regulated marketplace, addressing the deep inequities in our criminal justice system, is a mainstream, bipartisan, broadly supported issue,” Democratic House Majority Leader Ryan Winkler, of Golden Valley, said at a news conference.

Fifteen other states plus the District of Columbia have already legalized recreational marijuana for adults to varying degrees, according to the National Conference of State Legislatures. They include neighboring South Dakota, a heavily Republican state where it passed with 54% of the vote in November, although it still faces a court challenge there. Minnesota is one of many states that allow medical marijuana, but its restrictions are some of the country’s strictest.

The legislation has the potential to pass this session in the Democratic-controlled Minnesota House, where Speaker Melissa Hortman, of Brooklyn Park, already has

endorsed it. “It’s time. Legalize. Expunge. Regulate,” she tweeted. Democratic Gov. Tim Walz has also expressed support.

But it’s unlikely to get very far in the GOP-controlled Senate, where Majority Leader Paul Gazelka, of East Gull Lake, reiterated his opposition Monday. He said there’s no reason for Minnesota to rush into it before studying the adverse effects of legalization in other states.

“We are focused on the Minnesota Priorities that balance the budget without raising taxes, safely reopen schools and businesses to recover our economy, and support families,” he said in a statement. “I would not consider legalizing recreational marijuana as a Minnesota priority.”

Winkler urged Senate Republicans to understand that legalization is coming eventually, and that they should help to shape the legislation rather than try to stop it. He also introduced a legalization bill last year before the pandemic crowded out most other issues. He has traveled the state to build support for and develop the legislation, holding forums in 15 cities over the last year and a half.

Rep. Rena Moran, of St. Paul, said the bill fits with a Democratic priority to break down systemic racism.

“Nowhere is the harm of the failed criminal prohibition felt more than for Black, Indigenous and people of color, which continue to experience outrageous disparities regarding enforcement of our current marijuana laws,” she said. “Black Minnesotans are over five times more likely to be arrested for marijuana than those who are white. This is one of the worst disparities in the nation, and true even though both groups use it at similar rates.”

Democratic Sen. Melissa Lopez Franzen, of Edina, said the smartest thing Minnesota can do is to create a responsible legal framework for regulating marijuana and educating the public on its effects and responsible use.

At least one GOP lawmaker expressed support, too. Rep. Pat Garofalo, of Farmington, called the status quo indefensible.

“Members of all political parties should work together towards implementing a better regulatory model to address the expensive, inefficient, and unfair prohibition on marijuana,” he said in a statement. “Contrary to what some will say, this is not a partisan issue. Many Republicans are interested in reforming these expensive laws.”



# ***Michigan's marijuana industry leaves people of color behind***

By ANNA LIZ NICHOLS *Associated Press* Saturday, January 30, 2021

LANSING, Mich. (AP) - The first year of state-licensed recreational marijuana sales in Michigan saw \$511 million of sales in recreational and \$474 million in medical sales, generating over \$100 million in tax revenue, but the state also found that the commercial marijuana industry drastically failed to attract minority business owners.

The [Marijuana Regulatory Agency](#) collected data in December that showed 79% of people interested in ownership of licensed marijuana facilities were white. Black people accounted for 3.8% while 1.5% were Hispanic or Latino.

In response, the [agency's](#) Racial Equity Advisory Workgroup, comprised largely of people of color who are experts in equity programming, made recommendations that would create partnerships with large businesses and local municipalities to equip communities disproportionately impacted by marijuana being illegal until 2018.

According to Council on Criminal Justice, Black people were about five times more likely than whites in 2016 to be in state prison on a drug offense, which was down from 15 times more likely in 2000.

The history of people of color being arrested and prosecuted for marijuana-related offenses makes them less likely to be given opportunities to participate in the industry, workgroup member and attorney Barton Morris said. Though there's work being done to reverse that damage, diversity in the industry hasn't taken off. Michigan doesn't release demographic statistics of marijuana licensees so the exact number of minority owners is unknown. In order to address barriers for licensees or applicants of color, the workgroup is recommending a voluntary data collection survey to track and address challenges.

Christina Montague, who owns Huron View Provisioning dispensary in Ann Arbor, said she and other Black owners have had difficulty completing the licensing process.

“When I first entered this process in 2017 it was such a closed and unfair system for African Americans, you just could see it,” Montague said. “I heard about other rich, or white males going through the process and the process that they described to me, what they had to go through, it was totally different than what other minorities and myself had to go through.”

Montague's daughter, Teesha, who works with her said that in 2018 she formed the National Association of Minority Women in Cannabis to help members of marginalized communities with the complicated licensing process. Group members work with other women trying to start their own businesses by sharing experiences and advice.

“The biggest thing is don't give up, stay encouraged, stay focused, answer everything,” Teesha said. “This is a multi-billion dollar industry. There has been communities that have been severely disproportionately impacted. There are deficits and there is a lack of minority representation.”

Researchers at Michigan State University estimate that once it is fully set up and matures it will be a \$3 billion dollar industry, raising nearly \$500 million in state tax revenue annually.

The workgroup found that access to the necessary capital and information on operating marijuana businesses in accordance with rules set by municipalities are big barriers for people of color. It suggested that the [MRA](#) create a crowdfunding platform on its website that would be a directory of marijuana businesses in communities that struggle to finance new businesses and investors could support those businesses.

The [MRA](#) could also establish a webinar and training sessions for municipalities to learn how to equitably create ordinances for marijuana businesses and share ideas. A social equity tour operated by the [MRA](#) would provide a roadmap with bilingual content for applicants to understand the steps to becoming licensed and building a business.

State Rep. Sarah Anthony, who is on the workgroup, said members plan to have those who come to communities to educate on the marijuana industry be reflective of those communities.

“I think that is also an important way to kind of tackle some of that historic distrust, which I think is just there and needs to be a part of the conversation,” the Lansing Democrat said.

Some of the changes proposed by the workgroup will require legislative approval, Anthony said.

The [MRA](#) would match social equity applicants who do not have the financial assets to partner with larger groups to help get them started.

Another program would allow individuals without the needed professional experience and finances to partner with qualified licensees. They would invest in a

program participant's business after they graduate from a program teaching legal compliance, best practices and financial systems.

Kenneth Bryant Jr., who owns Premiere Provisions in Big Rapids, said he and other Black business owners would benefit from such programs. He said smaller businesses would be less likely to have to sell large portions of their business to receive that help.

“I think that will eliminate minorities getting taken advantage of just to help them to take one of those social equity spots,” Bryant said. “I think that this really makes it transparent and open to where we can hold everyone accountable and see that the minorities will really benefit from as the years to come.”

Anna Liz Nichols is a corps member for the Associated Press/Report for America Statehouse News Initiative. Report for America is a nonprofit national service program that places journalists in local newsrooms to report on undercovered issues.

# ***San Fran to wipe out thousands of marijuana convictions***

By Nicole Darrah, Fox News  
Published Feb. 1, 2018, 11:26 a.m. ET

The new policy will apply Proposition 64 to nearly 5,000 felony marijuana convictions and more than 3,000 misdemeanors dating as far back as 1975, District Attorney George Gascón said.

“While drug policy on the federal level is going backwards, San Francisco is once again taking the lead to undo the damage that this country’s disastrous, failed drug war has had on our nation and on communities of color in particular,” the district attorney said of the plan.

The thousands of felony convictions in the state for pot use will be reviewed, recalled and resentenced and the misdemeanors will be dismissed and sealed, Gascón said.

While California was the first state to allow marijuana use for medicinal purposes, Proposition 64 — which became law in 2016 and allowed for legal pot sales in 2018 — allows adults 21 or older to legally use and grow cannabis, in addition to possessing up to one ounce of it.

Criminal convictions “can be a barrier to employment, housing and other benefits,” Gascón said.

California Lt. Gov. Gavin Newsom said he hopes the policy will help alleviate the burden of the convictions to “primarily people of color, whose lives were long ago derailed by a costly, broken and racially discriminatory system.”

More than two million people were arrested in California between 1915 and 2016 for marijuana, but, according to the DA’s office, only 4,885 residents have filed petitions to have their convictions reduced or removed.

# ***Legal cannabis industry seeks government help dealing with red tape***

By Social Links for David Mastio |  
Published June 14, 2024, 12:19 p.m. ET

(The Center Square) – The marijuana industry is thriving. Last year the \$21 billion industry grew by over 5%, faster than the U.S. economy as a whole. At the same time, states from California to Massachusetts have decided the industry needs to be subsidized. A coalition of Democratic senators is now calling for the Small Business Administration to come to the aid of the industry.

This is the same industry that, for decades, the U.S. government spent billions trying to snuff out. Illegal cannabis operations continued to thrive despite their efforts.



[3](#)

The marijuana industry grew by over 5% over the last year. Mark – stock.adobe.com

State governments have taken issue with the legal industry consisting of well-connected marijuana entrepreneurs that have pushed out minorities who were most commonly prosecuted for cannabis crimes. New York established a \$200 million fund for minority marijuana marketers. Michigan is a relative piker, giving \$1 million in grants to help with “social equity funding.”

New Jersey chipped in \$12 million last year, “The Cannabis Equity Grant Program allows us to simultaneously expand the pool of cannabis businesses in our state while also focusing on those communities most impacted by the unethical War on Drugs,” Democratic Gov. Phil Murphy said. Colorado launched a similar program the same year. Pot convicts will get grants funded by Washington state to launch their businesses.

In other cases, states have heavily regulated and taxed the market, often producing unworkable rules that industry operators have said stifle it. That’s why California funded a \$100 million bailout in 2021 for marijuana companies burdened by rules that have led users back to illegal dealers. Pot retailers got another \$20 million boost in 2023.



### [3](#)

Several states are seeking support from the government to help the growing industry. wollertz – stock.adobe.com

The illinois pot industry couldn’t get off the ground under that state’s initial regulatory burdens, so state government gave out \$20 million in loans.

Massachusetts paid \$27 million **in grants** to licensed operators, but the marijuana industry wanted more. The grants weren’t big enough to “help any business survive,” Sean Hope, who owns a Cambridge pot business called “Yamba,” told CommonWealth Beacon.

In other states such as Maryland it is both. That state gave millions in grants to medical marijuana firms so they could jump through the legal red tape required to sell the drug

for recreational use but placed racial and equity parameters to the program. It later came up with another \$40 million.



### [3](#)

A coalition of Democratic senators is now calling for the Small Business Administration to come to the aid of the industry.AP

New Mexico is an outlier where it just made marijuana businesses eligible for standard economic development aid. That's an idea that a coalition of senators led by Ron Wyden and Jeff Merkley, Oregon Democrats, appear to endorse. They wrote a letter to their colleagues arguing for new legislation to get weed entrepreneurs aid from the Small Business Administration.

“SBA’s current policy excludes from its loan and entrepreneurial development programs all small businesses with ‘direct’ or ‘indirect’ products or services that aid the use, growth, enhancement, or other development of cannabis,” the senators wrote. “Consequently, small businesses in states with some form of legal cannabis must choose between remaining eligible for SBA financing and support and participating in or doing business with a rapidly-growing and legal industry.”

National Taxpayers Union President Pete Sepp argues there is a smarter way to build up the marijuana industry than government programs. “Why not remove federal roadblocks to growth rather than cooking up more subsidies,” he told The Center Square. “Congress should allow marijuana businesses to deduct their business expenses just like any other business,” he said referring to the federal tax code section 280E that forces marijuana businesses to pay higher federal taxes than other businesses.

# *Pot inmates call out Biden for saying he'd free them ahead of another 4/20 in prison*

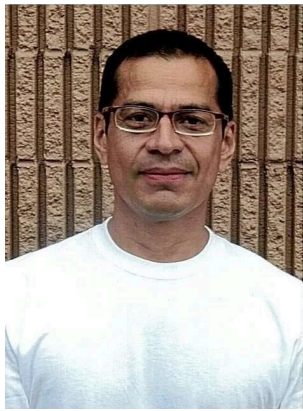
By Social Links for Steven Nelson

Published April 19, 2024, 9:21 a.m. ET

WASHINGTON — Federal marijuana prisoners are calling out President Biden ahead of the annual 4/20 cannabis holiday for not yet honoring his campaign promise to free “everyone” behind bars for pot — as Biden suggests in public remarks he’s already fulfilled that pledge.

Four inmates told The Post the 81-year-old president’s quest for a second term could only be helped by letting them go after critics denounced as a PR stunt [Biden’s 2022 mass-pardon](#) for up to 6,500 people with simple pot possession convictions, of whom none were in prison.

“When a political candidate ignores the social issues of his constituents, he is destined to lose,” said [Edwin Rubis](#), 55, who is 24 years into a 40-year sentence for taking part in a marijuana-dealing conspiracy in the Houston area in the 1990s.



Edwin Rubis was arrested on marijuana-related charges when he was 29. Project Mission Green

“It is time for our president to take action. Rhetoric is no longer effective at this late stage of the game,” said Rubis, who was arrested by the DEA in 1998 when he was 29.

“We all know President Biden wants to serve out a second term. The way to attain such a feat rests with the voters. Release all cannabis prisoners and we will vote for you,” said Rubis.



Parker Coleman, 38, who was sentenced in 2014 to 60 years in prison for leading a group that authorities say imported four tons of marijuana from California to North Carolina, said “this isn’t just about correcting individual injustices; it’s about aligning our nation’s values with its actions.”

“Every day that passes without change is a missed opportunity for the president,” added Coleman, who is serving a 30 year sentence for dealing marijuana and money laundering, with a consecutive 30-year sentence for owning guns while doing so.

“The time for action is now, and I, along with countless others, await the chance to contribute positively to a society that recognizes our worth beyond our sentences.”

Support for relaxing marijuana laws and freeing inmates doesn’t fall neatly along party lines. Currently, the drug is allowed for recreational use in 24 states — including conservative Alaska, Missouri and Montana — and voters in Florida will decide whether to become the 25th in November.



[4](#)

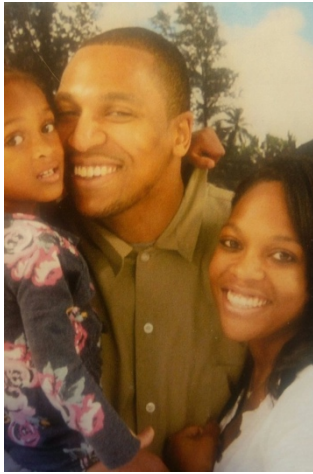
The marijuana inmates believe letting them go would ensure Biden a second term. White House

Former President Donald Trump released some of the most harshly sentenced federal pot inmates on his final day in office in January 2021, including [seven people with life sentences](#), two of whom were sent away under the Biden-authored 1994 crime law.

Pot reform advocates say Biden has yet to live up to his promise to release the rest.

In 2019, Biden fended off critics of his record on crime by saying at a Democratic primary debate, “I think we should decriminalize marijuana, period. And I think everyone — anyone who has a record — should be let out of jail, their records expunged, be completely zeroed out.”

But Biden's pre-midterm election mass pardon angered marijuana campaigners, who [staged a protest outside the White House](#) blaring audio of Biden's campaign promise to free "everyone" in prison for pot — which they interpreted as meaning dealers as well as users.



[4](#)

Parker Coleman was sentenced to 60 years in prison for importing marijuana. Project Mission Green

Biden has repeatedly indicated that he understands his original pledge as applying only to marijuana users who didn't distribute the drug.

Biden told Al Sharpton's National Action Network conference on April 12 that he kept various campaign promises that impact black voters, including "keeping my promise that no one should be in federal prison for merely possessing marijuana" — narrowing the scope of his original pledge.

Asked by a reporter in July 2022 about his pot pledge "to release all of the marijuana inmates in prison," Biden pointedly replied, "I don't think anyone should be in prison for the use of marijuana."

[Pedro "Pete" Moreno](#), 64, who is one of the few remaining federal inmates with a life sentence for marijuana-related crimes, said that he hopes Biden will stick to the earlier assurance.

"I pray that President Biden will have mercy on me and my family," he said.

Moreno, his wife and four of his brothers were sentenced to prison in 2001 for smuggling pot from Mexico into the US between 1986 to 1996. His brothers were freed in 2017 by President Barack Obama and his wife was previously released shortly before she died.

"My daughter was orphaned when my wife and I were sent to prison for cannabis as first offenders and then her mother died soon after her release," said Moreno, who was harshly punished in part because he [allegedly encouraged](#) a co-defendant to flee to Mexico.



President Biden has said “no one should be in federal prison for merely possessing marijuana.” Ken Cedeno – Pool via CNP / MEGA

“She is now 35 years old and has three children I would love to play with and repair the damage done by my absence.”

Not all federal marijuana inmates are aging relics from the pre-legalization era, which began in 2012 when voters in Colorado and Washington passed ballot measures to regulate recreational pot markets.

Jose Valero Jr, 26, for example, was sentenced in 2022 to seven years in prison for selling marijuana in Georgia while also owning 11 guns, which isn't allowed by drug users — an offense for which Biden's own son Hunter, 54, currently [faces charges in Delaware](#), with a trial expected as early as June.

Valero said “every day in prison for a crime that's no longer prosecuted as harshly is a stark reminder of the gap between political rhetoric and reality.”

“It's time for those in power to turn their promises into action and reunite us with our families,” said Valero.

“When President Biden pledged to free those of us incarcerated for nonviolent marijuana offenses, it felt like a breath of fresh air and a step toward justice. Yet, here we stand, still shackled by the chains of an unkept promise.”

The South is one of the final regions in the country to allow medical and recreational pot use — denying vendors a legal shield against federal charges pursuant to a Justice Department policy of deference.

US Attorney for southern Georgia David Estes [hailed Valero's sentence](#) two years ago, saying, “Illegal drugs and illegally possessed firearms are the combustible fuel that drives violent crime in far too many of our communities.”

It's unclear exactly how many federal inmates are jailed for marijuana-related crimes, but a recent congressional estimate put the figure around 2,700.

Amy Ralston Povah of the [CAN-DO Foundation](#), which advocates for clemency for non-violent offenders, said, “I started doing vigils in front of the White House during the

Bush administration soon after I was granted clemency by President Clinton in 2000” and she counts more than 100 successes to date.

“But there are still so many seeking a second chance, like Pete Moreno,” Povah said.

Weldon Angelos, a former federal marijuana inmate and co-founder of the group [Mission Green](#), said “President Biden’s campaign promise to release individuals imprisoned for marijuana offenses was a beacon of hope for countless families and advocates across the nation. It’s deeply disheartening to see this pledge remain unfulfilled.”

“Every day that passes without action is another day of missed opportunities, lost moments with loved ones, and continued injustice for those languishing behind bars for actions that many states no longer deem criminal,” Angelos said.

“It’s time for President Biden to fulfill his promise and free thousands of people who are still incarcerated federally for marijuana.”

The White House did not offer comment for this article.

# *Los Angeles wiping out 66,000 old marijuana convictions*

By Louis Casiano, Fox News  
Published Feb. 14, 2020, 10:24 a.m. ET



Los Angeles County prosecutors are partnering with a nonprofit technology firm to wipe out or reduce up to 66,000 marijuana convictions that disproportionately impacted minorities over decades.

The effort comes several years after California voters legalized the drug. The county is working with Code for America, which uses a program to find cases among decades-old court documents that are eligible under the program.

“The dismissal of tens of thousands of old cannabis-related convictions in Los Angeles County will bring much-needed relief to communities of color that disproportionately suffered the unjust consequences of our nation’s drug laws,” District Attorney Jackie Lacey [said in a statement](#).

On Thursday, a judge granted a request from prosecutors to dismiss 62,000 felony marijuana convictions dating back to 1961. Lacey’s office also asked the court to erase 4,000 misdemeanor marijuana possession cases.



A grower attends to a crop of young marijuana plants in Los Angeles.AP

Of 53,000 people in Los Angeles County who have obtained relief under the plan, approximately 45 percent are Latino, 32 percent are African American, 20 percent are white and 3 percent are other or unknown.

[Studies](#) have shown communities of color have borne the brunt of marijuana enforcement efforts even though whites use and sell marijuana at similar rates. Blacks are jailed at higher rates in California for marijuana-related crimes even though they account for only 6 percent of the state's population.

In an effort to expand the program, Code for America has offered its services to all 58 district attorneys in the state.

“This is a clear demonstration that automatic record clearance is possible at scale and can help to right the wrongs of the failed war on drugs,” Evonne Silva, Code for America's senior program director of criminal justice, said in a statement.

“I am very proud to announce that we have asked [@LASuperiorCourt](#) to dismiss nearly 66,000 cannabis-related convictions in [#LACounty](#). We believe it is the largest effort in California to wipe out old criminal convictions in a single court motion.” – District Attorney Jackie Lacey [pic.twitter.com/bzAch9c6nJ](https://pic.twitter.com/bzAch9c6nJ)

— Jackie Lacey (@LADAOOffice) [February 13, 2020](#)

The computer program identifies eligible cases and fills out forms to file with courts. It can analyze conviction eligibility for about 10,000 people per minute, as opposed to the time it would take employees to dig through records.

With the latest action, Code for America will have helped dismiss more than 85,000 marijuana convictions in five counties including San Francisco, Sacramento, San Joaquin and Contra Costa, officials said.

# *How 'equity' ruined cannabis legalization in New York*

By Social Links for Charles Fain Lehman  
Published April 8, 2023  
Updated April 8, 2023, 12:05 p.m. ET  
136



Gov. Kathy Hochul is finally getting serious about cracking down on illegal pot shops in New York State. Lev Radin/Pacific Press/Shutterstock

New York's legal weed experiment is going about as poorly as possible.

Earlier this week, the state [finally signed off](#) on a handful of new dispensary licenses, a full two years after legalization.

Illegal pot shops, meanwhile, have gotten so common — and so attractive to criminals — that Gov. Hochul [has asked](#) Albany to approve five-figure fines and tough enforcement powers to help shut them down.

It remains to be seen [whether any state can legalize marijuana](#) without serious downsides.

But New York's attempt has been particularly disastrous.

This is in large part because rather than prioritizing tax revenue or public health in the legalization process, Albany put progressive-tinged “social justice” strategies front and center in its policy design.

They admit as much.

Hochul [has emphasized](#) that [New York State’s marijuana industry will benefit](#) those who committed crimes under prohibition.

The state’s Office of Cannabis Management [has said](#) that “social and economic equity” is a “major focus” of legalization.

And the New York City Mayor’s Office [promised](#) to put equity “at the center” of the budding industry. You get the idea.



Gov. Hochul’s office is helping to implement five-figure fines for illicit operations — along with the enforcement might make those penalties stick. Matthew McDermott



One of the thousands of illegal pot shops is now up and running in New York. AFP via Getty Images

Amid all of this woke-speak, one message becomes clear: Cannabis legalization prioritized progressive interest groups over legality and common sense.



And indeed, “equity” has suffused every aspect of legalization — to catastrophic results.

First, the numbers: There are [just seven](#) licensed dispensaries in all of New York State, three of [which are](#) within half a mile of each other.

Why so slow? A federal injunction — [now lifted](#) — delayed dispensary roll-out in parts of Upstate New York. Far worse, however, is the state’s entire approach to licensing.



The number of approved cannabis outposts is expected to soon rise, with new operators (yet again) likely selected on the basis of race and gender. Helayne Seidman

The first 150 licenses must, [by law](#), be issued to people who had [previously been convicted of a marijuana-related offense](#), or whose family member had been convicted.

Finding, approving, and setting up businesses for such folks takes time — lots of it.

Nobly intentioned? Sure.

But if we want businesses to run smoothly, the state should have prioritized applicants with a history of entrepreneurship and business acumen, not breaking the law — even if those laws demanded a rethink.

Instead, it’s [doubling](#) the number of licenses open only to former criminals.

The state [has also said](#) it will aim to award “50% of all adult-use licenses to social and economic equity applicants,” including minority- and women-owned businesses.

Yet again, applicants will continue to be selected based on their sex or skin color, not on who can best run a business.



Thousands of non-licensed cannabis shops are now up and running in New York City with scant legal oversight and beyond the reach of the authorities charged with both regulating them — and shutting them down. Helayne Seidman

With marijuana legal but virtually no legal retailers operating, New York has unsurprisingly seen a wave of unlicensed pot shops pop up.

Not only are these outlets polluting eyesores; but they're also magnets for crime.

The NYPD [has said](#) that last year pot shops were robbed nearly 600 times. That they [sell freely to kids](#) isn't helping either.



New York State's Office of Cannabis Management is tasked with doling out legal pot licenses. New York State Office of Cannabis Management

Why have the shops grown unchecked?

Because the consequences for running them – a paltry [\\$250 fine](#) — are essentially nonexistent.

Raided shops keep reopening, [including](#) one right across from City Hall. Hochul and Adams are now seeking tougher tools to shut them down.

But it's unlikely that the legislature, [which just rebuked the governor's chief judge pick](#) for not being left-wing enough, will endorse a crackdown on pot.

Beyond the faulty focus on equity, enforcement agencies need the ability to give more than just a wrist slap to illegal pot shops.

Gov. Hochul's [proposal](#) to dramatically increase fines and expand inspection powers is a good start.

New York City should also clarify the Sheriff's authority to inspect pot shops, as some deputies [have raised questions](#) about their ability to do so.

New Yorkers themselves also need to consider why they tolerate such flagrant law-breaking when it comes to pot, but almost no other businesses.

Unlicensed shops aren't unique to New York; they pop up everywhere pot has been legalized, contributing to [anemic](#) legal industry sales.

The reason is simple economics: Without the need to comply with costly regulations, the illegal shops are just cheaper — savings they pass on to their customers.



One of the biggest consequences of so much unregulated pot is the proliferation of colorful cannabis-infused candies that could easily fall into the hands of children and young people. Shutterstock

And under the current legalization scheme, unlicensed shops are insulated from the enforcement efforts pro-pot advocates inevitably decry as evil and racist.

A well-designed marijuana market — insofar as there is such a thing — minimizes criminal activity and maximizes tax revenue, which the state then reinvests in public health.

But New York's attempt to center "equity" in its legalization agenda has produced the opposite effect, maximizing criminal activity and minimizing legitimate revenue generation.



Members of New York's Office of Cannabis Management enforcement team say a lack of clarity around their ability to fine and close illegal pot shops is hampering their effectiveness. Paul Martinka

Some marijuana market regulations are essential: no selling (or advertising) to kids, clear supply chains, controls on potency, etc. True, the costs of these regulations will be passed on to customers, making the gray market cheaper and more attractive.

But the more the state attempts to regulate the industry for "social justice," the higher these regulatory costs will be in the long run.

This is why the state needs to stop handing out licenses to people as a form of "reparations" and start looking for licensees who can run a real business.

That will ultimately deliver meaningful — and lasting — cannabis reform.

# ***New York cannabis regulators opens pot licenses to disabled vets, women, minorities during legal battle: 'It's about time'***

By

Social Links for Carl Campanile

Published Sep. 12, 2023, 7:44 p.m. ET

60

New York state cannabis regulators approved sweeping new rules Tuesday, opening up the application process to operate licensed pot stores that have been limited to the “justice-involved” — those convicted of marijuana crimes when the drug was illegal.

The new rules will allow “social equity” applicants — including disabled military veterans, minority and women business-led firms and distressed farmers — to apply to operate a weed dispensary beginning Oct. 4.

Four disabled vets had sued Gov. Kathy Hochul’s administration and the state Cannabis Control Board [for excluding them from applying for the first-round licenses](#) and instead awarding them to applicants with pot convictions.

A state judge recently issued [an injunction](#) barring the state from issuing any more licenses, saying the preference for weed felons likely violated the state law legalizing marijuana for recreational use.

“It’s about time,” said Carmine Fiore, [a disabled vet and plaintiff in the case](#).

“We finally have an equitable playing field. We are finally being prioritized — as we should have been under the law.”



New York State opened up the application process to operate licensed pot stores that have been limited to the “justice-involved.” Paul Martinka

It's unclear what impact the new rules would have on the ongoing litigation. Cannabis regulators who are defendants in the case went into an executive session behind closed doors at the end of their meeting Tuesday.

Fiore said while he's now allowed to apply for the cannabis store license, it didn't “stop the harm” from being excluded from applying for a Conditional Adult-Use Retail Dispensary (CAURD) in the first place.

“They gave the justice-involved an unfair advantage,” he said.

The Cannabis Control Board rules also dramatically broadened eligibility for individuals and entrepreneurs to apply for licenses to become cannabis cultivators/farmers, processors, distributors and micro-businesses.

The state's budding legal marijuana has suffered from a [slow and rocky rollout](#) with just 23 cannabis stores across the state, nine of which are in New York City. Meanwhile, city officials estimate there are up to 1,500 [unlicensed smoke shops](#) selling cannabis.

Farmers fume that the lack of stores has them sitting on a massive amount of flowered weed grown last year.

State officials said Tuesday the new rules will help grow the weed market.

“Today marks the most significant expansion of New York's legal cannabis market since legalization, and we've taken a massive step towards reaching our goal of having New Yorkers being able to access safer, regulated cannabis across the state,” said Chris Alexander, executive director of the Office of Cannabis Management.

“We are immensely proud to be building the fairest, most competitive cannabis industry in the nation — one that puts those most harmed by prohibition first and offers a true opportunity for all New Yorkers — not just large corporations — to compete and thrive,” he said.

The multi-state firms that sell marijuana only to medical patients in New York will be able to offer their cannabis products to all New Yorkers for recreational use beginning at year's end. However, many individuals or small operators who spoke at the meeting Tuesday worried that they will dominate the market before they can get up and running.

Many asked for state regulators to delay the multi-state operators' entry into the market.



The new rules will allow “social equity” applicants — including disabled military veterans, minority and women business-led firms and distressed farmers — to apply to operate a weed dispensary beginning Oct. 4. James Keivom

“Delay them from not just retail, but also from cultivation and manufacturing ... These corporations are slowing us down, trying to starve us out so they can swoop in like vultures and pick at our carcasses. New York made promises to us, now it’s time for you to back those words up with real actions,” an open letter co-signed by 18 licensed cannabis operators said, including Osbert Orduna, CEO of The Cannabis Place in Queens.

A group bankrolled by the medical marijuana operators said opening up the application process is a start, but also complained the state doesn’t go far enough in expanding the market to allow them to sell weed for recreational use sooner.

“The rules passed today are a step forward. But until the State actually issues these licenses and these dispensaries get open and operational, New Yorkers will continue to be denied the tax revenue, safe cannabis, and equitable system they were promised,” said Kirsten Foy of the Coalition for Access to Regulated and Safe Cannabis.

“Allowing the businesses that have built New York’s medical market to enter the adult-use industry would help close that gap. But since these medical operators can only open a maximum of 33 dispensaries, OCM still must act expeditiously and efficiently to legally open the thousands of additional dispensaries it claims the State needs.”

## ***Following California, pot legalization campaigns across the U.S. aim to throw out old convictions***



Rob Jenkins spends time with his 4-year-old son, Cash, and his dog, Sadie, at home in Oakland. He was convicted of growing marijuana a decade ago, but his record has since been expunged.

(Genaro Molina / Los Angeles Times)

By [Kurtis Lee](#)

Oct. 10, 2018 3 AM PT

OAKLAND —

Rob Jenkins tried for four years to find a job, scouring the internet for anything that seemed at all appealing — a maintenance position at a Chevron refinery, a counselor for foster kids, a clerk at Hertz.

Some employers seemed interested, until they found out about his 2008 misdemeanor conviction for growing marijuana.



“I was stuck,” recalled the 37-year-old college graduate. “No job opportunities were coming in.”

He found himself in the same situation as hundreds of thousands of others across the country whose prospects for the future were diminished by criminal records for marijuana cultivation or possession.

Now a new movement accompanying the widespread push for pot legalization may give them a second chance and help black and Latino neighborhoods that have been the focus of drug law enforcement. The aim is to wipe records clean and help people put their formerly illicit skills to use in the booming industry of legal cannabis.

It started in California in 2016 when voters approved Proposition 64, which not only legalized recreational marijuana, but also made it easier for people with pot convictions to expunge their records. Los Angeles, Oakland and San Francisco have started giving people with prior convictions — or those from neighborhoods that were once heavily targeted for marijuana-related arrests — priority for licenses to start new pot businesses.

New Jersey, North Dakota and Michigan may soon follow suit, with advocates for pot-legalization measures under consideration this fall making social and economic justice the centerpiece of their campaigns.

It’s a decisive shift from the traditional rationales for legalization — evolving public attitudes about the drug and the opportunity to tax it.

“In New Jersey, black residents are three times more likely than white residents to be arrested for marijuana offenses,” New Jersey Gov. Phil Murphy, a Democrat, said in an email explaining his support for a marijuana-legalization bill that lawmakers are expected to pass this month.

The law would “help break the cycle of nonviolent, low-level drug offenses that prevent people, especially people of color, from succeeding,” he said.



Rob Jenkins drives to pick up his eldest son from school in Alameda. He says Oakland's marijuana equity program, which is open to those with pot convictions after 1996, is "long overdue."

(Genaro Molina / Los Angeles Times)

Research shows that whites, blacks and Latinos use and sell marijuana at similar rates, but that blacks by far are the most likely to be arrested in connection with the drug. One California [study](#) found that African Americans make up 6% of the state's population, but are nearly a quarter of those serving time in jail exclusively for marijuana offenses.

In Oakland, where Jenkins grew up, blacks and whites each make up about 30% of the population. But 77% of the people arrested in connection with marijuana in 2015 were black, while just 4% were white, according to a recent [report](#) by the city. The analysis looked back to 1995 and found a similar pattern each year.

Jenkins, who is black, remembers watching marijuana sales as a child. Cars would come and go making purchases from pastel-colored duplexes that lined the hilly streets of East Oakland.

"It's a part of life," he said. "A lot of the weed being sold in Oakland was to wealthy whites in Berkeley and elsewhere in the Bay Area."

“But we were getting arrested,” he said.

*A lot of the weed being sold in Oakland was to wealthy whites in Berkeley and elsewhere in the Bay Area. But [black people] were getting arrested.*

**— Rob Jenkins, whose 2008 conviction for growing marijuana has been expunged**

Jenkins never set out to be a drug dealer. After graduating from San Jose State University in 2003 with a degree in sociology, he found work selling cars and internet plans and eventually got a job at Comcast answering complaints from customers for \$15 an hour.

Even with his girlfriend’s income from a sales job at a department store, they struggled to pay the rent and care for their sons in rapidly gentrifying Oakland.

Jenkins started growing and selling marijuana in 2007 as an extra source of income, bringing in about \$500 a week.

Then one night in November 2008, there were two knocks at his apartment door before police threatened to barge through it. When Jenkins let them in, several officers headed to a back room where sodium-pressure lights hovered above two dozen marijuana plants growing knee-high from buckets.

Jenkins never learned how police discovered his operation. He was one of 914 African Americans arrested on marijuana charges that year in Oakland.

He spent 24 hours behind bars before his mother, who worked at an electronics sales company, bailed him out. Jenkins was originally charged with a felony — he had a firearm in his home — but it was changed to a misdemeanor after prosecutors discovered the firearm was legally registered to him.

He started applying for jobs while he was still serving two years of probation and piled up more rejections than he can remember.

In 2011, he went back to illegally growing and selling marijuana. He said he stopped two years later after finally finding a legal job: growing pot for medical use for a dispensary in San Francisco.

But it was only part time, and Jenkins realized that his future was stalled unless he could clear his name. The next year, he spent \$4,000 — a big chunk of his savings

— to hire an attorney to successfully guide him through a little-known and highly uncertain legal process that allows some low-level marijuana offenders to petition the courts to expunge their convictions.

California’s new law seeks to popularize and streamline that process.

In January, San Francisco Dist. Atty. George Gascón announced that his office would begin to dismiss 3,000 marijuana misdemeanors dating back to 1975 and seal the records of those people sentenced before Proposition 64 passed. Nearly 5,000 felony convictions would also be reviewed for possible dismissal or resentencing. The process could take more than a year to complete.



Rob Jenkins works at a cannabis nursery in Oakland, planting and tending to various strains. He was recently laid off with 30 other employees, however, because he said the company was having financial problems.

(Genaro Molina / Los Angeles Times)

In Alameda County, where Oakland is located, prosecutors have identified nearly 6,000 cases eligible for dismissal — an opportunity to alleviate past discrimination, said Dist. Atty. Nancy E. O’Malley. Of those, more than 600 people have filed petitions and had them granted.

“California is offering a second chance to people convicted of cannabis crimes,” O’Malley said.

Los Angeles County Dist. Atty. Jackie Lacey has said her office will not automatically dismiss or reduce marijuana convictions and that people seeking to clear their records should do so using the courts.

But a bill passed in August and set to go into effect next year requires the California Department of Justice to prepare a list of people eligible to have their convictions dismissed and places the onus on county prosecutors to do so in all cases except those in which they determine there is “an unreasonable risk to public safety.”

Still, in some places, expunging those records is only a first step in righting the wrongs of the past.

Last year, Oakland officials created the nation’s first so-called social equity program, reserving at least half of all new cannabis dispensary licenses for residents targeted by discriminatory drug and sentencing laws.

The program is open to any resident with a cannabis conviction after 1996 — the year medical marijuana was passed — and no other criminal history. Also eligible are people who earn less than 80% of the city’s median income of \$56,000 or who have lived for at least 10 years in a neighborhood deemed to have [high numbers of pot-related arrests](#).

It also offers the chance to be paired with an investor — known as an incubator — who shares the license and funds the business for at least three years. Six of the eight permits granted by the city this year went to equity applicants.

“The creation of these equity programs is the beginning of acknowledging the greater issue of the criminalization of brown and black people,” said Nina Parks, an activist who worked with local officials to create the Oakland program as well as the one in San Francisco. “These policies are not reparations, but moves toward restoring justice.”

She and other supporters of the programs say it will take time and more publicity to see results. Many people are unaware of the equity programs or opportunities to expunge their records.



In November, Rob Jenkins will start working at Kanna, a marijuana dispensary in Oakland. He got the job through Oakland's equity program.

(Genaro Molina / Los Angeles Times)

The efforts are not without controversy.

Some opponents argue that the law was the law and anybody who broke it should have to deal with the consequences.

Others such as Kevin A. Sabet, president of Smart Approaches to Marijuana, which has spent thousands of dollars in recent years to oppose legalization of recreational pot, dismiss the notion that equity programs can really lift up poor neighborhoods.

“This is putting lipstick on a pig, and it’s an insult to vulnerable communities,” Sabet said in an email. “Unless the state gives away millions of dollars of free start-up money, do we think a kid from Compton is going to be able to compete against a Beverly Hills heir, let alone the Big Tobacco, alcohol, and pharma interests that are now swarming around the pot industry? It is the saddest attempt at social justice I have ever seen.”

Indeed, even some pot activists are worried that participants in equity programs could be manipulated by their investors and booted from the businesses after the three-year commitment ends.

“Of course there are going to be bad actors,” Parks said. “This is all so new that we’re going to need even more reforms and safeguards as this moves forward.”

Still, momentum is building across the country for similar programs.

Criminal justice reform will be a key consideration when voters or legislators in three states decide this fall whether to legalize marijuana for recreational use, as is already the case in California and eight other states.

North Dakota’s ballot proposal this November calls for the automatic expungement of some marijuana-related convictions. The Michigan measure, also being put before voters, would lower some criminal marijuana-related violations to civil infractions.

The New Jersey bill, which lawmakers plan to introduce as soon as this week, would make it easier for people with low-level convictions — possessing small amounts of pot — to clear their records.

It would also mandate that 25% of dispensary licenses must be issued to individuals who live in so-called social impact zones — areas with high poverty and disproportionate marijuana arrest rates.

“This kind of reform is long overdue,” Jenkins said.

Even so, his future is far from assured in a new and unstable industry.

Last year, Jenkins got a part-time job at a local cannabis nursery, planting and tending to various strains, which he also smokes on a regular basis. But he was laid off last month with 30 other employees because the company was having financial problems.

His best hope now is Oakland’s equity program, which accepted him earlier this year.

The city helped connect him with a team that plans to open a dispensary in November. Jenkins will be the grow manager. The investors have also committed to helping him open a pot nursery that would eventually belong entirely to him.

“I’ve had ups and downs, but others have had it way worse,” Jenkins said. “I’ve seen brothers locked up for years over some marijuana. Just marijuana. It’s not right.”

“We have to change this cycle,” he said.



## ***Prosecutors move to clear 54,000 marijuana convictions in California***



Los Angeles County Dist. Atty. Jackie Lacey speaks during a news conference to announce a partnership with a tech non-profit regarding marijuana-related convictions.

(Katie Falkenberg / Los Angeles Times)

By [Alene Tchekmedyian](#) Staff Writer

April 1, 2019 6 PM PT

After recreational marijuana was legalized in California, prosecutors in Los Angeles County expected a “tsunami” of petitions from people looking to clear their old criminal records.

But the process turned out to be cumbersome and difficult to navigate, so most people didn’t even try.

“Frankly, very few people took the legal action required to clear their records,” L.A. County Dist. Atty. Jackie Lacey said at a downtown news conference Monday. “And yet, the will of the voters was clear.”

In a move to carry out that will, prosecutors in L.A. and San Joaquin counties announced plans to automatically dismiss or reduce some 54,000 marijuana-related

convictions, part of a [growing movement](#) to offer a clean slate to Californians hamstrung by their past now that pot is legal.

An estimated 50,000 convictions in L.A. County and 4,000 more in San Joaquin County are eligible. It's unclear how far back those convictions go, but many involve possessing a small amount of marijuana and could date back decades. Prosecutors and public defenders are still working out how to notify people of the changes to their records.

The effort is part of a partnership with Code for America, a nonprofit tech organization that developed a computer algorithm to quickly analyze county data to determine which cases are eligible to be cleared under Proposition 64.

Prosecutors said decades of drug enforcement disproportionately targeted minorities. Studies have shown that people of color are more likely to be arrested and punished in connection with marijuana offenses, even though whites, blacks and Latinos use and sell marijuana at similar rates. The result, critics say, is a cycle of poverty and incarceration that has kept many minorities from getting jobs, going to school or finding housing.

A [2016 study](#) found that although African Americans make up just 6% of California's population, they account for almost a quarter of those serving jail time exclusively for marijuana offenses.

"Those past harms were passed from generation to generation," San Joaquin Dist. Atty. Tori Verber Salazar said. "This allows us to go back and correct those mistakes."

Salazar said her office slogged through a similar process without using technology to clear eligible convictions under Proposition 47, a 2014 law that reduced some low-level, non-violent offenses from felonies to misdemeanors. It took four years to process 26,000 cases, she said, at a cost of \$2.5 million.

Code for America's algorithm, she said, mined through the data in 12 seconds. She estimated the technology would save the county \$1 million in time and resources.

At marijuana dispensaries in Southern California, Monday's announcement was well-received.

“Now people who will have their convictions cleared can go back to living a normal life,” said Molly Collins, a 29-year-old budtender at Green Goddess Collective in Venice. “This is how we’re seeing L.A. make better changes.”

In February, San Francisco became the first to take on such an initiative, pledging to [clear 9,300 convictions](#) dating back decades as part of a sweeping effort to rethink “the war on drugs.”

Talks are underway to expand the program to other California counties, as well as other states where marijuana has been legalized.

Proposition 64 legalized, among other things, the possession and purchase of up to an ounce of marijuana and allowed people to grow up to six plants for personal use.

Under the measure, people convicted of marijuana possession can petition to have those convictions expunged if they don’t pose a risk to public safety. People also can petition to have some crimes reduced from a felony to a misdemeanor, including possession of more than an ounce of marijuana by a person who is 18 or older.

Nearly 60% of voters in Los Angeles County supported the measure.

Lacey, who is up for reelection next year, said in the past that her office would not automatically dismiss or reduce marijuana convictions and that people seeking to clear their records should do so using the courts.

But the Code for America software could prove useful as California continues to pursue criminal justice reforms, she said Monday.

It was uncertain when all the marijuana convictions would be cleared. A measure signed into law by Gov. Jerry Brown last year mandates that the state compile a list of all Californians eligible to have crimes expunged under Proposition 64 by July 1, with the goal of having all past marijuana-related convictions reduced or cleared in the state by 2020.

Code for America has its own goal — to expand the pilot program to more California counties and clear 250,000 convictions by the end of this year. The organization has previously delved into the realm of criminal justice, in 2016 creating Clear My Record, an online application that connects people with lawyers to clear criminal records across California.

“We never intended to punish people for life for crimes that are this minor, or that we no longer view as crimes,” said Jennifer Pahlka, founder and executive director of Code for America.

As the medicinal and recreational use of marijuana has gained wider acceptance across the nation, lawmakers in a number of states have been wrestling with how to remove marijuana convictions from people’s records.

Missouri lawmakers are considering a bill that would expunge convictions for medical marijuana patients, as it is now legal there for medicinal use. In New York, where the governor has proposed legalizing recreational pot use, officials are exploring a means of possibly expunging or sealing conviction records.

Priscilla Vilchis, owner and CEO of a medicinal and recreational marijuana cultivation company in Las Vegas and Lynwood, said the change will create more job opportunities.

“Many people have not been able to apply or even qualify for jobs in this industry,” Vilchis, 32, said. “This helps not only the entrepreneur, but the people who will now be able to apply for these jobs. This is going to put food on their table.”

*Times staff writers Alexa Diaz and Joseph Serna contributed to this report.*

# ***San Francisco will wipe out thousands of marijuana convictions dating to 1975***

By [Sarah Parvini](#), [Rong-Gong Lin II](#) and [Cindy Chang](#)  
Jan. 31, 2018 6:45 PM PT

Reporting from SAN FRANCISCO —

San Francisco will retroactively apply California's new marijuana legalization laws to prior convictions, expunging or reducing misdemeanors and felonies dating to 1975, the district attorney's office announced Wednesday.

Nearly 5,000 felony marijuana convictions will be reviewed, recalled and resentenced, and more than 3,000 misdemeanors that were sentenced prior to Proposition 64's passage will be dismissed and sealed, Dist. Atty. George Gascón said. The move will clear people's records of crimes that can be barriers to employment and housing.

San Francisco's move could be the beginning of a larger movement to address old pot convictions, though it's still far from clear how many other counties will follow the famously liberal city's lead.

Proposition 64 legalizes, among other things, the possession and purchase of up to an ounce of marijuana and allows individuals to grow up to six plants for personal use. The measure also allows people convicted of marijuana possession crimes eliminated by Proposition 64 to petition the courts to have those convictions expunged from their records as long as the person does not pose a risk to public safety.

They also can petition to have some crimes reduced from a felony to a misdemeanor, including possession of more than an ounce of marijuana by a person who is 18 or older.

“While drug policy on the federal level is going backwards, San Francisco is once again taking the lead to undo the damage that this country's disastrous, failed drug war has had on our nation and on communities of color in particular,” Gascón said in a statement. “Long ago we lost our ability to distinguish the dangerous from the nuisance, and it has broken our pocketbooks, the fabric of our communities, and we are no safer for it.”

About 75% of San Franciscans voted to legalize marijuana, the highest margin among all of California's 58 counties. But only 23 petitions for Proposition 64 reduction, dismissal or expungement have been filed over the last year, the district attorney's office said, adding that it does not have any active marijuana prosecutions.

As of September, 4,885 Californians have petitioned the courts to have marijuana convictions expunged or reclassified, but many people don't know about the process, which can be difficult, according to the Drug Policy Alliance, which supported Proposition 64.

"So instead of waiting for the community to take action, we're taking action for the community," Gascón said.

Gascón's announcement came with special resonance in the city's Castro District, a center of efforts to legalize marijuana for medicinal purposes in California. One of the biggest advocates of medical marijuana, Dennis Peron, [died Saturday](#) at 72 after a battle with cancer; Peron was considered a central figure in promoting the use of marijuana for AIDS patients, and in 1991 he [co-founded](#) the San Francisco Cannabis Buyers' Club, the first public marijuana dispensary in the country.

"God knows how many convictions Dennis had," said San Francisco Supervisor Jeff Sheehy, who represents the Castro. Had Peron lived longer, "he'd have had many of his convictions expunged."

Sheehy said Gascón's plan takes the burden off those convicted of marijuana-related offenses to ask the court to review their case. "People recognize that this really is not a crime," Sheehy said.

"I'm totally in favor of that," Paul Greenbaum, 72, said of automatic expungement after he walked out of the Apothecarium, a medical and recreational cannabis dispensary in the Castro. "If it's not a crime now, what's the sense in continuing to stigmatize people?"

Greenbaum said he has been regularly smoking pot since he moved to San Francisco when he was 30 years old.

State Sen. Scott Wiener (D-San Francisco) said there is historical meaning in San Francisco taking this step.

The Castro “was so deeply impacted by the AIDS epidemic. So many people were getting sick and dying, and medical cannabis was a lifeline for many people living with AIDS — a way for people to help with the side effects of the medication, to help with nausea, to help improve their appetite,” Wiener said.

Some noted that the district attorney’s move could help people with prior convictions improve their livelihoods.

Convictions “really can hold you back from getting a good job,” said Redding-area resident Tom Savasta, 32, adding that the move would help people “become more proactive members of society.”

A 2016 study by New Frontier Data, a data analytics firm focused on the cannabis industry, found “stark racial disparities in California’s marijuana-related jail population.” Black, Latino and white people all consume and sell marijuana at similar rates, the research found, but black Californians are jailed for marijuana-only offenses at much higher rates — nearly one-quarter of people jailed for those offenses are black.

In a statement, Lt. Gov. Gavin Newsom said San Francisco’s move provides “new hope and opportunities to Californians, primarily people of color, whose lives were long ago derailed by a costly, broken and racially discriminatory system of marijuana criminalization.”

Gascón said the disparities outlined in the study “weighed very heavily” in his decision to review people’s convictions.

“We know there were tremendous failures in the war on drugs, and we criminalized large sections of our community,” he told The Times. “The African American and Latino communities were the most harmed by this.”

The district attorney said he hopes other counties will follow in San Francisco’s footsteps. Some lawmakers have already started to pursue or support similar measures, including state Assemblyman Rob Bonta (D-Oakland), who has [proposed legislation](#) that would require criminal convictions for marijuana-related offenses to be automatically expunged, placing the burden on the courts.

Proposition 64 was opposed by many law enforcement groups in California, including the California Police Chiefs Assn., the California District Attorneys Assn., the California Narcotic Officers’ Assn., the California Peace Officers Assn. and the California State Sheriffs’ Assn. They expressed concern about the impact

of legalization and question whether the state was prepared for all the implications the law would bring.

In Colorado, where voters legalized pot, prosecutors have been reluctant to erase prior marijuana convictions, said Sam Kamin, professor of marijuana law and policy at the University of Denver's Sturm College of Law.

Often, defendants have pleaded guilty to a lesser crime, and prosecutors do not want to wipe their records clean when they may have committed more severe offenses than marijuana possession, Kamin said.

Eric Shevin, a Los Angeles defense attorney who specializes in marijuana law, said many people don't know they can wipe out their convictions or can't afford a lawyer to help with the process.

Shevin has already done a few hundred Proposition 64 petitions, which require preparing a motion and appearing in court several times. He said that process would go much more quickly with prosecutors taking the lead.

"District attorneys certainly have the right to research their own records and dismiss these cases on their own, en masse," Shevin said. "I applaud this D.A. for taking the initiative, and I hope others will follow."



# *California was supposed to clear cannabis convictions. Tens of thousands are still languishing*



Sara Rodriguez, 39, has a marijuana conviction that's nearly two decades old. Under state law, her felony should've been cleared from her record automatically. But Rodriguez is one of tens of thousands of Californians whose convictions are languishing.  
(Jason Armond / Los Angeles Times)

By **Kiera Feldman** Staff Writer

Jan. 13, 2022 5 AM PT

Nearly two decades ago, on a high desert road in San Bernardino County, Sara Rodriguez was pulled over and arrested with 10 small packets of cannabis in her car. She was convicted of a felony, possession of the drug for sale, and eventually spent more than two years in prison.

In the years since, Rodriguez, 39, became the first in her family to go to college, and in June graduated from UCLA with a master's degree in social welfare.

But Rodriguez still has a felony on her record — a potential black mark for employers and the state social work licensing board.

When California voters legalized cannabis for recreational use in 2016, one promise was the creation of a legal pathway through the courts for clearing many past marijuana-related convictions or reducing them to a lesser charge.

It was a step championed by reform advocates, meant to right many of the injustices inflicted by the nation's war on drugs that was disproportionately waged on poor people and communities of color.



## CALIFORNIA

### Legal Weed, Broken Promises: A Times series on the fallout of legal pot in California

May 5, 2023

But despite [a 2018 law](#) intended to speed up and automate the process, tens of thousands of Californians like Rodriguez are still stuck with felonies, misdemeanors and other convictions on their records, a Los Angeles Times investigation found.

*I just feel very overwhelmed and stuck. I was under the impression that this would happen automatically, but it's not.*

— Sara Rodriguez

At least 34,000 marijuana records still have not been fully processed by the courts, according to an analysis of data provided by court officials throughout the state. The number was more than twice that in August, before The Times began questioning the slow processing times.

The delays in clearing drug charges can have dire consequences for those seeking employment, professional licensing, housing, loans and in other instances in which background checks are required.

The courts have emerged as the primary bottleneck in a process that has entangled the state Department of Justice and prosecutors' offices in 58 counties. Although a number of counties have moved aggressively to clear records, many others have moved at a snail's pace. Some courts — including in Riverside and San Bernardino, where Rodriguez was convicted — haven't fully processed a single case.



Rodriguez's felony conviction was one of about 5,400 cannabis cases that were essentially gathering dust in San Bernardino.  
(Irfan Khan / Los Angeles Times)

Court officials blamed a combination of factors for delays, including COVID-19, staffing shortages, outdated case management systems, old records that require manual review and technical issues.



California’s legalization of recreational cannabis in 2016 ushered in a multibillion-dollar industry estimated to be the largest legal weed market in the world. But many of the promises of legalization have proved elusive. In a series of occasional stories, we’ll explore the fallout of legal pot in California.

[Read the stories](#)

San Bernardino County Superior Court “was severely impacted by COVID-19 with being partially closed for 75 days, and experienced staffing shortages, illnesses and quarantining, along with severe budget reductions,” spokeswoman Julie Van Hook wrote in an email.

But many advocates see the delays as a continuation of a long pattern of failing to address the disparate impact of drug policies on people of color, especially for Black Californians, who for decades have had the [highest arrest rates](#) in the state.

“When it’s an issue that is largely impacting Black people, we move slowly on getting things done,” said Eliana Green, an attorney at the Hood Incubator, which advocates for racial and economic equity in the cannabis industry.

California Atty. Gen. Rob Bonta, who wrote the law to clear criminal records while he served in the state Legislature, acknowledged problems with its implementation.



California Atty. Gen. Rob Bonta, when he was a state legislator, wrote a 2018 law to clear thousands of cannabis-related convictions.

(Allen J. Schaben / Los Angeles Times)

“It’s not acceptable. It’s taking too long,” Bonta told The Times in an interview.

About 117,000 Californians have gotten legal relief for their marijuana convictions, Bonta said, but the state has faced significant challenges, particularly given the lack of a centralized statewide records system.

“What a shame!” said Felicia Carbajal, executive director of the Social Impact Center in Los Angeles. “The community deserves better than the half-measures we’re seeing on this.”

Many public defenders and district attorneys shared similar concerns that the state’s effort lacked the necessary resources and technology to succeed.

*It’s not acceptable. It’s taking too long.*  
— **California Atty. Gen. Rob Bonta**

Yolo County Dist. Atty. Jeff Reisig described the court record systems in California as “totally screwed up.”

“There’s no coordination. Counties don’t communicate with one another. They barely communicate with DOJ,” Reisig said. “You have 58 counties in California and each one is like its own state.”

The 2018 law — [Assembly Bill 1793](#) — was supposed to clear past cannabis convictions en masse, doing away with the need to file individual court petitions — an onerous process that few Californians undertook, whether for lack of resources or awareness it was an option. The burden was placed on the state to automate the process of identifying eligible cases, updating records, and dismissing and sealing many of them so they do not appear on background checks.

The law was the first in the nation to offer automatic record clearance for marijuana convictions. At least six other states looked to California and modeled similar legislation.

“The vision,” said Bonta, was “that the government should have a primary and central role in delivering the existing rights to people, instead of making them go fight for it and find it and take 10 different steps.”

The Justice Department sent district attorneys [191,055 potentially eligible marijuana cases](#) for review. Their deadline was July 1, 2020, to send cases to the courts, and most counties complied.

But the law didn’t give California’s 58 superior courts a deadline to complete their end: updating case records and transmitting them back to the Justice Department, which maintains the statewide criminal history database and responds to background checks.

The Times collected data from more than three dozen superior courts around the state and found many counties are moving slowly. Riverside County Superior Court has not fully processed any of its 21,000 cases.

Many courts were at varying stages: For example, Alameda County has processed 58% of cases, and Santa Cruz County 39%. Kern County is at 18%.

Kern County officials cited technical glitches for the delay in getting cases to the Department of Justice. Santa Cruz officials said their progress had stalled because the court was awaiting a software fix from its record management system vendor.

Some counties have fared better. Pandemic notwithstanding, Santa Clara finished its 11,500 cases in April 2020. Los Angeles finished processing 66,000 cases in late 2021.

The delays are not for lack of funding. The courts got [\\$16.83 million](#) from the state budget to pay for the costs of processing records, such as staffing and development of information technology. The Judicial Council of California, which oversees the superior courts, distributed the money among the counties, but a representative said the agency does not track how the funds are used or how much progress the courts have made.



Rodriguez graduated from UCLA in June with a master's degree in social welfare. She traveled to the San Bernardino Sheriff's Department office to get paperwork for her application to the state social work licensing board.

(Irfan Khan / Los Angeles Times)

The Inland Empire has among the lowest clearance rates in the state.

In San Bernardino County, Rodriguez's felony conviction was one of about 5,400 cannabis cases that were essentially gathering dust. After questions from The Times, the court began reviewing records at the end of 2021, but none of the cases have been completed, a representative confirmed.

Riverside County Superior Court Chief Deputy of Operations Carrie Snuggs pointed to "overall backlogs related to the pandemic," technical issues and inadequate staffing.



## CALIFORNIA

### The reality of legal weed in California: Huge illegal grows, violence, worker exploitation and deaths

Sept. 8, 2022

Authorities there had finished reviewing about 3,600 misdemeanors and infractions, but all 17,400 felonies remained. And the court hadn't sent even the misdemeanors and infractions to the Department of Justice because of an apparent misunderstanding of directions, The Times found. (After questions from The Times, the Justice Department said it was assisting the court in its first transmission of cases.)

“It’s not a priority. This is something that has been mandated by law and they’re still not doing it,” said Shaun LeFlore, an organizer in Riverside with the group All of Us or None, which advocates for formerly incarcerated people. “For those 21,000 people in Riverside or 5,400 people in San Bernardino, they deserve to have their life back.”

When Rodriguez got out of prison, “a felony really felt like dream-crushing,” she said. She was turned down for jobs and, if she hadn’t lived with her mom, probably would have been turned down for housing. Many communities in California have “[crime-free housing](#)” policies, which often pressure landlords to exclude tenants with criminal backgrounds. And people can be denied public housing or Section 8 vouchers for drug convictions.

But Rodriguez found a place in higher education and attended Cal Poly Pomona, where she joined a program called Project Rebound, a support network for formerly incarcerated



students at Cal State schools. She and her friends in the group helped one another navigate housing and jobs, leading her to pursue a graduate degree at UCLA.



Rodriguez speaks at a mixer for Cal Poly Pomona's Project Rebound, which supports formerly incarcerated students on Cal State campuses.  
(Jason Armond / Los Angeles Times)

Yet she worried that her career could hit roadblocks until her felony conviction was downgraded to a misdemeanor.

“I just feel very overwhelmed and stuck,” Rodriguez said. “I was under the impression that this would happen automatically, but it’s not.”

Under another [recent state law](#), the social work licensing board at least in theory can't deny her application based on her conviction alone. But reality could be a different matter, she said, and a misdemeanor looks a lot better than a felony.

*It creates a permanent underclass. By not purging marijuana records, we're helping to foster poverty [for Black and brown people].*

**— Vonya Quarles, executive director of Starting Over**

Many advocates said the lag in clearing records hits Black and Latino communities especially hard. While national [studies show](#) marijuana usage is roughly the same among white, Black and Latino people, in 2015 in California, the marijuana arrest rates for Latinos were 1.4 times higher than white people, and Black Californians were arrested at 3 ½ times the rate of white

people, according to a 2016 [report](#) by Drug Policy Alliance. That year, Black people were nearly five times more likely than white people to be arrested for a marijuana felony, the report found.

“It creates a permanent underclass. By not purging marijuana records, we’re helping to foster poverty” for Black and brown people, said attorney Vonya Quarles, executive director of Starting Over, which provides services for formerly incarcerated people in the Inland Empire and Los Angeles. “The types of jobs that are available to people with felony convictions are not as good as the types of jobs that are available to people without them.”

Under AB 1793, which applied retroactively for marijuana convictions based on possession, sale, cultivation and transportation, prosecutors had a great deal of discretion: They could challenge cases identified by the Justice Department and were free to add more names to the list of those who qualified for relief. Many prosecutors downgraded felonies to misdemeanors, and the misdemeanors and infractions — which were no longer illegal under Proposition 64 — they dismissed and sealed.



## PODCASTS

[The Times podcast: California’s marijuana revolution at 25 years](#)

Nov. 10, 2021

Sealing a case means that the conviction is wiped from the public record. In that sense, it’s “cleared.”

In Los Angeles, then-Dist. Atty. Jackie Lacey, facing a reform-minded challenger in the November 2020 election, announced she would petition the court to seal all 66,000 marijuana cases.

L.A. County Superior Court completed updating its records and sent the bulk of its cases to the Department of Justice in April, a representative said.

Statewide, the Justice Department has yet to seal about 10,000 cases, and 4,000 of those convictions are from L.A.

But the department has developed ways to circumvent some potential problems, officials said. For example, some background checks that go through the department — such as those for public housing and employment — are flagged to expedite sealing marijuana convictions if they appear.

Los Angeles County Deputy Public Defender Nick Stewart-Oaten said the courts, the Department of Justice and the police have yet to fully synchronize information. He said he is aware of at least two cases in which people were jailed and falsely accused of felonies because their marijuana convictions hadn't been updated at either the state or local level.

This fall, Lacey's successor, George Gascón, [announced](#) that his office had unearthed an additional 58,000 cannabis convictions and would petition that they be [sealed](#).



Los Angeles County Dist. Atty. George Gascón announced that he plans to petition that an additional 58,000 marijuana convictions be sealed.

(Carolyn Cole / Los Angeles Times)

Alameda County, which includes Oakland, didn't send its first batch of cases to the Department of Justice until June 2021, court officials said. Only 4,718 court records have been updated and transmitted so far, with 3,438 cases remaining.

Alameda Court Executive Officer Chad Finke said the court has been short-staffed during the pandemic and hiring has been difficult. The remaining cases require manual review, as many of them are old or not in the court's electronic record system, Finke said.

"Meanwhile, those staff that we do have in our Criminal division have other work that they must perform every day to ensure that defendants' rights are protected, deadlines are met, etc.," Finke wrote in an email.



## **HOUSING & HOMELESSNESS**

### **Black and Latino renters face eviction, exclusion amid police crackdowns in California**

**Nov. 19, 2020**

One of the languishing marijuana cases in Alameda belonged to Justin, who asked to be identified by his nickname to avoid questions from his employer.

He was arrested at 18 after he said cops caught him carrying just over an ounce of weed in a Mason jar. In 2007, he was convicted of felony marijuana possession and sentenced to three years of probation.

After probation, the court reduced Justin's felony to a misdemeanor. Until recently, he had no idea laws were on the books that should have wiped his record clean.

He worried his criminal record would get in the way of securing a visa to work abroad. Eventually, he connected with an attorney at Oakland-based Root & Rebound, who helped him petition the court. The process took about four months, and in mid-October his record was cleared.

"There was a certain disservice being done," Justin, 33, said. "Not only was it not automatic, there was never any transparency about the process."

It took San Diego County Superior Court until the end of September — more than a year and a half — to finish reviewing 35,662 records. Nearly 26,000 of those convictions were felonies. During the pandemic, creating virtual courtrooms, electronic filing and livestreaming hearings "have taken priority and resources," court spokeswoman Julie Myres said in an email.

But by mid-November, none of the cases had been sent to the Department of Justice to update its criminal history database, officials said. Since then, the department said it assisted San Diego on its first successful transmission. (San Diego recently sent 25,550 cases to the Justice Department, officials said.)

San Diego received \$2.196 million from the state in anticipation of requiring extensive clerical resources for the marijuana records, but the court only spent about \$28,000, according to Judicial Council data. The court created computer programs that nearly eliminated the need for clerks, Myres said, and the leftover money will be returned to the state.

In December, the state Department of Justice sent out a [bulletin](#) imploring prosecutors and courts to speed up.

"We urge prosecuting agencies and courts to prioritize implementation of the cannabis resentencing process ... so Californians can promptly obtain the relief to which they are entitled under the law," the bulletin said.

Bonta said his agency is reaching out to the courts to offer resources and support to "make sure there's clarity on the system."

"We're learning from this how better systems can lead ... to real on-the-ground impacts for real people," Bonta said. "It's an important lesson and we need to do better."



Rodriguez chats with friends at a recent Project Rebound event in Northridge. The program helps formerly incarcerated students.

(Jason Armond / Los Angeles Times)

Meanwhile, Rodriguez recently contacted the public defender's office in San Bernardino County to begin filing a petition on her own. They warned her the process would take six to eight months.

The social work licensing board application had an entire section asking her to explain her felony. Knowing the long-ago conviction will still show up in a mandatory background check, she drafted a long narrative about her marijuana arrest, her prison time, her rehabilitation and the many awards and achievements she's racked up since.

"It's a lot of work always having to explain myself," Rodriguez said. Eventually, she hoped, she wouldn't have to.

## *After Times investigation, law passed to force California to clear pot convictions faster*



Assemblymember Mia Bonta, middle, walks to a podium to speak between Gov. Gavin Newsom, left, and Oakland Mayor Libby Schaaf at Asian Health Services in Oakland on Oct. 27, 2021.

(Jeff Chiu / Associated Press)

By **Kiera Feldman** Staff Writer

Sept. 22, 2022 2:05 PM PT

California has new deadlines to dismiss and seal many cannabis convictions under a law signed this week by Gov. Gavin Newsom.

The move comes after [a Times investigation](#) found that tens of thousands of Californians still have felonies, misdemeanors and other cannabis convictions on their records. Despite [a 2018 law](#) that required the state to clear cannabis convictions, many counties have moved at glacial speeds. Some superior courts haven't fully processed a single case, The Times found.



## CALIFORNIA

**California was supposed to clear cannabis convictions. Tens of thousands are still languishing**

**Jan. 13, 2022**

“It is unimaginable and unacceptable that years after we legalized cannabis, Californians are still waiting to get their records cleared,” the bill’s author, Assemblymember Mia Bonta (D-Alameda), said in a statement. “We have a moral obligation to get this right.”

The new law gives the courts a deadline of March 1 to update case records and transmit them to the state Department of Justice, which maintains California’s criminal history database and responds to background checks. The state DOJ must modify its records by July 1.

The change will fix “implementation gaps” of the 2018 law, Bonta said. The Times investigation found that at least 34,000 marijuana records have not been fully processed by the courts.

State lawmakers voted unanimously for the [legislation](#), citing The Times investigation in [analyses](#) earlier this year.





## CALIFORNIA

### New bill takes aim at California's slow progress clearing pot convictions

**Jan. 26, 2022**

The bill's sponsor is the Last Prisoner Project, which advocates for cannabis criminal justice reform nationwide. In a statement, the group's state policy director, Gracie Burger, said the law represents "accountability for the racist origins of cannabis prohibition."

"Californians who would not be guilty of any crime today still suffer the weight of old marijuana convictions," Los Angeles County Deputy Public Defender Nick Stewart-Oaten said in a statement.

"We applaud the Legislature and governor for taking immediate action to give these men and women back their lives," said Stewart-Oaten, a board member of the California Public Defenders Assn.

Kate Weaver Patterson, the deputy director of national programs at Root & Rebound in Oakland, also commended the passage of the legislation.



California’s legalization of recreational cannabis in 2016 ushered in a multibillion-dollar industry estimated to be the largest legal weed market in the world. But many of the promises of legalization have proved elusive. In a series of occasional stories, we’ll explore the fallout of legal pot in California.

[Read the stories](#)

“Thousands of Californians have borne the brunt of a criminal record for longer than they should, which impacts their livelihood in deep and long-lasting ways, in areas like housing, employment and family stability,” Weaver Patterson said in a statement.

Court officials blamed a combination of factors for delays, including COVID-19, staffing shortages, outdated case management systems, old records that require manual review and technical issues.

The delays are not, however, for a lack of funding, The Times reported. The courts received [\\$16.83 million](#) in state funds for processing records.

When California voters legalized cannabis for recreational use in 2016, one promise was the creation of a legal pathway through the courts for clearing many old marijuana-related convictions or reducing them to a lesser charge.



## CALIFORNIA

### The reality of legal weed in California: Huge illegal grows, violence, worker exploitation and deaths

**Sept. 8, 2022**

It was a step championed by reform advocates, meant to right many of the injustices inflicted by the nation's war on drugs that was disproportionately waged on poor people and communities of color.

The 2018 law, [AB1793](#), was supposed to clear past cannabis convictions en masse, doing away with the need to file individual court petitions — an onerous process that few Californians undertook, whether for lack of resources or awareness it was an option. The burden was placed on the state to automate the process of identifying eligible cases, updating records and dismissing and sealing many of them so they do not appear on background checks.

The law was the [first in the nation](#) to offer automatic record clearance for marijuana convictions.

The delays in clearing drug charges can have dire consequences for those seeking employment, professional licensing, housing, loans and other instances in which background checks are required.



## **CALIFORNIA**

### **Legal Weed, Broken Promises: A Times series on the fallout of legal pot in California**

**May 5, 2023**

Under the new law, the state DOJ and the Judicial Council, which oversees the superior courts, will be tasked with collecting data on cannabis record clearance statewide and issuing regular public reports. The state DOJ also will lead a public awareness campaign so people will know their records have been updated and they no longer have to disclose convictions.

California has “fallen short of [the] promise” of Proposition 64, Bonta said. The new law will “guarantee individuals are not denied opportunities to succeed in life because of minor cannabis records.”

## ***Prosecutors move to clear 54,000 marijuana convictions in California***



Los Angeles County Dist. Atty. Jackie Lacey speaks during a news conference to announce a partnership with a tech non-profit regarding marijuana-related convictions.

(Katie Falkenberg / Los Angeles Times)

By [Alene Tchekmedyian](#) Staff Writer

April 1, 2019 6 PM PT

After recreational marijuana was legalized in California, prosecutors in Los Angeles County expected a “tsunami” of petitions from people looking to clear their old criminal records.

But the process turned out to be cumbersome and difficult to navigate, so most people didn’t even try.

“Frankly, very few people took the legal action required to clear their records,” L.A. County Dist. Atty. Jackie Lacey said at a downtown news conference Monday. “And yet, the will of the voters was clear.”

In a move to carry out that will, prosecutors in L.A. and San Joaquin counties announced plans to automatically dismiss or reduce some 54,000 marijuana-related

convictions, part of a [growing movement](#) to offer a clean slate to Californians hamstrung by their past now that pot is legal.

An estimated 50,000 convictions in L.A. County and 4,000 more in San Joaquin County are eligible. It's unclear how far back those convictions go, but many involve possessing a small amount of marijuana and could date back decades. Prosecutors and public defenders are still working out how to notify people of the changes to their records.

The effort is part of a partnership with Code for America, a nonprofit tech organization that developed a computer algorithm to quickly analyze county data to determine which cases are eligible to be cleared under Proposition 64.

Prosecutors said decades of drug enforcement disproportionately targeted minorities. Studies have shown that people of color are more likely to be arrested and punished in connection with marijuana offenses, even though whites, blacks and Latinos use and sell marijuana at similar rates. The result, critics say, is a cycle of poverty and incarceration that has kept many minorities from getting jobs, going to school or finding housing.

A [2016 study](#) found that although African Americans make up just 6% of California's population, they account for almost a quarter of those serving jail time exclusively for marijuana offenses.

“Those past harms were passed from generation to generation,” San Joaquin Dist. Atty. Tori Verber Salazar said. “This allows us to go back and correct those mistakes.”

Salazar said her office slogged through a similar process without using technology to clear eligible convictions under Proposition 47, a 2014 law that reduced some low-level, non-violent offenses from felonies to misdemeanors. It took four years to process 26,000 cases, she said, at a cost of \$2.5 million.

Code for America's algorithm, she said, mined through the data in 12 seconds. She estimated the technology would save the county \$1 million in time and resources.

At marijuana dispensaries in Southern California, Monday's announcement was well-received.

“Now people who will have their convictions cleared can go back to living a normal life,” said Molly Collins, a 29-year-old budtender at Green Goddess Collective in Venice. “This is how we’re seeing L.A. make better changes.”

In February, San Francisco became the first to take on such an initiative, pledging to [clear 9,300 convictions](#) dating back decades as part of a sweeping effort to rethink “the war on drugs.”

Talks are underway to expand the program to other California counties, as well as other states where marijuana has been legalized.

Proposition 64 legalized, among other things, the possession and purchase of up to an ounce of marijuana and allowed people to grow up to six plants for personal use.

Under the measure, people convicted of marijuana possession can petition to have those convictions expunged if they don’t pose a risk to public safety. People also can petition to have some crimes reduced from a felony to a misdemeanor, including possession of more than an ounce of marijuana by a person who is 18 or older.

Nearly 60% of voters in Los Angeles County supported the measure.

Lacey, who is up for reelection next year, said in the past that her office would not automatically dismiss or reduce marijuana convictions and that people seeking to clear their records should do so using the courts.

But the Code for America software could prove useful as California continues to pursue criminal justice reforms, she said Monday.

It was uncertain when all the marijuana convictions would be cleared. A measure signed into law by Gov. Jerry Brown last year mandates that the state compile a list of all Californians eligible to have crimes expunged under Proposition 64 by July 1, with the goal of having all past marijuana-related convictions reduced or cleared in the state by 2020.

Code for America has its own goal — to expand the pilot program to more California counties and clear 250,000 convictions by the end of this year. The organization has previously delved into the realm of criminal justice, in 2016 creating Clear My Record, an online application that connects people with lawyers to clear criminal records across California.

“We never intended to punish people for life for crimes that are this minor, or that we no longer view as crimes,” said Jennifer Pahlka, founder and executive director of Code for America.

As the medicinal and recreational use of marijuana has gained wider acceptance across the nation, lawmakers in a number of states have been wrestling with how to remove marijuana convictions from people’s records.

Missouri lawmakers are considering a bill that would expunge convictions for medical marijuana patients, as it is now legal there for medicinal use. In New York, where the governor has proposed legalizing recreational pot use, officials are exploring a means of possibly expunging or sealing conviction records.

Priscilla Vilchis, owner and CEO of a medicinal and recreational marijuana cultivation company in Las Vegas and Lynwood, said the change will create more job opportunities.

“Many people have not been able to apply or even qualify for jobs in this industry,” Vilchis, 32, said. “This helps not only the entrepreneur, but the people who will now be able to apply for these jobs. This is going to put food on their table.”

*Times staff writers Alexa Diaz and Joseph Serna contributed to this report.*



# *The truth about California's promise to clear marijuana convictions*



Thousands of Californians still have marijuana-related convictions on their records, a Times investigation found. Above, a cannabis plant at a grow in Gardena.

(Associated Press)

By [Justin Ray](#)

Jan. 18, 2022 5:30 AM PT

Good morning, and welcome to the Essential California [newsletter](#). It's Tuesday, Jan. 18. I'm Justin Ray.

When California voters legalized cannabis for recreational use in 2016, there also was a push to create a process for clearing many past marijuana-related convictions or reducing them to a lesser charge.

It was exciting news for reform advocates, who hoped the move would help to unravel the legacy of the nation's war on drugs, which was disproportionately waged on poor people and communities of color.

Well, things haven't gone according to plan.

Despite a [2018 law that was meant](#) to speed up and automate the process, tens of thousands of Californians still have pot-related felonies, misdemeanors and other convictions on their records, a [Los Angeles Times investigation](#) found.

“At least 34,000 marijuana records still have not been fully processed by the courts, according to an analysis of data provided by court officials throughout the state. The number was more than twice that in August, before The Times began questioning the slow processing times,” according to the report.

These marks on people's records, of course, can torpedo efforts to get jobs, professional licenses, housing, loans and other situations in which background checks are required.

California Atty. Gen. Rob Bonta, who wrote the law to clear criminal records while he served in the state Legislature, acknowledged problems with its implementation.

“It's not acceptable. It's taking too long,” Bonta told The Times in an interview.

[The Times identified the area in California with the lowest clearance rate](#) and explored the barriers to speeding up the process.

Related reading:

[Illegal pot invades California's deserts, bringing violence, fear, ecological destruction.](#)

Before his corpse was dumped in a shallow grave 50 miles north of Los Angeles, Mauricio Ismael Gonzalez-Ramirez was held prisoner at one of the hundreds of black-market pot farms that have exploded across California's high desert in the last several years, authorities say.

And now, **here's what's happening across California:**

*Note: Some of the sites we link to may limit the number of stories you can access without subscribing.*

## ***Maryland governor signs order pardoning more than 175,000 marijuana convictions***



Maryland Gov. Wes Moore signs the executive order Monday with Maryland Secretary of State Susan Lee at his side and other state officials and criminal justice advocates behind him.  
(Brian Witte / Associated Press)

**By Brian Witte**

June 17, 2024 11:04 AM PT

ANNAPOLIS, Md. —

[Maryland Gov. Wes Moore](#) ordered more than 175,000 pardons for marijuana convictions on Monday, saying the “most sweeping state-level pardon in any state” will help reverse harms from the past caused by the war on drugs.

During a news conference, Moore said the executive order will affect “tens of thousands of Marylanders” convicted of misdemeanors. Some may have had more than one conviction pardoned through the process.

“We are taking actions that are intentional, that are sweeping and unapologetic, and this is the largest such action in our nation’s history,” Moore, a Democrat, said.

Though the pardons will not result in anyone being released from incarceration — nor will they result in having past convictions automatically expunged from a person’s background check — advocates praised the move as a way of removing barriers to housing, employment or educational opportunities based on convictions for conduct that is no longer illegal.

Heather Warnken, executive director of the University of Baltimore School of Law Center for Criminal Justice Reform, described the pardons as “a win for thousands of Marylanders getting a fresh start to pursue education, employment and other forms of economic opportunity without the stain of a criminal conviction.”



## **WORLD & NATION**

### **Wes Moore sworn in as Maryland’s first Black governor**

**Jan. 18, 2023**

Recreational cannabis was legalized in Maryland in 2023 after voters approved a constitutional amendment in 2022 with 67% of the vote. Maryland decriminalized possession of small amounts of cannabis for personal use on Jan. 1, 2023. Now, 24 states and the District of Columbia have legalized recreational cannabis.

“This is about changing how both government and society view those who have been walled off from opportunity because of broken and uneven policies,” Moore said.

He said “legalization does not turn back the clock on decades of harm that was caused by this war on drugs.”

Moore continued: “It doesn’t erase the fact that [Black Marylanders](#) were three times more likely to be arrested for cannabis than white Marylanders before legalization. It doesn’t erase the fact that having a conviction on your record means a harder time with everything, everything, from housing to employment to education.”

Shiloh Jordan, who lost his job on his second day at work after a minor cannabis conviction appeared in a background check by his employer, attended the news conference. Moore noted that even though Jordan went back to college and now works for the Center for Urban Families in Baltimore, he still had the cannabis conviction on his record.

“Well today, that ends,” Moore said.



**CALIFORNIA**

## **After Times investigation, law passed to force California to clear pot convictions faster**

**Sept. 22, 2022**

Jordan said he was thankful that his experience could be used as a testimony “and offer a lot of change for the people of Maryland.”

“It means a lot, because I know a lot of people that have been convicted for petty cannabis charges, and it really affected their whole way of life and their whole way of thinking,” Jordan said.

Maryland Atty. Gen. Anthony Brown, who attended the news conference, said the action was “long overdue.”

“As a nation, we have taken far too long to correct the injustices of a system that is supposed to be just for all.”

The attorney general also noted the magnitude of the governor’s actions, and he said it was about equity.

“It’s about racial justice. While the order applies to all who meet its criteria the impact is a triumphant victory for African Americans and other Marylanders of color who were disproportionately arrested, convicted and sentenced for actions yesterday that are lawful today.”



**WORLD & NATION**

## **U.S. drug control agency will move to reclassify marijuana in a historic shift**

**April 30, 2024**

More than 150,000 misdemeanor convictions for simple possession of cannabis will be affected by the order, which also will cover more than 18,000 misdemeanor convictions for use or possession with intent to use drug paraphernalia, according to a summary by the governor's office.

Now that Moore has ordered the pardons, the Maryland judiciary will ensure the individual electronic docket for each case is updated with an entry indicating the conviction has been pardoned by the governor, a process that should take about two weeks, the governor's office said.

The governor's order also directs the state corrections department to develop a process to indicate a pardon in an individual's criminal record, a process expected to take about 10 months to complete.

The pardons absolve people of the guilt of a criminal offense, and individuals do not need to take any action to be pardoned.

A pardon is different from an expungement. Although the judiciary will make a note on the record that the offense has been pardoned, it will still show on the record. Expungement is a process that lets a person ask the court to remove certain kinds of court and police records from public view.

*Witte writes for the Associated Press.*

# ***Biden pardons thousands convicted of marijuana charges on federal lands and in Washington***



A demonstrator waves a flag with marijuana leaves depicted on it during a protest calling for the legalization of marijuana outside of the White House.

(Jose Luis Magana / Associated Press)

**By ZEKE MLLER**

Associated Press

Dec. 22, 2023 10:06 AM PT

WASHINGTON —

President Biden pardoned thousands of people who were convicted of use and simple possession of marijuana on federal lands and in the District of Columbia, the White House said Friday, in his latest round of executive clemencies meant to rectify racial disparities in the justice system.

The categorical pardon builds on a similar round issued [just before the 2022 midterm elections](#) that pardoned thousands convicted of simple possession on federal lands eligible. Friday's action broadens the criminal offenses covered by the pardon. Biden is also granting clemency to 11 people serving what the White House called "disproportionately long" sentences for nonviolent drug offenses.



Biden, in a statement, said his actions would help make the “promise of equal justice a reality.”

“Criminal records for marijuana use and possession have imposed needless barriers to employment, housing, and educational opportunities,” Biden said. “Too many lives have been upended because of our failed approach to marijuana. It’s time that we right these wrongs.”

No one was freed from prison under last year’s action, but the pardons were meant to help thousands overcome obstacles to renting a home or finding a job. Similarly, no federal prisoners are eligible for release as a result of Friday’s pardon.

But the order expands the grounds on which pardons are issued. In the last round, people were pardoned for simple possession under only one criminal statute. Friday’s pardons also apply to several other criminal statutes, including attempted simple possession.

Biden’s order applies only to marijuana, which has been decriminalized or legalized in many states for some or all uses, but remains a controlled substance under federal law. U.S. regulators are studying [reclassifying](#) the drug from the category of drugs deemed to have “no currently accepted medical use and a high potential for abuse,” known as “Schedule I,” to the less tightly regulated “Schedule III.”

The pardon also does not apply to those in the U.S. unlawfully at the time of their offense.

Biden’s proclamation effectively pardons the covered people, but they will need to submit applications to the Justice Department’s pardon attorney office to receive certificates of pardon that can be used for housing and employment purposes.

Biden on Friday reiterated his call on governors and local leaders to take similar steps to erase marijuana convictions.

“Just as no one should be in a federal prison solely due to the use or possession of marijuana, no one should be in a local jail or state prison for that reason, either,” Biden said.

# ***California promised 'social equity' after pot legalization. Those hit hardest feel betrayed***



Ingrid Archie, 40, once dreamed of opening a cannabis shop in South L.A. But the process ultimately left her feeling demoralized. (Christina House / Los Angeles Times)

By **Marisa Gerber** Staff Writer

Jan. 27, 2022 5 AM PT

The very thing that had once torn Ingrid Archie from her daughters and led to her incarceration now made her bubble with unbridled optimism.

It was early 2019, a year after recreational [pot sales began](#) in California under Proposition 64, and politicians and activists were proclaiming that Archie and others who grew up in communities disproportionately criminalized by the “war on drugs” could now profit off the legal cannabis industry as entrepreneurs.

Buoyed by that promise — “social equity,” as it became known — Archie, then in her late-30s, began the process of applying for a retail cannabis license. Years earlier, she’d been

convicted of possessing pot for sale. Now, she dreamed of opening a holistic community center in South L.A. that would sell edibles, hold homeownership seminars and provide mental health services. Finally, she thought, a pathway to generational wealth for many in her community.

But Archie hit one bureaucratic hurdle after another. Other equity applicants hired attorneys with expertise in navigating the new cannabis regulations, but she couldn't afford a \$10,000 retainer.

“My life was shattered for something that's now legal, and now I have to jump through hoops?” she said. “I felt demoralized.”



While applying for a cannabis license, Ingrid Archie hit one bureaucratic hurdle after another. (Christina House / Los Angeles Times)

Five years after California voters legalized recreational cannabis for adults, many cities and counties have yet to adopt programs to boost the chances of success for hopeful Black and Latino cannabis entrepreneurs. In places that have, those programs have been plagued by a lack of funding, shifting requirements and severe delays in processing applications, often creating additional hardships and roadblocks instead of removing them.

A Times review of state data found that equity applicants represented only a small fraction — less than 8% — of all people granted cannabis licenses through the end of 2020 in several of the state's largest jurisdictions.

In addition, local officials around the state created different regulations for licensing cannabis businesses and meeting social equity qualifications. So far, existing medical pot dispensaries and established cannabis chains with vastly more experience and resources are frequently winning out. Even city leaders and officials in charge of clearing a pathway for more inclusion acknowledge the programs have struggled.

As a result, a process intended to atone for past wrongs has, for many, made their lives distinctly harder, shattering their stability, wiping out their life savings and jeopardizing homes and property.

A major impediment was the requirement in Los Angeles and other areas that applicants secure property before applying for licenses. As the process became mired in bureaucratic delays, many were stuck paying thousands of dollars a month on empty buildings, prompting some applicants to refinance homes and borrow from relatives.

“People had dreams and hopes of building generational wealth,” said Bonita Money, founder of the L.A.-based National Diversity and Inclusion Cannabis Alliance. “And it’s done just the opposite. It’s ruining lives at this point.”



California’s legalization of recreational cannabis in 2016 ushered in a multibillion-dollar industry estimated to be the largest legal weed market in the world. But many of the promises of legalization have proved elusive. In a series of occasional stories, we’ll explore the fallout of legal pot in California.

[Read the stories](#)

In 2018, then-Gov. Jerry Brown signed into law the California Cannabis Equity Act, a measure designed to provide those most harmed by cannabis prohibition “assistance to enter the multibillion-dollar cannabis industry as entrepreneurs or as employees with high-quality, well-paying jobs.”

The law — [Senate Bill 1294](#) — cited state Department of Justice data from 2006 to 2015 showing that Black Californians were five times more likely to be arrested for cannabis felonies than white Californians despite using and selling cannabis at similar rates. During the same period, Latinos were 35% more likely to be arrested for cannabis crimes than white people.

While the law didn't mandate that cities establish equity programs — and many have not — it paved the way for doling out millions in state funds to those that did. But the ambition of the legislation quickly pushed up against the realities of a limited market already saturated with illegal sales and a few big cannabis companies. Before long, many industry experts say, it became clear that the same people who typically win in other industries — those with the most social, political and economic capital — were winning here too.

Sixteen cities and counties had issued licenses to a combined 203 equity applicants through December 2020, according to a Times review of data in a recent [report to state lawmakers](#). At the same time, 2,355 non-equity applicants got licenses. Many of those went to preexisting medical marijuana dispensaries. Some jurisdictions had not issued a single equity license.

As of early January, officials in Palm Springs and Long Beach said their cities each had one equity cannabis business; San Francisco had 18; Sacramento, 19; and Oakland, 186. And across huge swaths of the state there are no social equity programs, although officials in San Diego are [developing](#) one.

In Mendocino County, which has received more than \$3 million from the state for equity efforts, no applicant had met all the eligibility criteria, including having a very low income, according to a [recent report](#) from the California Cannabis Industry Assn. In Oakland, [which created the nation's first equity](#) program more than four years ago, 63% of equity applicants who responded to [a recent survey](#) said the gross receipts of their business the previous year had been less than \$50,000. And the [city has begun sending](#) delinquent notices to collect on unpaid loans.

The cannabis industry report found that social equity programs were not working as intended and urged the Legislature to create an oversight commission that would include cannabis business owners and community members.

This month, the state's Department of Cannabis Control began distributing \$100 million approved by the [Legislature](#) — including \$22 million earmarked for Los Angeles — to help businesses transition temporary licenses to annual ones, which will require costly and complex environmental reviews.

In Los Angeles, which has received more than \$9 million from the state for its equity program, 1,270 temporary licenses — 358 of them equity — had been granted through mid-January. Some of the licenses are for retail shops, but others are for cultivation, manufacturing and distribution.

Los Angeles' program has had several widely publicized setbacks, including long delays and several lawsuits, which some industry experts believe could have a chilling effect on similar initiatives across the country.

“A lot of other places were looking to California as a model,” Money said, adding that she believes that watching the delays and complications play out in L.A. has discouraged other jurisdictions.

Los Angeles City Council members Marqueece Harris-Dawson and Curren Price recently called for [changes to the city’s licensing practices](#), including giving the Department of Cannabis Regulation deadlines to review certain applications and update [a licensing map](#) on its website that shows pending retail cannabis businesses, as well as schools, libraries and other locations that would disqualify a shop from opening within 700 feet.

In an interview, Harris-Dawson, who represents a stretch of South L.A. that for years was disproportionately targeted for marijuana arrests, said four equity shops in his district have opened to date. Many other applicants, he said, have lost their life savings waiting.

“It’s absolutely infuriating,” he said of the gulf between the promises made to applicants and the current reality. “This is the perfect example of why no one trusts the government.”

Officials in the Department of Cannabis Regulation said in a statement that the agency has already implemented several key components of the city’s equity program.

“It’s growing and adapting to the needs of program participants,” the statement said. The department [recently drafted](#) its [own recommendations](#) in response to the City Council motion and asked for more resources and staffing. Last month, the city’s Cannabis Regulation Commission, which provides input on L.A.’s cannabis rules, voted [in support](#) of the department’s recommendations.

*It’s absolutely infuriating. This is the perfect example of why no one trusts the government.*

**— Los Angeles City Council member Marqueece Harris-Dawson**

In an interview, Cat Packer, the department’s executive director, acknowledged that there have been growing pains, but said the process has steadily improved.

The department has increased technical and financial assistance for equity applicants, she said, and has sought amendments to the city’s municipal code to refine the process. Equity in the cannabis industry requires bold, immediate and long-term strategies in both the private sector and at every level of government, Packer said.

“I don’t think we’ll soon be saying that we got it right,” she said, “but we should be able to say, ‘We’re relentless about getting it right.’”



The social equity component of cannabis reform laws proved difficult from the start.

Government programs can't consider race as an eligibility criterion under California law, so local officials crafted imperfect workarounds to determine who would qualify. The program in Los Angeles considers various factors — income, past cannabis arrests and long-term residency in an area with disproportionately high cannabis arrest rates — and has tightened the criteria through the years.

A consulting firm hired by the city identified police reporting districts with disproportionate arrest rates, but the City Council initially chose instead to use ZIP Codes, a less precise option [that looped in some affluent](#) and largely white areas, including Los Feliz. They later switched to police reporting districts.

Would-be equity applicants were further hindered in their attempts to obtain capital because the use and possession of cannabis is still illegal under federal law — a complicating factor industrywide, but one that is especially hard to overcome for entrepreneurs already starting from behind.

Unable to get loans from mom-and-pop banks, many hopeful entrepreneurs are left with few options other than relying on predatory investors. One local industry expert described recruiters descending on housing projects in South L.A., offering \$7,000 to people with cannabis convictions in exchange for using their name on official paperwork. And risk-averse landlords often doubled [rental rates](#) once they learned the building would house a cannabis shop.

Many entrepreneurs have gambled on the process, knowing that, for some, the industry has been lucrative — but that success is far from guaranteed, said Money of the L.A.-based cannabis alliance.

It's hard to estimate how much a typical legal pot shop in L.A. makes, Money said. It varies depending on location and marketing budget, but anywhere from \$2,000 and \$20,000 a day is not uncommon. Some businesses, undercut by the cheaper illicit market, make far less and struggle to make much of a profit at all.

“People think you're a millionaire overnight, and it's not true,” she said. “People are really just trying to stay afloat.”



Social equity applicant Kika Keith's dream of opening her own cannabis business began almost as soon as she heard about plans for legalization.

In the spring of 2018, she signed a lease for a shop on Crenshaw Boulevard, a short drive from where she grew up, and was soon locked into \$12,000-a-month rent payments — the “cannabis rate,” she calls it, for a space that, if used for another purpose, would’ve rented for about \$5,000 a month.

Then she waited and waited on a license.



Kika Keith outside her empty dispensary in 2019.

(Allen J. Schaben / Los Angeles Times)

She often struggled to square [those stressful days](#) with the sense of boundless opportunity she’d felt right after legalization, when politicians visited South L.A., sowing lofty expectations. Never again in your lifetime, Keith remembers hearing, will Black people have a chance to be at the forefront of a new industry.

Focusing on the social justice component was an effective campaign tactic, Keith said, a way to convince people who weren’t themselves cannabis users that there was a higher purpose in reforming state law and local cannabis measures.

“The deception was so egregious,” said Keith, now 50.

She still vividly recalls the time after she signed her lease and began fine-tuning her application ahead of the day now infamously referred to by many applicants as “the Race.”



The Department of Cannabis Regulation's licensing application window was set to open at 10 a.m. Sept. 3, 2019. The first 100 eligible equity applications submitted online would win an opportunity for a license.

Knowing it would likely come down to a matter of minutes or seconds, Keith and a group of other applicants rented fast computers. The application window lasted two weeks, but most applications — 656 — came within the first hour. Keith's was 144.

Frustrated applicants soon began packing into City Hall complaining about glitches, including some people obtaining access before 10 a.m. Mayor Eric Garcetti eventually called for an audit.

*The deception was so egregious.*

**— Kika Keith, owner of Gorilla Rx cannabis dispensary in Los Angeles**

Around that same time, Keith's investor pulled out because of the wait. She cobbled together money from friends and various cannabis groups, but soon fell behind on rent.

Auditors faulted the Department of Cannabis Regulation for "imprecise messaging" and [found](#) that more than 200 applicants had accessed the online platform before 10 a.m., including 14 who started their applications early. But the audit ultimately concluded that the city had taken steps to push applicants back to the proper place in line and made ["reasonable" efforts](#) to prevent unfairness in the process, leaving the applicants who lost out no better off.

Keith was stunned.

By that point, she and her investors had already shelled out \$350,000, largely on rent on an empty building. For the sake of her three daughters, Keith had long strived to live as an optimist — not to be too deeply swayed by things beyond her control. But she felt a heavy weight during that time and wondered how much longer she could hold on to her empty space.

A group she co-founded called the Social Equity Owners and Workers Assn. [sued the city](#), arguing that the process had been unfair. It ultimately [dropped the suit](#) after the city [changed its rules](#) in the summer of 2020, replacing the first-come, first-served process with a lottery system in which applicants can secure property after they've been selected. The city also tightened eligibility criteria for the lottery round, requiring that applicants have a past cannabis arrest or conviction. As part of a settlement agreement with the cannabis entrepreneurs, [the city agreed](#) to process the next 100 applications in line, which included Keith's submission.

It took several more months and intervention from her local council member before her license was finalized.

In late August, by which point she and her investors had paid out \$1.5 million, she finally opened the doors of her shop, Gorilla Rx. And on a recent afternoon, Keith, dressed in a “Black Women Get Us HIGHER” hoodie, walked around her bustling, brightly lit shop lined with shelves neatly arranged with pre-rolled joints, tinctures and cannabis-infused olive oil. Since opening five months ago, Keith said, 15,000 people have walked through the doors of her shop, an average of about 100 a day.



Kika Keith, owner of Gorilla Rx cannabis dispensary in Los Angeles, finally opened the doors to her shop in August.

(Christina House / Los Angeles Times)

“The house the people built,” she proudly calls it, for everyone who rallied around her through the process.

She’s determined to pay it forward, Keith said, by speaking with others about their in-the-works equity programs, including one in New York, and advocating for improvements to L.A.’s program, including the recent changes proposed by cannabis department officials that she supports.

Keith knows that, in many ways, her pathway to licensure was exceptional. Without her previous experience working in the food and beverage industry, which required her to navigate another highly regulated space, she doubts she would have made it this far.



Kika Keith, who owns Gorilla Rx, calls her shop “the house the people built” because of everyone who supported her through the years.

(Christina House / Los Angeles Times)

“All those people behind me probably won’t make it unless something is done,” she said. “And this has to be done right. There is a higher human rights obligation.”



It was that very obligation that initially piqued Archie’s interest in Proposition 64, leading her to speak publicly in support of the measure in several interviews at the time.

“I was the poster child,” said Archie, one of the first people in the state to have an old cannabis conviction cleared from her record under the law.

With a tangled family history of drug addiction, Archie landed in the streets as a teenager and began selling drugs to get by.

*They used people’s lives as a political ploy. It’s a damn shame.*  
— Ingrid Archie

One of the factors of eligibility for equity applicants is a conviction on a cannabis offense. But because her case had been cleared, she had no record when officials looked. Eventually, she tracked down an old probation report.

Her co-workers connected her with an investor who already had a business location to open her shop, and Archie rushed to prepare her application ahead of the Race. She ultimately placed in the 400s, she said, and since then has given up pursuing a cannabis license.

“They used people’s lives as a political ploy,” said Archie, who works as a social justice organizer. “It’s a damn shame.”



There is [another pathway](#) to getting an equity license, in which the City Council can lift caps on the maximum number of shops allowed in certain parts of the city — a step that happened in the stretch of downtown where Crystal Ryan dreamed of opening a shop.



Crystal Ryan sued the city of Los Angeles in August, alleging it had failed to issue equity licenses for retail cannabis in a transparent manner. While waiting to hear back from city officials about the status of her application, Ryan says she noticed another cannabis location listed 550 feet from hers on the city’s licensing map.

(Brian van der Brug / Los Angeles Times)

In the fall of 2018, Ryan, a Latina who grew up in South L.A., found a retail space on Main Street in the Fashion District. The city prohibits cannabis retailers within 700 feet of one another, but when Ryan checked the licensing map on the cannabis department's website, she said she found no conflicting locations. That November she signed a \$6,450 monthly lease.

A year later and still with no license, Ryan looked at the map again and noticed another cannabis location 550 feet from hers.

Ryan entreated several city officials, including Garcetti, for help. In her email, Ryan explained that she'd already borrowed money from relatives and cashed out her 401(k), as well as college savings accounts for her sons, then ages 14 and 11 — all part of her family's goal of becoming entrepreneurs and saving up to open a family restaurant.

In July, Ryan, now 37, received an email from the cannabis department, telling her the agency couldn't move ahead with reviewing her paperwork because there was another commercial cannabis business nearby. Ryan sued the city in August, alleging it had failed to issue licenses in a transparent manner.

The cannabis regulation department declined to comment on Ryan's case, including her claim of a discrepancy on the map, and directed inquiries to the city attorney's office, which also declined to comment citing pending litigation. In court papers filed in November, the city denied several of the allegations Ryan laid out in her lawsuit and said it had complied with all laws and regulations.

The pressures have weighed on Ryan's family. Facing the financial strain of covering the rent, her husband spent sleepless nights researching cannabis regulations. Her eldest son, now 17, felt compelled to get a job at Starbucks so he could pay his own phone bill.

They've invested more than \$250,000 so far, and at one point Ryan's mother sold a plot of land she owned in Tijuana. Her grandmother, Karla Benavides, hand-made thousands of pork and cheese tamales to sell. The family's plan was to use profits from the cannabis shop to open a restaurant — Casa Tamal, they planned to call it — where Benavides' recipes would have a permanent home.

The 73-year-old said she supports and understands her granddaughter's dream.



Crystal Ryan, left, and her grandmother Karla Benavides are photographed at Benavides' home in South Los Angeles. Benavides made thousands of pork and cheese tamales to help cover the growing costs of starting Ryan's cannabis business. (Brian van der Brug / Los Angeles Times)

When Benavides was diagnosed with Stage 3 ovarian cancer a few years ago, she avoided many of the ill effects of chemotherapy, a blessing she attributes to the cannabis-infused tinctures her granddaughter purchased for her.

“All of our savings, everything we had, is gone,” Benavides said through tears from her South L.A. home. “They deceived us. And there are other people like us — people who had hope and put everything in and lost everything.”

A devout Catholic, she often asks the Virgen de Guadalupe to give her strength, and repeats a phrase like a mantra: *La esperanza muere al último*.

Hope dies last.

# ***Why legal weed is one of the most successful — yet disappointing — social movements***



A member of the San Bernardino County sheriff's Marijuana Enforcement Team destroys cannabis plants while raiding an illegal operation in Phelan, Calif. Access to the legal weed market has been patchy nationwide.

(Brian van der Brug / Los Angeles Times)

**By Joseph Mello**

June 25, 2024 9:38 AM PT

Cannabis prohibition remains central to America's failed war on drugs — upwards of half a million people were arrested for a cannabis offense in the U.S. in 2018, accounting for more than 43 % of all [drug arrests](#).

But times are changing: Cannabis reform is one of the most successful social movements in recent memory. Today, [24 states](#) and Washington, D.C., allow cannabis for adult use. Although the drug remains prohibited at the federal level, the Biden administration recently began the process of [reclassifying cannabis](#) as a less dangerous substance (going from Schedule I to Schedule III). This will dramatically loosen federal restrictions on the U.S. cannabis industry, which is forecast to generate more than [\\$30 billion](#) in retail sales in 2024.

Yet legal cannabis has been something of a disappointment. High barriers to entry prevent many small-business owners from breaking into the industry. A 2023 survey found that less than [25%](#) of U.S. cannabis businesses are profitable, with most of the money going to a small group of [large multistate corporate operators](#) led by predominantly white ownership groups. A 2021 report found that less than [2%](#) of U.S. cannabis business owners are Black.

These are the somewhat predictable outcomes of concessions cannabis activists made to the business community. States that have yet to pursue legal cannabis should take heed of the dangers of these compromises, or they will end up replicating the very power dynamics that legalization was supposed to disrupt.

Equity has always been a priority for some legal cannabis activists. Washington state legalized cannabis for adult use in 2012 with a law drafted by a small team of local activists and supported by the American Civil Liberties Union. Advocates were primarily concerned with protecting small independent operators, including protections such as residency requirements for cannabis license holders, caps on the number of licenses owned and tight limits on the amount of “canopy” a cannabis cultivator was permitted to grow. This has allowed small operators to gain a larger share of the market in Washington than in [other states](#).

But by the time California legalized cannabis in 2016, corporations had come to realize the enormous profit potential of legal weed. Local activists spent years drafting a progressive legalization initiative in California that included many of the same protections implemented in Washington. This effort was backed by prominent national cannabis advocacy groups such as the Drug Policy Alliance and the Marijuana Policy Project. Before they could qualify their amendment for the ballot, however, Silicon Valley billionaire Sean Parker backed another legalization campaign with [\\$8.5 million of his own money](#). Some groups pulled funding from the older draft legislation and pressured local activists to support the new, better-resourced campaign instead, which led to a more business-friendly bill without residency requirements or license caps.

In other states, activists have tried to develop consumer- and patient-focused legalization bills. Michigan’s cannabis industry, for example, enjoys relatively low barriers to entry, making it easier for small operators to establish themselves, increasing competition and lowering costs for consumers. This came about only because local activists resisted corporate influence. In the run-up to the 2018 Michigan campaign, they were pressured to draft a business-friendly cannabis legalization bill by national groups and corporate donors seeking the same types of market advantages enjoyed in California. They bucked the pressure and as a result lost a considerable amount of financial support; on average, pro-legalization ballot measure campaigns outraise their opponents by [more than 400%](#), but in Michigan



campaign spending was [much closer](#). Voters still overwhelmingly supported the bill.

Even so, Michigan has struggled with one of the most stubborn challenges of legalization: racial equity. A [2021 study](#) found that just about 3.8% of cannabis business owners in Michigan were Black and only around 1.5% were Latino.

Some states have been experimenting with ways to address these concerns, with mixed results. In 2019 [Illinois](#) became the first state to build specific racial equity provisions into its [cannabis law](#), creating a social equity applicant system, providing technical and financial assistance to first-time business owners and distributing 25% of cannabis tax receipts to communities disproportionately affected by the war on drugs. A [recent report](#) estimates that 27% of legal cannabis business owners in Illinois are Black — but only 5% identify as Latino, and 3% as Asian.

New York's cannabis law, passed in 2021, followed in Illinois' footsteps and has been hailed as the [most progressive](#) cannabis law instituted, with a goal of awarding at least [50%](#) of its cannabis licenses to equity applicants. But delivering on that promise has so far proved elusive. After the New York cannabis market gained momentum this year, the [initial results](#) have been disappointing for equity advocates.

Still, these more progressive laws make achieving equity easier. Among the biggest barriers for people of color seeking to enter the industry are excessive regulations and fees, which tend to [disproportionately affect small operators](#). Passing reforms has been challenging because stakeholders that benefit from the current system fight hard to protect their piece of the market, even when the regulations they are protecting make little practical sense.

And the reforms that make it face an uphill battle. In Washington, activists finally [passed reforms](#) designed to help equity applicants succeed in the cannabis industry in 2020, eight years after marijuana was legalized in that state. Yet in recent years, the percentage of the state's cannabis business owners who are Black [has been stuck at 4%](#).

It may be too late to prevent corporate domination of the cannabis industry. The California market is already showing the effects of [consolidation](#): The number of cannabis licenses in the state has fallen from a high of 18,000 to 4,000. Where Californians once had about 6,000 cannabis brands to choose from, now only 1,600 are sold legally in the state. A [2022 L.A. Times analysis](#) found that the 10

companies with the largest growing operations in California hold 22% of the state’s cultivation licenses.

But the beer industry suggests it is possible to secure more for the small operators who are [more likely](#) to be people of color. Independently operated craft breweries have grown their market share, hitting the small but significant level of [13%](#) in 2021.

If legal cannabis isn’t pushed in a more diverse and progressive direction, it will fail to deliver the social change that motivated many activists to pursue it in the first place.

*[Joseph Mello](#) is an associate professor of political science at DePaul University and author of, most recently, “[Pot for Profit: Cannabis Legalization, Racial Capitalism and the Expansion of the Carceral State.](#)”*

## *Inside California's pot legalization failures: Corporate influence, ignored warnings*



Patrons view products promoted by former boxer and cannabis entrepreneur Mike Tyson on display in 2021 at Planet 13 dispensary in Santa Ana.

(Allen J. Schaben / Los Angeles Times)

By **Patrick McGreevy**

Sept. 22, 2022 5 AM PT

SACRAMENTO —

Architects of the effort to [legalize pot in California](#) made big promises to voters.

But six years later, California's legal weed industry is in disarray with flawed policies, legal loopholes and stiff regulations hampering longtime growers and sellers. Despite expectations that it would become a model for the rest of the country, the state has instead provided a cautionary tale of lofty intentions and unkept promises.

Compromises made to win political support for Proposition 64, the 2016 initiative to legalize cannabis, along with decisions made after it was approved by voters that year, unleashed a litany of problems that have undermined the state-sanctioned market.

At the root of the failure: an array of ambitious, sometimes conflicting goals.

California officials vowed to help small farmers thrive but also depended on the support of big cannabis operators backed by venture capital funding, who helped proponents of Proposition 64 raise \$25 million and won a key concession after its approval. The result was a licensed recreational cannabis system that benefited large companies over smaller growers who are now being squeezed out of the market.



Members of the Siskiyou County marijuana task force weigh cannabis plants after cutting them down at an illicit grow in Mount Shasta Vista in 2021.

(Brian van der Brug / Los Angeles Times)

The state set out to simultaneously cripple illegal operators and reduce marijuana-related criminal penalties to address racial injustices imposed by the long-running “war on drugs.” Far from reducing illegal weed, those efforts instead allowed the black market to flourish after legalization with the help of organized crime operations that run massive [unlicensed farms](#) and [storefront dispensaries](#) in plain view, bringing crime and terrorizing nearby residents. And those raided by police are often up and running again within weeks or days.



An undercover Los Angeles County sheriff's deputy loads two evidence bags into a van after raiding an illegal marijuana dispensary in Compton in 2018. Despite pot being legal in California, the black market dominates sales because of Proposition 64's unintended consequences.  
(Jae C. Hong / Associated Press)

While making legal pot available across the state, officials created regulatory loopholes that allowed large swaths of California to ban marijuana sales. Though voters approved legalization, cities and counties have been skittish: Most rejected allowing cannabis businesses in their jurisdictions, resulting in only a fraction of the predicted number of licensed dispensaries operating.

A glut of cannabis produced by licensed and unlicensed farmers has driven down what small farmers can get for their crops, resulting in many facing financial ruin. Licensed businesses complain of stifling taxes and high overhead costs.

Many of the serious problems the state now faces were predicted seven years ago by a blue ribbon commission chaired by Gavin Newsom, then California's lieutenant governor.



A bud tender helps Samanta Cubas and Jonathan Quevedo with marijuana products at the Bonafide California cannabis dispensary in Maywood in July.

(Gary Coronado / Los Angeles Times)

The commission urged restraint on taxing the legal market and limits on licensing to prevent big corporate interests from dominating the industry. The panel, which included law enforcement and civil liberties activists, also recommended robust enforcement, particularly against large illegal growing operations.

This is the story of how the promise of Proposition 64 went so wrong, and how the state's grand vision proved so elusive.



It was a sweltering afternoon in 2015 when Newsom and other members of his blue ribbon commission faced hundreds of anxious cannabis growers and sellers inside the Redwood Playhouse, a small theater in Garberville.

The meeting was held a year before Californians would vote to legalize recreational cannabis, and pot farmers at the Humboldt County gathering gave the panel a preview of the potential problems to come.

Small-scale growers, including second-generation farmer Jonathan Baker, told Newsom they were worried about surviving under the state legalization plan.

“We just do not want to see our livelihoods stolen from us,” Baker said.

Newsom told the farmers that he was sympathetic to their plight and warned that deep-pocketed special interests were already at work in Sacramento.



Gavin Newsom, center, then California's lieutenant governor, at a 2015 public forum of the Blue Ribbon Commission on Marijuana Policy in Oakland. Six years after voters legalized recreational pot, now-Gov. Newsom says, “For too many Californians, the promise of cannabis legalization remains out of reach.”

(Michael Macor / San Francisco Chronicle via Getty Images)

“I’m in Sacramento long enough to know that the persuasion industry moves it,” Newsom told the crowd. “Folks with a bunch of money move in, and they’re writing those rules and regulations and, with respect, writing a lot of you guys out. We cannot let that happen.”

His blue ribbon commission's report released months later suggested drafters of a legalization initiative consider limiting the number of licenses issued to any one owner “to prevent the growth of a large, corporate marijuana industry dominated by a small number of players.”

State officials and backers of the initiative promised to limit farms to an acre apiece for five years to give small growers a chance to establish themselves in the legal market. As a result, Proposition 64 prohibits issuing a license for more than one acre until Jan. 1, 2023.

Once the ballot measure was approved by voters, it was up to state agencies to draft and implement the various rules that would regulate the new licensed market. It was during that process in 2017 that state agriculture bureaucrats added a last-minute loophole that allowed firms to accumulate multiple licenses if each was for less than an acre. As a result, large corporate farming operations have accumulated numerous licenses of under an acre each, putting small farms that are unable to compete at that volume out of business.

Today, the 10 companies with the largest growing operations have a combined 1,862 licenses, or 22% of the 8,338 state licenses for cultivation, according to a Times analysis of state data.

The loophole was added, after more than a month of public input, by administrators at the California Department of Food and Agriculture, drawing protests from state Sen. Mike McGuire (D-Healdsburg) and Assemblyman Jim Wood (D-Santa Rosa).

“This last minute revision rolls out the red carpet for large corporations to crush the livelihood of small family farmers who should be given a fair chance to succeed in a regulated market,” the lawmakers wrote in a letter to the department.

A Newsom administration official noted the controversial rule on licenses was added before he was elected governor. The administration told The Times that agriculture officials believed they had no authority to limit the number of licenses under an acre that an individual could obtain.

Advocates for small growers reject that explanation. They say they felt left out of rule-making discussions, and believe lobbying by corporate cannabis interests was behind it.

“The law was written by and for big money,” said Casey O’Neill, a small-scale grower in Mendocino County who was active in an association of small farmers at the time the rules were written.

O’Neill and other small farmers point to a flood of campaign contributions from cannabis cultivators, retailers and others that includes a combined \$400,000 to Newsom’s first campaign for governor, the most given by the industry to any of the candidates in the 2018 election.

One firm that now has a multi-acre farm, FLRish Inc., contributed \$10,000 to the Proposition 64 campaign and spent \$574,000 lobbying state agencies during the years regulations were drafted, approved and implemented. The firm has 23 cultivation licenses for a large farming operation in Monterey County.



People's Farming LLC received state approval for 215 cultivation licenses, allowing it to grow more than 160 acres of cannabis on the outskirts of Lemoore in Kings County. A Times reporter who visited the site was turned away by a security guard and a company representative, who declined to answer questions about the operation. The firm's top executive gave \$7,500 to Newsom's 2018 campaign for governor.

State cannabis department officials are not concerned that there are several large firms in addition to small operations, believing a diverse market is needed to meet consumer needs, said Linda Mumma Solorio, an agency spokeswoman.

She said the agency is trying to assist small farmers by providing financial help to cities that assist minority-owned businesses and by cracking down on growers who falsely claim to have grown their crops in areas known for high-quality weed.

Nicole Elliott, director of the California Department of Cannabis Control, acknowledged times remain tough for small farmers.



Nicole Elliott, director of the California Department of Cannabis Control, right, says times remain tough for small cannabis farmers. "I fear that we will lose some of them," she says.  
(Andy Colwell)

"I fear that we will lose some of them, whether they close up shop altogether or revert back into the illegal market," she said in a recent interview with The Times. "That is an area the state can do more to help remove barriers for them to participate in the legal market."

In Humboldt County alone, surveys conducted before Proposition 64 estimated that there were as many as 15,000 grow sites. As of June, there were 884 licensed cultivation operations, according to Natalynne DeLapp, executive director of the Humboldt County Growers Alliance.

Baker, the small farmer who warned Newsom of his fears about legalization's impact on his livelihood, has struggled for years to get state and local permits to grow in California.

He said he has been stymied in part by the significant expense of meeting state and local requirements, which for him include bringing power and water facilities to a remote Humboldt County property.

Cannabis flooding the market from [large grows](#) has driven down prices and made it difficult for small farms to turn a profit, he said.

As a result, Baker stopped farming in California two years ago and began growing hemp in Oregon and Wisconsin.



California was once viewed as a cannabis trailblazer.

It was the first state in the nation to authorize the sale and use of medical cannabis by approving Proposition 215 in 1996. From that point, groups that included the Drug Policy Alliance began planning to expand legalization to recreational use.

Their first attempt, Proposition 19 in 2010, drew fierce opposition from leading city councils, police chiefs and prosecutors, including then-San Francisco Dist. Atty. Kamala Harris. Voters shot down the initiative by a margin of 53% to 46%.

But the rise of the criminal justice reform movement in the years that followed galvanized support for legalization. Proponents pointed to the disproportionately high marijuana-related arrest rates of people of color, particularly Black residents.

Newsom, who says he has never used the drug, was among early supporters who argued that legalization was a vital social justice issue. He agreed to head the Blue Ribbon Commission on Marijuana Policy to study the thorny issues California would face in legalizing cannabis.

At the hearings, representatives for cities and law enforcement told the commission that any legalization measure would have to guarantee municipalities could ban pot businesses.

Those drafting Proposition 64 took note: The ballot measure was written in a way that gave cities and counties the power to veto allowing cannabis businesses within their jurisdictions. Key opponents of Proposition 19, including the League of California Cities, did not oppose Proposition 64.

That concession shaped California's legal weed market in ways that some supporters didn't anticipate.

When pot became legal here, the vast majority of communities didn't want anything to do with the drug.

Five years after the launch of legal pot, [some two-thirds of California cities prohibit](#) brick-and-mortar retail cannabis stores, according to Hirsh Jain, founder of the Ananda Strategy, a firm that advises the cannabis retail industry. Among Orange County's 34 cities, for example, Stanton, Santa Ana and Costa Mesa are the only ones that have approved retail stores.

"For too many Californians, the promise of cannabis legalization remains out of reach," Newsom said Sunday as he signed a package of bills that includes protections for the delivery of medical marijuana.

Instead of a predicted 6,000 cannabis retail stores, California has licensed only 1,200 pot shops and 597 home-delivery businesses, fewer than exist in some smaller states.

Advocates for legalization argue there are public health and safety benefits to cannabis shops operating across the state.

They note that in areas without licensed shops, residents are more likely to buy untested marijuana from illegal operations, which include those run by organized crime groups.

"Local control is a disaster [for] cannabis" in California, said Robert Solomon, a UC Irvine law professor and co-chair of the school's Center for the Study of Cannabis.



California's legalization of recreational cannabis in 2016 ushered in a multibillion-dollar industry estimated to be the largest legal weed market in the world. But many of the promises

of legalization have proved elusive. In a series of occasional stories, we'll explore the fallout of legal pot in California.

[Read the stories](#)

[Proposition 64](#) was drafted by attorney Richard Miadich, a longtime political ally of Newsom, whom the governor later appointed as chairman of the state Fair Political Practices Commission. Miadich declined to comment on whether Proposition 64 achieved his aims.

Newsom said that from the start of legalization, there was a political imperative to take into consideration the concerns of cities in drafting the initiative, and he has urged those dissatisfied with the slow growth of the legal market to be patient.

In June, he responded to criticism from the industry by announcing reforms that included eliminating a cultivation tax to ease the burden on legal farms. He also approved \$20 million in grants to cities and counties to develop and implement local retail licensing programs — an incentive aimed at encouraging more cities to embrace cannabis businesses.

“This will be a multiyear process to get that black market on the retreat, not the ascendancy, and get the retail and responsible adult-use market on steady ground,” Newsom said at the time.

Though legalization proponents say the measures are a start, many say stronger action is required by the state.

Sean Kiernan, executive director of the veterans advocacy group Weed for Warriors, has touted a proposal to also reduce the cannabis excise tax imposed on retailers from 15% to 5%, and share some of the revenue with counties and cities that allow pot shops.

Advocates for a broader market say California needs to look at other states for inspiration.

Cannabis retail stores are allowed in two-thirds of Washington's towns and 79% of those in Oregon.

In Oregon, cities where a large portion of voters supported the state legalization measure must put any proposal to ban shops to a local vote. That has happened in towns including Oregon City, where the city commission adopted a prohibition but voters rejected the ban.

Oregon has one pot shop for every 5,500 residents. In California, there is one pot shop for every 36,000 residents.



Ken Corney was the police chief in Ventura when he was asked to serve on Newsom's blue ribbon commission.

The plain-spoken Texas native remembers law enforcement warning the panel that any legalization measure had to allow for criminal prosecution of illegal growers and sellers.

The panel's 2015 report said the state should provide alternatives to incarceration for low-level offenses in the illicit market, but tough criminal penalties for large-scale traffickers and growers.

The panel feared a legal market could become a cover for illegal activity, including large-scale cultivation and distribution for sales inside or outside California, warning those problems could lead to violent crime.

However, the groups instrumental in pushing Proposition 64, including the American Civil Liberties Union and the Drug Policy Alliance, fought for significant decriminalization, seeing it as a way to end the war on drugs that had disproportionately affected minority communities.

"For many of us, this was as much about landmark criminal justice reform as it was about having access to a commercially regulated market for adult use," said Armando Gudiño, former California policy manager for the alliance.

Since legalization, illegal cultivation centers have engulfed rural communities, terrorizing local residents as heavily armed guards protect criminal enterprises that operate with near impunity, [a Times investigation reported this month](#). The farms have caused environmental damage and exploited laborers, some of whom live in squalid, sometimes deadly conditions and are cheated out of their wages.

Corney said it was a mistake to downgrade the penalty for growing cannabis from a felony to a misdemeanor, which he said has hamstrung law enforcement efforts to stop illegal grows.

"The idea that we remove the consequences, taking away felonies for illegal grows and illegal dispensaries ... has set up the black market to a large extent," said Corney, who was president of the California Police Chiefs Assn. when the initiative was debated and approved.

In contrast, states including Alaska, which legalized recreational use in 2015, maintained the ability to file felony charges in many cannabis cases.

There, legal pot made up 57% of sales last year, according to a study by BDSA, an analytics firm whose tracking data have been cited by lawmakers and regulators who have drafted pot-related laws and policies. In California, the legal market accounted for an estimated 30% of sales.

Even some longtime advocates of legalization said Proposition 64 did not provide enough tools to combat the black market.

“We could have added stiff financial penalties and restrictions on the black market,” said Assemblyman Reggie Jones-Sawyer (D-Los Angeles), a leading author of legislation to allow cannabis firms to be licensed by the state. He has supported subsequent legislation to [boost civil fines for violations](#).

The California Legislature intervened in 2019 by approving a law allowing administrative fines of up to \$30,000 per violation by an unlicensed person. The state Department of Cannabis Control has issued a citation under that law only once.

In June, the governor signed legislation to give local agencies clearer authority to fine landlords, suppliers and others who abet illegal operations.

But legal operators say the state has not been aggressive enough to combat illicit growers and dealers.

“The elephant in the room is that we are not doing anything to stop or deter illicit operations,” said Adam Spiker, executive director of the [Southern California Coalition](#), a trade group representing licensed cannabis operators.



Kevin Jodrey remembers having high hopes in 2015 when he took Newsom on a tour of remote Humboldt County farms, including his small Wonderland Nursery near Garberville.

Newsom, casually dressed in jeans and a pullover, showed keen interest in the details at the grows they visited in his black SUV, Jodrey recalled.

Seven years later, Jodrey is disappointed in what California has wrought.

He estimated it has cost him \$900,000 to comply with local and state regulations, including environmental rules that required extensive grading, installation of new culverts and other steps to keep water from leaving his property.

Many of Jodrey's neighbors have sold their small farms, he said. Jodrey let his fields sit fallow this year and last, deciding it wasn't worth trying to plant cannabis when large operators — licensed and unlicensed — have flooded the market with product and state and local governments have not approved enough retail stores to handle the supply.

“You hate to bitch about it not being fair, but the deal that was sold to us was definitely not,” Jodrey said.

Industry leaders, including trade groups and cannabis business owners, say Proposition 64 ushered in [high taxes and fees](#) that can add 40% to the retail cost of cannabis, as well as a tangled and expensive license approval process that requires costly environmental studies.

Dale Gieringer, California director for the National Organization for Reform of Marijuana Laws, said he and other supporters of Proposition 64 saw from the start that there were flaws in the initiative that could hinder the legal market.

“We certainly weren’t satisfied with the details of Prop. 64, which imposed too many restrictive, petty regulations and too many burdensome taxes,” he said.

California’s taxes for recreational weed are among the highest in the nation. A Los Angeles pot shop, for example, faces a 15% state excise tax, a 10% recreational marijuana tax imposed by the city and 9.5% in county and state sales tax.

State and local taxes are capped at 20% in Oregon, where cities cannot impose taxes greater than 3%.



Shoppers view the goods at the Artist Tree dispensary and delivery shop in West Hollywood in 2021. Unlike West Hollywood, most cities in California do not license legal pot businesses.

(Allen J. Schaben / Los Angeles Times)

In May, a coalition of some 130 cannabis businesses and advocacy groups wrote an open letter to Newsom, calling on him to “remedy the failures of Prop. 64” and “to not allow the cannabis market that pioneered our nation’s industry to further descend into bankruptcy.”

Newsom responded to the complaints in June by signing legislation that suspends the cultivation tax, but allows the state to increase the excise tax after three years to generate equivalent revenue.

Industry officials say the governor’s actions have not gone far enough, calling for him to also slash the excise tax from 15% to 5%.

Other states, such as Colorado and Washington, have high taxes but have simplified the licensing process and levy lower fees on applicants. Those hoping to improve California’s licensed cannabis system cite the two states, the first to legalize retail sales in 2012, arguing they have done better than California in developing their legal markets.

In California, the initial application fee for a retail license is \$1,000, but there are also annual state fees that depend on revenue and can amount to tens of thousands of dollars each year for a moderate-sized business, and up to \$96,000 for a large retail operation.

Washington charges a \$266 application fee for a retail license and a \$1,062 annual renewal fee. Colorado charges about \$7,400 in licensing fees, but after that the annual fee is only \$1,800.

Proposition 64 also requires operators seeking state licenses to go through a costly and time-consuming process of studying the environmental impacts of their operations and taking steps to reduce harm.

Such costs are a burden for small cannabis operations but can be absorbed more easily by large farms that are backed with money from venture capitalists.

John Casali, 53, said he is struggling to keep his small farm going, given the taxes and fees and the oversupply of cannabis from mega-farms and illegal growers.

“I think about quitting every day,” he said.

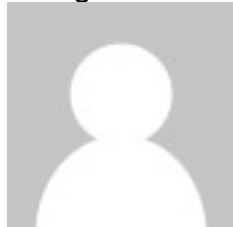


## ***Massachusetts governor adds to number of individuals eyed for pardons***

Massachusetts Gov. Maura Healey has recommended another three individuals for pardons, putting her on track to push for more individual pardons in her first year and a half as governor than her two immediate predecessors recommended in their eight years i



FILE – Massachusetts Gov. Maura Healey speaks during the inauguration of University of Massachusetts Chancellor Javier Reyes, Friday, April 26, 2024, at the Mullins Center in Amherst, Mass. Massachusetts Gov. Maura Healey has recommended another three individuals for pardons, putting her on track to push for more individual pardons in her first year and a half as governor than her two immediate predecessors recommended in their eight years in office each. (Don Treeger/The Republican via AP, file)



By [STEVE LEBLANC](#)

UPDATED: May 24, 2024 at 7:07 p.m.

BOSTONBOSTON – Massachusetts Gov. Maura Healey has recommended another three individuals for pardons, putting her on track to push for more individual

pardons in her first year and a half as governor than her two immediate predecessors recommended in their eight years in office.

It also follows approval earlier this year of Healey's blanket pardon to those convicted of [misdemeanor marijuana charges](#) going back decades – an estimated tens of thousands of individuals, or more.

Healey said the goal of the additional pardons, combined with [the sweeping cannabis pardon policy](#), is to help make the state's justice system fair and equitable. "I look forward to continuing our efforts to use the power of clemency as a tool to right the wrongs of the past and make our state stronger and safer," the Democrat said in a written statement Thursday.

Among those Healey hopes to pardon is Danis Reyes, convicted of distribution of a Class A controlled substance in 1995. Reyes has three children and three grandchildren, is an active community member and works as a local carpenter, according to Healey's office.

Another, William Veal, was convicted of receiving stolen property in 1981 when he was 21 years old. He was also convicted of assault in 1983 and conspiracy to commit larceny in 1991. Veal lives in Brockton, has 10 children and 13 grandchildren, and works as an autobody painter.

Healey has also recommended a pardon for Kenny Jean, convicted of armed robbery in 2016 when he was 18. According to Healey, Jean said that at the time, he was homeless and in desperate need of money. He has since worked to turn his life around.

Healey recommended Jean for a conditional pardon last year, which was approved. She's now recommending him for an unconditional pardon.

In Massachusetts, the governor has the authority to grant clemency for offenses violating state law – including both pardons and commutations – with the consent of the eight-member, elected Massachusetts Governor's Council.

The council has already approved 13 of Healey's [earlier pardon recommendations](#). If the newest recommendations are approved, the number of individual pardons issued under Healey since she took office as governor in January last year would increase to 16.

Healey's predecessor, former Republican Gov. Charlie Baker, recommended 15 pardons during his eight years in office. His predecessor, former Democratic Gov. Deval Patrick issued just four.

Republican Mitt Romney, who served one term, didn't pardon anyone before he left as governor in 2007. Romney served one four-year term.

# ***The drug war devastated Black and other minority communities. Is marijuana legalization helping?***

A major argument for legalizing the adult use of cannabis after 75 years of prohibition was to stop the harm caused by disproportionate enforcement of drug laws in Black, Latino and other minority communities



By **GENE JOHNSON**

UPDATED: April 20, 2024 at 4:21 a.m.

ARLINGTON, WASH. — When Washington state opened some of the nation's [first legal marijuana stores](#) in 2014, Sam Ward Jr. was on electronic home detention in Spokane, where he had been indicted on federal drug charges. He would soon be off to prison to serve the lion's share of a four-year sentence.

A decade later, Ward, who is Black, recently posed in a blue-and-gold throne used for photo ops at his new cannabis store, Cloud 9 Cannabis. He greeted customers walking in [for early 4/20 deals](#). And he reflected on being one of the first beneficiaries of a Washington program to make the overwhelmingly white industry more accessible to people harmed by the war on drugs.

"It feels great to know that I'm the CEO of a store, with employees, people depending on me," Ward said. "Just being a part of something makes you feel good."

A major argument for legalizing the adult use of cannabis was to stop the harm caused by [disproportionate enforcement of drug laws](#) that sent millions of Black, Latino and other minority Americans to prison and perpetuated cycles of violence and poverty. Studies have shown that minorities were incarcerated at a higher rate than white people, despite similar rates of cannabis use. But efforts to help those most affected participate in — and profit from — the legal marijuana sector have been halting.

Since 2012, when voters in Washington and Colorado approved the first ballot measures to legalize recreational marijuana, legal adult use has spread to 24 states

and the District of Columbia. Nearly all have “social equity” provisions designed to redress drug war damages.

Those provisions include [erasing criminal records](#) for certain pot convictions, granting cannabis business licenses and financial help to people convicted of cannabis crimes, and directing marijuana tax revenues to communities that suffered. “Social equity programs are an attempt to reverse the damage that was done to Black and brown communities who are over-policed and disproportionately impacted,” said Kaliko Castille, former president of the Minority Cannabis Business Association.

States have varying ways of defining who can apply for social equity marijuana licenses, and they’re not necessarily based on race.

In Washington, an applicant must own more than half the business and meet other criteria, such as having lived for at least five years between 1980 and 2010 in an area with high poverty, unemployment or cannabis arrest rates; having been arrested for a cannabis-related crime; or having a below-median household income.

Legal challenges over the permitting process in [states like New York](#) have slowed implementation.

[After settling other cases](#), New York — which has issued 60% of all cannabis licenses to social equity applicants, according to regulators — is facing another lawsuit. Last month, the libertarian-leaning Pacific Legal Foundation alleged it favors women- and minority-owned applicants in addition to those who can demonstrate harm from the drug war.

“It’s that type of blanket racial and gender preference that the Constitution prohibits,” said Pacific Legal attorney David Hoffa.

Elsewhere, deep-pocketed corporations that operate in multiple states have acquired social equity licenses, possibly frustrating the intent of the laws. Arizona lawmakers this year expressed concern that licensees had been pressured by predatory businesses into ceding control.

Difficulty in finding locations due to local cannabis business bans or in obtaining bank loans due to continued federal prohibition has also prevented candidates from opening stores. In some cases, the very things that qualified them for licenses — living in poor neighborhoods, criminal records and lack of assets — have made it hard to secure the money needed to open cannabis businesses.

The drafters of [Washington’s pioneering law](#) were preoccupied with keeping the U.S. Justice Department from shutting down the market. They required background checks designed to keep criminals out.

“A lot of the early states, they simply didn’t have social equity on their radar,” said Jana Hrdinova, administrative director of the Drug Enforcement and Policy Center at Ohio State University’s Moritz College of Law.

Many states that legalized more recently – including Arizona, Connecticut, Ohio, Maryland and Missouri – have had social equity initiatives from the start.

Washington established its program in 2020. But only in the past several months has it issued the first social equity retail licenses. Just two – including Ward’s – have opened.

Washington Liquor and Cannabis Board Member Ollie Garrett called the progress so far disappointing, but said officials are working with applicants and urging some cities to rescind zoning bans so social equity cannabis businesses can open.

The state, which collects roughly half a billion dollars a year in marijuana tax revenue, is making \$8 million available in grants to social equity licensees to help with expenses, such as security systems and renovations, as well as business coaching.

It also is directing \$250 million to communities harmed by the drug war – including housing assistance, small-business loans, job training and violence prevention programs.

Ward’s turnaround is one officials hope to see repeated.

He started dealing marijuana in his teens, he said. In 2006, a customer pulled a gun on him, and Ward was shot in the hand.

A single father of seven children, he continued dealing drugs to support them, he said, until he was indicted in 2014 – along with 30 other people – in an oxycodone distribution conspiracy. He served nearly three years in prison.

Ward, now 39, spent that time taking classes, working out and training other inmates. He started a personal training business after he was released, got a restaurant job and joined a semipro football team, the Spokane Wolfpack.

That’s where he met Dennis Turner, a Black entrepreneur who briefly owned the team. Turner had worked as a restaurant manager on cruise ships, for the postal service and as a corrections officer before investing his savings – \$6,000 – in a friend’s medical marijuana growing operation. They used the proceeds to help open a medical dispensary in Cheney, a small college town southwest of Spokane, that eventually became an adult-use marijuana retailer.

In Washington’s social equity program, Turner saw an opportunity to make Ward a business executive. The two joined Rashel Palmer, whose husband co-owns the football team, in launching Cloud 9 at a cost of around \$400,000. They picked Arlington, Washington – 320 miles (515 kilometers) away – because it’s a quickly growing city with limited cannabis competition, they said.

Ward “saw me as a guy that he looked up to, that did good business, was self-made and came out the trenches, and he just wanted to pick my brain,” Turner said.

Turner is working to open cannabis stores in New Mexico and Ohio through social equity programs in those states. He hopes one day to sell them for tens of millions of dollars. In the meantime, he intends to use his businesses to support local charities, such as the Boys and Girls Club in Arlington and the Carl Maxey Center, which provides services to the Black community in Spokane.

Another new social equity licensee is David Penn Jr., 47, who helped persuade Pasco, in south-central Washington, to rescind its ban. Penn, who is Black, was arrested on a crack cocaine charge as a teenager. In 2011, he was kicked out of his apartment after a marijuana bust.

A friend with two other cannabis outlets is financing Penn's store. His location, a dirt-floored building next to a gas station, still needs to be built out. State grants will help, but won't be enough.

"It's like they're giving you the carriage, but you need the horses to get this thing going," Penn said.

## ***Massachusetts council approves pardoning people with misdemeanor cannabis convictions***

A Massachusetts council has approved Gov. Maura Healey's plan to pardon tens of thousands of people convicted of misdemeanor marijuana charges going back decades



FILE – Massachusetts Gov. Maura Healey holds a news conference at the Massachusetts Statehouse in Boston on Wednesday, March 13, 2024. A Massachusetts council on Wednesday, April 3, 2024, approved Gov. Healey's plan to pardon tens of thousands of people convicted of misdemeanor marijuana charges going back decades. (AP Photo/Steve LeBlanc, File)



By [SAN DIEGO UNION-TRIBUNE](#) | [sandiegouniontribune@sduniontribune.com](mailto:sandiegouniontribune@sduniontribune.com)

UPDATED: April 3, 2024 at 8:53 p.m.

BOSTONBOSTON — A Massachusetts council on Wednesday approved Gov. Maura Healey's [plan to pardon tens of thousands of people](#) convicted of misdemeanor marijuana charges going back decades.

The pardons approved by the Governor's Council will take effect immediately, although it will take some time to update state criminal records, officials said.

"Massachusetts made history today," Healey, a Democrat, said in a statement. "Thousands of Massachusetts residents will now see their records cleared of this charge, which will help lower the barriers they face when seeking housing, education or a job."

Massachusetts joins several other states, including Rhode Island, Connecticut, Missouri and Oregon, in forgiving low-level marijuana offenders.

The pardons will apply to all adults convicted prior to March 13 in state court for possession of marijuana or a "Class D substance." Most people will not need to take any action to have their criminal records updated, according to Healey. The state also has set up an [online page](#) to request certificates confirming marijuana pardons. Healey, a former state attorney general, said the pardons are the most sweeping by a governor since President Joe Biden in December [pardoned thousands of people](#) with federal marijuana possession convictions and called on governors to follow suit. Healey said the pardons will apply to those arrested as far back as the 1970s war on drugs and earlier.

A pardon essentially acts as forgiveness initiated by the governor for a conviction. It does not automatically seal or expunge criminal records.

Healey said the pardons are a matter of justice. Thousands of people still have marijuana convictions on their records even though the state decriminalized possession for personal use in 2008 and legalized recreational marijuana in 2016.



## ***Massachusetts governor to pardon those convicted of misdemeanor cannabis possession***

Massachusetts Gov. Maura Healey says she'll issue pardons for tens of thousands of people convicted of misdemeanor marijuana charges going back decades in the latest example of a state ambitiously seeking to forgive low-level drug offenders



Massachusetts Gov. Maura Healey holds a news conference at the Massachusetts Statehouse in Boston on Wednesday, March 13, 2024. Healey said she would issue pardons for tens of thousands of people convicted of misdemeanor marijuana charges going back decades in the latest example of a state ambitiously seeking to forgive low-level drug offenders. (AP Photo/Steve LeBlanc)



By [STEVE LEBLANC](#)

UPDATED: March 13, 2024 at 11:05 p.m.

**BOSTONBOSTON** — Massachusetts Gov. Maura Healey on Wednesday said she would issue pardons for tens of thousands of people convicted of misdemeanor marijuana charges going back decades in the latest example of a state ambitiously seeking to forgive low-level drug offenders.

If approved, the pardons will apply to all adult Massachusetts state court misdemeanor convictions before March 13, 2024, for possession of marijuana or “Class D substance.” Most people will not need to take any action to have their criminal records updated, according to the Democrat and former state attorney general.

The pardons only take effect if the Governor’s Council approves Healey’s decision. Pardons would become effective immediately after the council votes, although it would take time to update criminal records.

Healey [described the pardons](#) as the most sweeping by a governor since President Joe Biden pardoned federal marijuana possession convictions and called on governors to follow suit. Healey said the pardons would apply to those arrested as far back as the 1970’s war on drugs and earlier.

A pardon essentially acts as forgiveness initiated by the governor for a conviction. It does not automatically seal or expunge criminal records.

Healey said the pardons are a simple matter of justice.

“Massachusetts decriminalized possession for personal use back in 2008, legalized it in 2016, yet thousands of people are still living with a conviction on their records – a conviction that may be a barrier to jobs, getting housing, even getting an education,” she said.

Massachusetts Attorney General Andrea Campbell, a fellow Democrat, said she supports Healey’s effort. She said convictions for simple marijuana possession can have lifelong consequences.

“These consequences are only compounded when you consider that a disproportionate number of those who have been arrested and convicted for marijuana possession are Black and brown people,” she said.

There were close to 69,000 civil or criminal violations for marijuana possession issued in Massachusetts from 2000 through 2013, according to a report by the

Cannabis Control Commission, the panel charged with administering the legal cannabis market in Massachusetts.

The administration estimated the pardons announced Wednesday could end up benefitting hundreds of thousands of people.

Daniel Vazquez said he could not be happier about the action Healey is taking, saying the pardons will help those who are in the same position he was as a teenager when he was arrested and eventually ended up in a juvenile detention facility for marijuana possession.

The 36-year-old Malden resident said the amounts of pot he possessed at the time of his arrests were less than what can be legally purchased now.

“For 20-some-odd years of my life this was the monkey on my back that I couldn’t avoid or get away from. It was always something I had to live with,” said Vazquez who eventually got his records sealed and now works in the legal marijuana industry. “That pardon will definitely open a lot of doors economically for others who are in my position or once were in my position and are still afraid to come out of the shadows.”

The pardons do not apply to other marijuana-related convictions such as possession with intent to distribute, distribution, trafficking, or operating a motor vehicle under the influence or convictions from jurisdictions outside Massachusetts, including federal court.

In 2016, Massachusetts voters approved [a question legalizing pot](#), the same year voters in California and Nevada also legalized recreational marijuana. In the years since 2016, a bustling legal pot industry has sprouted up in Massachusetts, even as the drug remains illegal at the federal level.

In December, Biden [pardoned thousands of people](#) who had been convicted of the use and simple possession of marijuana on federal lands and in the District of Columbia.

The White House said at the time that Biden’s latest round of executive clemencies was meant to rectify racial disparities in the justice system. Biden had said his actions would help make the “promise of equal justice a reality.”

December’s action was meant to build on a similar round of pardons issued [just before the 2022 midterm elections](#) of those convicted of simple possession on federal lands.

At the time, Biden called on governors to issue similar pardons for those convicted of state marijuana offenses, which reflect the vast majority of marijuana possession cases.

As a Democratic candidate for governor in 2022, Healey indicated that she would heed Biden’s call.

Other states have made similar moves.

Rhode Island Gov. Dan McKee signed legislation in 2022 legalizing and regulating recreational marijuana and providing for the [automatic expungement of prior marijuana](#) possession charges.

In 2022, Missouri voters approved a constitutional amendment legalizing marijuana and calling for the [expungement of records](#) of past arrests and convictions for nonviolent marijuana offenses, except for selling to minors or driving under the influence.

Connecticut Gov. Ned Lamont announced in 2022 that thousands of residents convicted of cannabis possession would have their records cleared using an automated erasure method. Records in about 44,000 cases would be fully or partially erased.

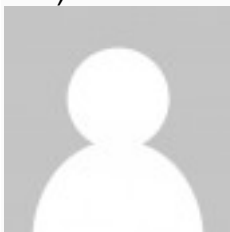
Also in 2022, a month after Biden [did the same](#) under federal law, Oregon [Gov. Kate Brown announced](#) she was pardoning an estimated 45,000 people convicted of simple possession of marijuana.

## ***New York's cannabis board votes to settle lawsuits that have stalled legal dispensaries***

New York cannabis regulators have approved a deal to settle lawsuits that have blocked recreational marijuana shops from opening



FILE – Marijuana plants are seen at a growing facility in Washington County, N.Y., May 12, 2023. New York cannabis regulators on Monday, Nov. 27, approved a deal to settle lawsuits that have blocked recreational marijuana shops from opening, as officials move to restart the state's troubled legal market. (AP Photo/Hans Pennink, File)



By [SAN DIEGO UNION-TRIBUNE](#) | [sandiegouniontribune@sduniontribune.com](mailto:sandiegouniontribune@sduniontribune.com)

UPDATED: November 27, 2023 at 10:57 p.m.

**NEW YORK**NEW YORK — New York cannabis regulators approved a deal on Monday to settle lawsuits that have blocked recreational marijuana dispensaries from opening, as officials move to restart the state's troubled legal market. The settlement still needs a judge's approval before it can take effect. The state's Cannabis Control Board did not immediately release the terms of the settlement.

The deal would lift a court order that has blocked the state from processing or issuing [retail marijuana licenses](#) since August, following lawsuits over rules that promised many of the first licenses to people with past drug convictions.

New York's retail marijuana market has been in disarray since [sales began](#) almost a year ago. Bureaucratic problems and lawsuits have allowed only about two-dozen legal shops to open, while farmers sit on a glut of crops and an ever-growing black market of storefronts fill the void.

The New York State Cannabis Control Board said more than 400 provisional retail licensees will be able to move forward with their stores if the settlement is approved by a judge. Regulators also recently opened up a general application window to grow, process, distribute or sell marijuana, expecting to issue more than 1,000 new licenses in a bid to kickstart the market.

The lawsuits — one of them filed by a group of four military veterans and the other by a coalition that included large medical marijuana companies — challenged state rules that allowed people with drug convictions to open the first dispensaries.

Last summer, state Supreme Court Justice Kevin Bryant blocked the state's licensing program from moving forward. He ruled that regulators improperly limited the first round of licenses to people with past convictions rather than a wider group of so-called social equity applicants included in the original law that legalized marijuana.

A representative for the group of veterans declined to comment on Monday. An attorney for the coalition of medical marijuana companies did not return an emailed request for comment.

The settlement vote came during an emergency hearing in New York City.

# Ohio will vote on marijuana legalization. Advocates say there's a lot at stake

Voters in Ohio will decide next week whether to legalize recreational marijuana



Nikko Griffin, left, and Tyra Patterson, call out to arriving voters in the parking lot of the Hamilton County Board of Elections during early in-person voting in Cincinnati, Thursday, Nov. 2, 2023. They urge people to vote for different issues, including Issue 2, which would allow adult-use sale, purchase, and possession of cannabis for Ohioans who are 21 and older. They also pass out Hamilton County Democratic Party sample ballots. Ohioans will decide next week on whether to legalize recreational marijuana, but people on both sides of the issue say more hangs in the balance than simply decriminalizing the drug. (AP Photo/Carolyn Kaster)



By [SAMANTHA HENDRICKSON](#)

UPDATED: November 3, 2023 at 5:00 p.m.

COLUMBUS, OHIO/COLUMBUS, Ohio — Voters in Ohio will decide next week whether to [legalize recreational marijuana](#), but people on both sides of the issue say more hangs in the balance than simply decriminalizing the drug.

Supporters of legalization say Ohio can reclaim tax revenue being lost to states such as Michigan, where marijuana is legal, and take power from illegal drug markets through government regulation. But opponents warn of increased workforce and traffic accidents by people under the influence, and argue much of the revenue will land in the pocket of the marijuana industry, not taxpayers.

Issue 2 on the Nov. 7 ballot would allow adults 21 and over to buy and possess up to 2.5 ounces (71 grams) of cannabis and 15 grams (about a half-ounce) of extract, and to grow up to six plants per individual through a government program. A 10% tax would be imposed on any purchases, with those proceeds going toward administrative costs and addiction treatment in the state and to municipalities that host dispensaries.

It would also create a social equity program to give a financial boost to people who want to start a business selling or growing cannabis and who meet certain criteria. They or a family member would need to have had a past run-in with the law for marijuana, and be part of a disadvantaged group based on race, gender, disability or economic considerations.

The program would fall under the Division of Cannabis Control in the state Department of Commerce, an office that will fashion the rules around licensing, testing and product standards, among other regulations.

If it passes, Ohio would become the 24th state to legalize recreational marijuana for adult use, a move that supporters say socially and financially makes sense for the state.

“We’re taking money away from drug dealers and Michigan dispensary owners and putting it back into the pockets of our local governments,” said Tom Haren, spokesperson for the pro-legalization campaign Regulate Marijuana Like Alcohol.

The measure also gives those with marijuana-related arrests and convictions, as well as their loved ones, a chance to benefit from the industry once possession of cannabis is no longer illegal. Haren said a marijuana charge can make life much harder for people and has a “downstream effect” on their families.

Issue 2, should it pass, would also create greater access for those who may not be able to afford medical marijuana through their insurance or get a doctor to sign off on it. This includes veterans, according to Haren, who usually get their insurance through the federal government — which has not cleared marijuana for medical or recreational use.

But even if it gets the needed votes Tuesday, the future of marijuana use will not be entirely set.



As a citizen-initiated statute, the measure went first to the Republican-dominated Legislature. Lawmakers had four months to pass it, under state law. But with many – if not all – GOP legislators heartily against it, the measure did not move.

After the election, if it passes, state law calls for the measure to return again to the Legislature, where lawmakers can tweak it to their liking. They can also vote to repeal it entirely, as GOP Senate President Matt Huffman has indicated could happen.

Opponents of Issue 2, including Ohio prosecutors and the Ohio Chamber of Commerce, are in line with Huffman.

“There’s legalization, which generally people have a live-and-let-live attitude about. And then there’s Issue 2,” said Scott Milburn, spokesperson for Protect Ohio Workers and Families, the main campaign against the issue.

The measure, opponents say, gives around one third of the revenue in that 10% tax revenue back to the marijuana industry – making it more of a benefit to marijuana corporations and small businesses than to taxpayers.

And according to Ohio Treasurer Robert Sprague, the portion allotted for costs such as addiction treatment and administration under the 10% tax isn’t enough, and the tax would at least need to be doubled to pay for what the measure says it would.

The Ohio Prosecuting Attorneys Association has also cautioned that legalization could lead to greater traffic and workforce accidents, as well as increased substance abuse among state residents.

Last year, [a study by the by the National Highway Traffic Safety Administration](#) found that 54% of injured or killed drivers had drugs or alcohol in their systems, with tetrahydrocannabinol (THC), an active ingredient in marijuana, the most prevalent.

The study looked at over 7,000 cases from seven different hospitals around the country from 2019 to 2021, but the authors of the study cautioned that it’s not indicative of drivers nationwide, especially when tracking data on marijuana use and traffic accidents is still so new.

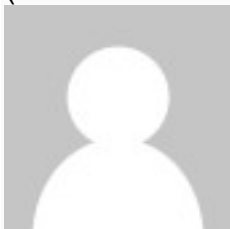
Samantha Hendrickson is a corps member for the Associated Press/Report for America Statehouse News Initiative. Report for America is a nonprofit national service program that places journalists in local newsrooms to report on undercovered issues.

## ***What to know as recreational marijuana becomes legal in Minnesota on Aug. 1***

Minnesotans can legally possess and grow their own marijuana for recreational purposes starting Tuesday, Aug. 1, subject to limits meant to keep a lid on things while the state sets up a full-blown legal cannabis industry



FILE – In this June 17, 2015 file photo, marijuana plants grow at LifeLine Labs in Cottage Grove, Minn. Minnesotans can legally possess and grow their own marijuana for recreational purposes starting Tuesday, Aug. 1, subject to limits meant to keep a lid on things while the state sets up a full-blown legal cannabis industry. (AP Photo/Jim Mone, File)



By [STEVE KARNOWSKI](#)

UPDATED: July 28, 2023 at 11:49 a.m.

MINNEAPOLISMINNEAPOLIS – Minnesotans can legally possess and grow their own marijuana for recreational purposes [starting Tuesday, Aug. 1](#), subject to limits meant to keep a lid on things while the state sets up a full-blown legal cannabis industry.

The Democratic-controlled [Minnesota Legislature approved a massive legalization bill](#) and Democrat [Gov. Tim Walz signed it](#) in May.

At least one Minnesota tribe plans to take advantage of its sovereignty and allow sales right away. But the state projects most legal retail sales won't begin until early 2025, while it creates a licensing and regulatory system for the new industry.

Legalization followed a debate between critics who fear for the impacts on public safety and young people, and supporters who argue that prohibition of the drug had failed. Backers of the law framed legalization noted that people of color were more likely than whites to be arrested for minor offenses, and to suffer lasting consequences in employment and housing.

Minnesota is the [23rd state to legalize](#) recreational marijuana, more than a decade after Colorado and Washington did so.

It comes as New York struggles to end the illicit trade while failing to quickly license legal shops with a focus on ["social equity"](#) and New Mexico [punishes retailers](#) for illegally selling weed sourced from California – amid [wider gluts](#) and plummeting prices for pot farmers.

Farmers, like members of the public, can't legally move cannabis across state lines amid the ongoing federal ban.

Here's a look at what will and won't change in Minnesota as of Aug. 1:

## WHAT'S LEGAL

Adults 21 and older can possess and travel in the state with 2 ounces of cannabis flower, 8 grams of concentrate and 800 milligrams worth of THC-containing edible products such as gummies and seltzers. They can have up to 2 pounds of cannabis flower at home.

Low-potency edibles made with THC from industrial hemp [were legalized last year](#). They've been subject to a 10% marijuana tax since July 1. That tax will apply to other marijuana products as they become licensed for sales, but not on sovereign tribal lands.

It remains illegal under federal law to bring marijuana in from out of state.

## RETAIL WEED

The Red Lake Nation plans to sell recreational marijuana at its existing medical cannabis dispensary starting Aug. 1. But that's on its remote reservation in northwestern Minnesota. It's not clear yet if other tribes will follow.

While states like [New Mexico](#) managed to legalize and regulate marijuana within a year of legalization, Minnesota will take a bit longer.

Like New York, the Minnesota law gives priority to social equity considerations for awarding licenses. That can mean applicants from low-income areas that have felt disproportionate effects from marijuana being illegal, people whose convictions have been expunged, and military veterans who lost their honorable status due to a marijuana-related offense, to name a few.

That includes a long list of license categories for cannabis-related businesses, with application fees ranging from \$250 for delivery services to \$10,000 for growers and product manufacturers.

Local governments can't ban cannabis sales, but they can limit the number of retailers to one per 12,500 residents.

## MINNESOTA GROWN

Adults can grow up to eight plants at home, with no more than four flowering at a time. The plants must be grown in an enclosed, locked space that's not open to public view, whether that's indoors or in a garden.

Retailers can start selling marijuana seeds if they comply with labeling and other requirements set by the Minnesota Department of Agriculture.

## WHERE AND WHERE NOT TO TOKE

Cannabis can be legally consumed on private property, including private homes. Eventually it will be allowed at special events where organizers have permits.

But it's still illegal to smoke or vape cannabis anywhere that tobacco smoking is prohibited, including most businesses, apartment buildings and college campuses. Nothing in the state law prohibits smoking it on a public sidewalk, but local ordinances might.

Cannabis use remains illegal in all forms while driving, in public schools, on school buses, in state prisons, and on federal property. It can't be smoked or vaped where a minor could inhale it.

## GUNS AND GANJA

Federal law still bars cannabis consumers from owning firearms or ammunition.

That's despite Second Amendment-friendly provisions in the Minnesota law. The federal Bureau of Alcohol, Tobacco, Firearms and Explosives has said that regardless of Minnesota's new law, a "current user" of marijuana is defined as an "unlawful

user” for federal purposes. That means people following state law are still prohibited from having guns and ganja.

Gun purchasers must fill out an ATF form saying whether or not they use marijuana. Lying on the form is a felony under federal law.

## CLEANING SLATES

Minor marijuana convictions, like possession of small amounts, will begin to be automatically expunged starting in August. More than 60,000 Minnesotans could benefit, but the Bureau of Criminal Apprehension says the process could take up to a year to clear everyone’s record.

A special Cannabis Expungement Board will be formed to review felony convictions to determine eligibility case by case.

## REGULATING IT

The [Office of Cannabis Management](#) will oversee the cannabis industry in Minnesota. It’s starting to list job positions, with applications for the office’s first executive director open through July 31.

The office will also take over the running of Minnesota’s medical marijuana program, which won’t be taxed.

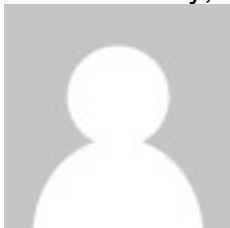
Tribal governments will set their own rules.

## ***Senate vote puts Minnesota on path to legalizing marijuana***

The Minnesota Senate has voted legalize recreational marijuana for adults



A bag filled with marijuana buds called Ice Cream Cake is displayed in the showroom of the Portland Cannabis Market in Portland, Ore., on March 31, 2023. Oregon, which has huge stockpiles of marijuana, should prepare for the U.S. government eventually legalizing the drug and position the state as a national leader in the industry, state auditors said Friday, April 28, 2023. (AP Photo/Eric Risberg)



By [STEVE KARNOWSKI](#)

UPDATED: April 28, 2023 at 9:23 p.m.

ST. PAUL, MINN. — The Minnesota Senate voted Friday to legalize [recreational marijuana](#) for adults, but the bill requires more work and negotiations before it can become law.

The vote was 34-33, with all Democrats voting yes and all Republicans voting no. There are several differences between the Senate bill and the [companion version](#) that [passed the House 71-59](#) on Tuesday, so a House-Senate conference committee will need to resolve them before final votes in each chamber.

Democratic Gov. Tim Walz has [pledged to sign the bill](#) once it reaches his desk. It [seeks to replace the illicit market](#) for marijuana with a legal and regulated market, and to expunge the criminal records of residents who've been convicted of nonviolent marijuana offenses such as simple possession.

"The prohibition of cannabis is a failed system that has not achieved the desired goals and has had incredible costs for our communities, especially for communities of color," the lead author, Democratic Sen. Lindsey Port, of Burnsville, told her colleagues.

Port said lawmakers have an "opportunity to undo some of the harm that has been done and create a unique system of regulation that works for Minnesota consumers and businesses, while ensuring an opportunity in this new market for communities that have been most affected by prohibition."

Republican senators argued during the debate that the bill isn't ready to become law this year and needs more work. They expressed concerns about the impacts on traffic safety and crime, addiction and other mental health issues. They objected because local governments would be barred under the bill from disallowing cannabis sales if they don't want them. And they said they weren't reassured by the [experiences of other states](#) that [have legalized it](#).

"We're opening a door that is going to be very difficult to close, and it's going to be very difficult to put the genie back on the bottle once this occurs," said Republican Sen. Warren Limmer, of Maple Grove, the lead Republican on the Senate Judiciary and Public Safety Committee.

Both versions of the bill run over 300 pages. Among the major differences, the Senate version allows people to possess up to 5 pounds of cannabis flower at home, though only 2 pounds could be from sources other than home-grown. The House limit is 1.5 pounds whatever the source. The tax rate on cannabis products in the Senate bill is 10%, compared to 8% in the House version.

Minnesota would become the 23rd state [after Delaware](#) to legalize adult-use cannabis. Marijuana would become legal to possess this summer, including home-growing up to eight plants at a time. But sponsors say it will take a year or more of regulatory work before dispensaries could start retail sales.

## ***Twice as many dispensaries, looser rules on locations: How San Diego plans to make the cannabis business fairer***

The goal is to provide opportunities in the industry for people adversely affected by the war on drugs.



San Diego, CA – September 23: At the Cookies Dispensary in Mission Valley on Thursday, Sept. 23, 2021 in San Diego, CA., several different buds are on display in sealed container for their customers look over. The new dispensary opened back on May 22nd and is one of two Cookies Dispensary in San Diego County. (Nelvin C. Cepeda / The San Diego Union-Tribune)



By [DAVID GARRICK](#) | [David.Garrick@sduniontribune.com](mailto:David.Garrick@sduniontribune.com) | The San Diego Union-Tribune  
UPDATED: March 9, 2023 at 1:01 p.m.

**SAN DIEGO** – San Diego officials say they want to double the number of cannabis dispensaries allowed in the city and expand the kinds of neighborhoods where they can operate from light-industrial areas to tourist and entertainment areas near mass transit.

The proposal would also eliminate buffer requirements that now prohibit dispensaries within 1,000 feet of parks, churches, playgrounds and libraries. Buffers



would remain for schools, childcare facilities and other buildings that serve predominantly minors.

Officials say the expansion is needed to ensure the success of the city's new cannabis equity program, which aims to help people adversely affected by the war on drugs break into the industry.

Because 30 of the city's 38 dispensary permits have already been awarded, opportunities for those in the equity program will be scarce unless the city raises the current cap on dispensaries, officials said.

San Diego awarded \$880K cannabis equity grant to boost industry accessThe proposal would add 36 new dispensary permits that would be reserved only for people eligible for the city equity program, which the City Council approved last fall after several years of preparation and analysis.

There are several eligibility criteria, but the primary requirement is that a person must have been convicted of a cannabis crime, or had a family member convicted of one, after 1993.

Equity applicants would get a leg up on other dispensary operators because they could open in more appealing neighborhoods than the light-industrial areas where city dispensaries have been forced to operate since they were legalized in 2014.

They would be allowed to open dispensaries in community commercial and neighborhood zones within the city's transit priority areas, which are defined as areas within half a mile of a transit line.

Lara Gates, who runs the city's Cannabis Business Division, said the loosened zoning would likely allow many dispensaries owned by equity applicants to open in parts of the city focused on entertainment, hospitality and tourism.

The proposal would also waive permit fees for equity applicants and eliminate a requirement that they secure a property before being awarded a permit.

A cannabis equity assessment San Diego completed last year found the biggest hurdles to entering the industry are lack of capital, lack of training, problems finding suitable sites and complex government regulations.

As San Diego's cannabis tax revenue plummets, officials blame illegal market, new competitionThe proposed rule changes would also allow dispensaries operated by equity applicants to remain open two hours longer each day than ordinary city dispensaries.

To avoid flooding the market with new dispensaries, the proposal would allow no more than nine new permits to be awarded each year.

Groups opposed to cannabis legalization spoke against the proposal Wednesday when it was presented to the City Council's economic development committee.

They said it would be too much change too quickly and would undermine years of lobbying by supporters and opponents of cannabis that have led to refined and nuanced regulations.

“I’m concerned with this radical direction the Cannabis Business Division would like to see,” Becky Rapp, a local parent, said. “These barriers were not decided in haste. They were created strategically and thoughtfully.”

A group representing operators of the city’s existing dispensary operators said it supports the new equity permits but warned that the local industry is facing significant competition from lower-priced illegal delivery services.

“We simply caution that this going to be difficult and require resources, and that there are going to be economic forces that are going to be a challenge as we move forward,” said Phil Rath, executive director of the United Medical Marijuana Coalition.

Councilmember Monica Montgomery Steppe, who represents low-income neighborhoods in southeastern San Diego that were affected significantly by the war of drugs, said it’s important for city officials fix obvious unfairness.

“It is inherently unfair that so many people, particularly people of color and Black people, are in jail or prison for the sale of marijuana — or have been in jail or prison for the sale of marijuana — when it is now legal,” she said. “There has been racial criminalization of particular communities.”

The economic development committee didn’t vote on the proposed rule changes, which will be discussed and debated by a new 15-member task force that city officials said they expect to start meeting this spring.

To be eligible for the city’s cannabis equity program, applicants must have lived for at least five cumulative years in either Barrio Logan, Linda Vista, southeastern San Diego, Encanto, Golden Hill, North Park, City Heights, the College Area or San Ysidro.

Applicants must also meet two of four other criteria: They must have a household income below 80 percent of the area median, have been in the foster care system any time between 1971 and 2016, have attended school in the San Diego Unified School District for at least five years between 1971 and 2016 or have lost housing in San Diego through eviction, foreclosure or subsidy cancellation after 1994.

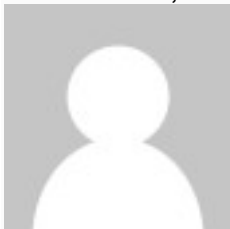
The state awarded San Diego an \$880,000 cannabis equity grant this winter. It’s the first such grant received by the city, which didn’t create its equity program until several years after other large cities like Los Angeles, San Francisco, Oakland, Sacramento and Long Beach.

## ***Racial equity in marijuana pardons requires states' action***

President Joe Biden's executive action pardoning Americans with federal convictions for simple marijuana possession will benefit thousands of people by making it easier for them to find housing, get a job or apply to college



Weldon Angelos poses for a photograph Saturday, Oct. 8, 2022, in West Jordan, Utah. President Joe Biden's executive action pardoning Americans with federal convictions for simple marijuana possession will benefit thousands of people by making it easier for them to find housing, get a job or apply to college. Angelos, whose 2003 federal case for selling \$300 worth of marijuana to a confidential informant in Utah got him sentenced to 55 years in prison, said he knows many people who will benefit from the president's pardon. But there are also many more who will not, he said. (AP Photo/Rick Bowmer)



By [AARON MORRISON](#)

UPDATED: October 9, 2022 at 3:53 a.m.

By pardoning Americans with federal convictions for marijuana possession, President Joe Biden said he aimed to partially redress decades of anti-drug laws that disproportionately harmed Black and Latino communities.

While [Biden's executive action](#) will benefit thousands of people by making it easier for them to find housing, get a job or apply to college, [it does nothing to help](#) the hundreds of thousands of mostly Black and Hispanic Americans still burdened by state convictions for marijuana-related offenses, not to mention the millions more with other drug offenses on their records.

Advocates for overhauling the nation's drug laws are hopeful that Biden's pardons lead state lawmakers to pardon and expunge minor drug offenses from people's records. After all, they say, dozens of states have already decriminalized cannabis and legalized it for a multibillion-dollar recreational and medicinal use industry that is predominantly white-owned.

"We know that this is really the tip of the iceberg when it comes to people who are suffering the effects of (past) marijuana prohibition," said Maritza Perez, director of federal affairs at the Drug Policy Alliance, a nonprofit organization pushing for decriminalization and safe drug use policies.

The decades-long "war on drugs," a sweeping federal legislative agenda that Biden championed as a U.S. senator and that was mirrored by state lawmakers, brought about mass-criminalization and an explosion of the prison population. An estimated tens of millions of people have had a marijuana-related arrest on their record since 1965, the vast majority of them stemming from enforcement by local police and state prosecutors.

But as many law enforcement officials like to point out, the majority of people who serve long sentences for marijuana-related offenses were convicted of more serious charges than possession, such as a weapons count or the intent to sell or traffic the drug on a larger scale. Such factors are typically how a case moves into federal territory versus state prosecution.

Still, reform advocates counter that many of them aren't violent drug kingpins.

A 2021 Associated Press review of federal and state incarceration data showed that between 1975 and 2019, the U.S. prison population jumped from 240,593 to 1.43 million people. Of them, about 1 in 5 were incarcerated with a drug offense listed as their most serious crime.

The passage of stiffer penalties for crack cocaine, marijuana and other drugs in the 1990s helped to triple the Black and Hispanic incarceration rates by the year 2000. The white incarceration rate only doubled.

And despite state legalization or decriminalization of possession up to certain amounts, local law enforcement agencies continue to make more arrests for drug possession, including marijuana, than any other criminal offense, according to FBI crime data.

The president's pardon of more than 6,500 Americans with federal marijuana possession convictions, as well as thousands more with convictions in the majority-

Black city of Washington, captures only a sliver of those with records nationwide. That's likely why he has called on state governors to take similar steps for people with state marijuana possession convictions.

"While white and Black and brown people use marijuana at similar rates, Black and brown people have been arrested, prosecuted and convicted at disproportionate rates," Biden said Thursday. "Just as no one should be in a federal prison solely due to the possession of marijuana, no one should be in a local jail or state prison for that reason, either."

With the president's unambiguous acknowledgement of racial inequity in marijuana enforcement, drug law reform advocates and those with convictions now see an opening to push for far more remedies to the harms of the war on drugs.

Weldon Angelos, whose 2003 federal case for selling \$300 worth of marijuana to a confidential informant in Utah got him sentenced to 55 years in prison, said he knows many people who will benefit from the president's pardon. But there are also many more who will not, he said.

"I feel like this is a first step of (Biden) doing something bigger," said Angelos who, after serving 13 years in prison, received presidential clemency and a pardon during the Obama and Trump administrations. He is now a drug law reform activist.

Felony cannabis cases like his also deserve consideration, Weldon said. Biden's pardon does not cover convictions for possessing marijuana with an intent to distribute, which could further widen the scope of people receiving relief by tens of thousands.

Enacting a law that clears a person's federal drug record, similar to what has been offered in nearly two dozen states where marijuana has been decriminalized or legalized recreationally, would make the conviction invisible to companies and landlords doing criminal background checks, he said. Even with the federal pardon, Weldon's record is still visible, he said.

"There's a lot more that needs to be done here, if we really want to unwind the effects, and the racist effects, of the war on cannabis," Weldon said.

Some advocates believe the country should consider clearing more than just marijuana records. In the 1990s, Marlon Chamberlain was a college student in Iowa when he learned that his then-girlfriend was pregnant with his eldest son. He began using cannabis to cope with the anxiety of becoming a young father and, soon after, started selling the drug.

"My thought was that I would try to make enough money and have the means to take care of my son," said Chamberlain, a 46-year-old Chicago native. "But I got addicted to the lifestyle and I graduated from selling weed to selling cocaine."

Chamberlain said he had a slew of state charges for marijuana possession between the ages of 19 and 25. But it was a federal case for crack cocaine, in which authorities used his prior marijuana arrests to enhance the seriousness of their case, that upended his life. Chamberlain was sentenced to 20 years in prison before the punishment was reduced to 14 years under the Fair Sentencing Act that narrowed the sentencing disparity between crack and powder forms of cocaine. He was freed after 10 years.

Even though he will not benefit from Biden's marijuana pardon, Chamberlain sees it as an opportunity to advocate for the elimination of what he calls the "permanent punishments," such as the difficulties in finding a job or housing that come with having a past drug offense.

"What Biden is initiating is a process of righting the wrongs" of the drug war, he said.

Colorado and Washington were the first states to legalize the recreational use of cannabis in 2012, although medical use had already been legal in several states. According to the National Organization for the Reform of Marijuana Laws, 37 states, the District of Columbia and four U.S. territories now permit the medical use of cannabis. Nineteen states, D.C. and two territories have legalized its recreational use.

And during next month's midterm elections, voters in Arkansas, Maryland, Missouri, North Dakota and South Dakota will decide whether to permit recreational adult use of cannabis. That is reason enough for every state to look into mass-pardons and expungements, civil rights leaders say.

"How fair is it that you will legalize marijuana now, tax it to use those state taxes to fund government, but forget all the people who are sitting in jails or were incarcerated when it was illegal?" NAACP President Derrick Johnson told the AP. "All those individuals who have been charged with marijuana crimes need to be pardoned, particularly those in states that have legalized marijuana."

Richard Wallace, executive director of Equity and Transformation, a social and economic justice advocacy group in Chicago, said state pardons must also come with some form of restitution to those who suffered economically under the racially discriminatory drug war.

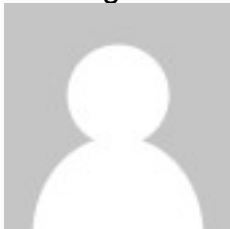
"We need to be thinking about building out durable reparations campaigns centered around cannabis legalization," he said. "I think oftentimes we end up just fighting for the pardons and the expungements, and we leave out the economic component."

## ***Biden pardons thousands convicted on federal marijuana possession charges***

Biden urged governors to follow suit in his announcement, just weeks before elections that will decide whether Democrats retain control of Congress.



FILE – In this April 2, 2016 file photo, a demonstrator waves a flag with marijuana leaves on it during a protest calling for the legalization of marijuana, outside of the White House in Washington. Marijuana would be decriminalized at the federal level under legislation the House approved Friday as Democrats made the case for allowing states to set their own policies on pot. ( AP Photo/Jose Luis Magana)



By [ELI STOKOLS](#)

UPDATED: October 7, 2022 at 6:11 a.m.

WASHINGTON — President Biden on Thursday pardoned all individuals convicted on federal charges of simple marijuana possession, a move that the White House estimated would affect more than 6,500 people nationwide. Biden urged all governors to follow his example, and called for a formal review of marijuana's classification in federal law as a Schedule I drug — the same classification as heroin and LSD, and a stricter classification than fentanyl.

A change to the legal classification of marijuana, although not certain, would be a significant reform, clearing the way for major changes to the federal government's approach to the drug.

Reclassifying it would be “a big step in the right direction,” said Tianna Mays, a civil rights attorney in Washington. “It would take this down from being a felony, the same as possessing heroin. So we're hopeful about the steps the Biden administration is taking.”

Biden's actions, which many Democratic activists have been calling for, are the most significant steps he has taken toward reforming America's drug laws. The moves appear to be timed to boost turnout in next month's midterm election, which will decide whether the president's party can hold on to control of Congress.

Black and Latino groups, whose communities are disproportionately affected by the enforcement of drug laws, have been especially outspoken in calling for marijuana decriminalization.

Asked about the timing of the announcement, which comes 33 days ahead of the election, an administration official who briefed reporters on the plan said that Biden was looking to fulfill a campaign promise after Congress failed to take any action.

“As I said when I ran for president, no one should be in jail just for using or possessing marijuana,” Biden said in a White House video on his plan, which he also laid out in a series of tweets.

[https://twitter.com/POTUS/status/1578097875480895489?s=20&t=qoEDPPAf\\_Ly\\_-dIZGrLhHQ](https://twitter.com/POTUS/status/1578097875480895489?s=20&t=qoEDPPAf_Ly_-dIZGrLhHQ)

“It's legal in many states, and criminal records for marijuana possession have led to needless barriers to employment, to housing and educational opportunities,” Biden continued. “And that's before you address the racial disparities around who suffers the consequences. While white and Black and brown people use marijuana at similar rates, Black and brown people are arrested, prosecuted and convicted at disproportionately higher rates.”

Joshua Ulibarri, a Democratic pollster who focuses on Latinos, had viewed Biden's previous inaction on marijuana as a missed opportunity to solidify his standing with Latino voters.



“This is another step showing this president not only gets it done but evolves,” he said. “I think it not only delivers justice but will help deliver vulnerable Democratic seats in November.”

Biden did not announce the marijuana reforms in person. Instead, the White House released the news while he was in upstate New York promoting IBM’s investment in a plant that will make semiconductors.

Eric Altieri, the executive director of NORML, an organization that backs full legalization of marijuana, said in a statement that Biden’s actions were “long overdue,” and urged the president to work with Congress to further loosen the nation’s cannabis laws.

“Since 1965, nearly 29 million Americans have been arrested for marijuana-related violations – for activities that the majority of voters no longer believe ought to be a crime,” Altieri said.

The Democrats who have been the most outspoken about the issue were quick to applaud Biden.

Chuck Rocha, a campaign consultant who advises candidates on Latino outreach, [said](#) that Biden “has done more in [two] years than I can ever remember the president doing.” And Pennsylvania Lt. Gov. John Fetterman, a Democratic nominee for U.S. Senate, [tweeted](#) a campaign meme: “We did it, Joe.”

The politics of marijuana and criminal justice reform are not clearly divided by party. President Trump, a Republican, enacted the First Step Act to reduce federal prison sentences, a law supported by most GOP lawmakers.

[That law rolled back much of the 1994 crime bill](#) – which Biden had co-sponsored as a senator – that stiffened drug sentences and directed millions in federal dollars to police departments, contributing to a major increase in the nation’s incarceration rate.

In addition to their criminal justice and political impact, Biden’s actions are a “massive signal” to the nation’s marijuana sector, said Irina Dashevsky, co-chair of the cannabis law group at the firm Greenspoon Marder.

Even as more states have legalized medical and recreational marijuana use and retail sales, the growing industry has continued to bump up against federal law that makes it difficult for cannabis businesses to use services such as banking and insurance.

Biden’s decisions suggest that “change is acceptable and likely going to happen soon,” Dashevsky said. “That’s huge. Marijuana is still going to be heavily regulated, but we may be moving toward less of a ridiculous situation.”

## ***LA County DA to dismiss 60,000 past marijuana convictions***

Los Angeles County District Attorney George Gascón says his office would dismiss roughly 60,000 marijuana convictions



By [SAN DIEGO UNION-TRIBUNE](#) | [sandiegouniontribune@sduniontribune.com](mailto:sandiegouniontribune@sduniontribune.com)

UPDATED: September 28, 2021 at 2:08 a.m.

LOS ANGELESLOS ANGELES — Los Angeles County District Attorney George Gascón said Monday his office would dismiss roughly 60,000 marijuana convictions. Under the previous DA, Jackie Lacey, the office moved last year to dump 66,000 pot convictions that took place before voters passed Proposition 64, the state law legalizing recreational cannabis use.

The [Los Angeles Times](#) reports Lacey's list was compiled using information collected by the California Department of Justice, and Gascón said his office was able to identify tens of thousands more eligible cases by combing LA County court records. "Dismissing these convictions means the possibility of a better future to thousands of disenfranchised people who are receiving this long-needed relief," Gascón said in a statement. "It clears the path for them to find jobs, housing and other services that previously were denied to them because of unjust cannabis laws."

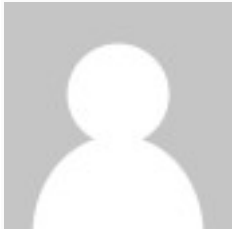
Gascón has long championed efforts to reverse what he sees as the racially disparate and overly punitive effects of the nation's war on drugs.

While serving as San Francisco's top prosecutor, he sought the dismissal of nearly 9,000 felony and misdemeanor marijuana convictions that were processed before the passage of Prop. 64, the Times said.

## ***In 2019 San Diego city attorney said some 5,000 marijuana convictions would be expunged. Only 500 were.***

The office said a closer review showed only a tenth of the cases City Attorney Mara Elliott estimated were eligible for relief actually qualified

City Attorney Mara Elliott, in front of the Hall of Justice downtown, announces on Wednesday that her office is filing the first few dozen petitions to have marijuana-related convictions dismissed in San Diego Superior Court.



By [GREG MORAN](#)

UPDATED: March 15, 2021 at 5:49 p.m.

At a wind-swept news conference on the steps of the downtown Hall of Justice on Sept. 25, 2019, City Attorney Mara Elliott announced that lawyers in her office had just filed court motions to dismiss marijuana convictions and wipe clean the records of 30 people.

It was just the start, Elliott said that day. “That is the first of at least 5,000 we will be filing,” she told reporters.

But that’s not exactly how it worked out. In all the office ended up filing motions on about 10 percent of that total – roughly 500 cases total, Elliott’s director of communications Hilary Nemchik said this week.

The reason: the office initially overestimated the number of cases eligible for relief, apparently by a factor of 10. In February 2020, just a few months after Elliott made her announcement, city prosecutors quietly completed their work and filed all their petitions.

Nemchik said when prosecutors began reviewing cases by consulting three different databases, they found that not many meet the criteria for dismissal.

“Of the cases that involved a cannabis charge, not all resulted in conviction, and the majority were previously dismissed as part of a plea bargain in which the defendant pled guilty to another charge, or were just simply dismissed,” she wrote. “The 500 cases we petitioned to dismiss involved an actual cannabis conviction.”

That total number is also less than what the state Department of Justice, which forwarded lists of potentially eligible cases to all state prosecuting agencies, said they sent to Elliott’s office. A spokesman on Friday said the DOJ sent 1,532 “records with potentially qualifying convictions” to the city.

The San Diego County District Attorney’s Office in February 2020 filed a mass motion reducing nearly 26,000 felonies, and dismissing entirely another 1,000 misdemeanors. That motion was finally granted on Feb. 5 by a Superior Court judge.

How many of the estimated 500 cases from the city, where misdemeanors are handled by city prosecutors and not the district attorney, have been granted by the courts is not known. In contrast to their county colleagues, city prosecutors filed individual motions for each case. San Diego Superior Court spokeswoman Emily Cox said the court has not tracked the exact number of how many have been processed.

The effort to dismiss and reduce marijuana convictions is an outgrowth of Proposition 64 and a related law passed by the Legislature in 2018. The proposition, which made some marijuana use legal, also allowed people with misdemeanor convictions to ask courts to have those charges dismissed, and people with felony convictions have them reduced to misdemeanors.

But by 2018, faced with the time-consuming and expensive process, few people had taken advantage of the law. That led to the legislation requiring the state Department of Justice to review and identify potential cases, and forward that list to local prosecutors, who were then tasked with reviewing the list and forwarding cases to local courts by July 2020 – a process meant to take the burden of doing so off of individuals.

While the 2018 legislation set a deadline for prosecutors to identify cases and file with the court, it set no deadline for courts to act. It took San Diego a year to act on the district attorney’s motion, a delay partly due to the pandemic. Many other courts in the state have also been slow to act: Fresno County has cleared 6 percent of the records, Madera County, none, for example.

That worries advocates, because companies that conduct background checks for employers typically consult court records. If those records don’t reflect that cases have been dismissed or charges reduced, they could haunt applicants – a concern with even more urgency as workers who lost jobs because of the pandemic re-enter the job market.

## ***San Francisco will remove more than 9,300 marijuana-related crimes from people's records***



By [JOSEPH SERNA](#)

UPDATED: February 26, 2019 at 1:54 a.m.

San Francisco prosecutors announced Monday they would move to expunge 9,300 marijuana-related convictions dating back decades, part of a sweeping effort to rethink “the war on drugs” now that pot is legal in California.

The announcement culminated a year-long review of marijuana convictions in San Francisco, which critics say disproportionately punished minority communities and made it more difficult for those with criminal records to get jobs and other essentials.

Other California counties, including Los Angeles, are considering similar efforts, though none have gone as far as San Francisco. The Los Angeles County district attorney's office estimates there have been 40,000 felony convictions involving

pot-related offenses since 1993, but prosecutors have not said how many of those could be eligible for being expunged.

“It was the morally right thing to do,” said San Francisco Dist. Atty. George Gascón. “If you have a felony conviction, you are automatically excluded in so many ways from participating in your community.”

California has become a leader in criminal justice reform, including reducing sentences for lower-level crimes and pushing for rehab instead of incarceration for some drug offenses. Advocates say clearing pot convictions is an essential next step.

But some law enforcement groups are wary.

“To simply embark on an across-the-board expungement of 9,300 without looking at any of the surrounding factors on any of those cases strikes us as cavalier irresponsibility,” said John Lovell, legislative counsel to the California Narcotic Officers’ Assn.

Gascón said his office would review every marijuana-related conviction to find ones eligible for expungement under Prop 64, which was passed by voters in 2016. Though individuals can request expungements themselves, the process is known to be difficult to navigate and relatively few attempted it.

Gascon’s office [initially began](#) the expungement process by hand and found about 1,000 cases to clear, but then [teamed up with Code for America](#), a national nonprofit that uses technology to make government more efficient. Coders there created an algorithm that combed through San Francisco’s digitized criminal records going back to 1975 in just minutes.

The program automatically fills out the required forms that can be turned in to the court for processing.

After about a year of work, Gascón announced on Monday they’d found 9,362 cases that were eligible to be expunged. All that’s left to be done is for the courts to process the requests, he said.

Employment isn’t the only [limitation that some people encounter](#) after they’ve served their sentences, Gascón said. They can also face barriers to education, housing and employment, and may even be barred from a child’s school field trip because of a conviction.

Proposition 64 legalized, among other things, the possession and purchase of up to an ounce of marijuana and allowed individuals to grow up to six plants for personal use. The measure also allowed people convicted of marijuana possession to petition the courts to have those convictions expunged as long as the person does not pose a risk to public safety. People also can petition to have some crimes reduced from a

felony to a misdemeanor, including possession of more than an ounce of marijuana by a person who is 18 or older.

“This isn’t a political thing. This is about dignity. People pay their debt to society. People pay the consequences for something we no longer consider a crime,” he said. “They should not be jumping through hoops for this. They should just get it.”

Everyone’s marijuana conviction is eligible to be expunged, regardless of whether it’s tied to other criminal offenses, Gascon’s office said Monday. Officials had initially stated it was for standalone marijuana convictions but have since corrected their statement.

In the end, the project removed what had been a disproportionate number of convictions hanging over the heads of the city’s blacks and Latinos. Though San Francisco is about 5% black, that community saw a third of all marijuana-related convictions. Latinos make up about 15% of the city, but 27% of marijuana convictions, Gascón’s office said.

Gascón, who is not seeking a third term in office, said his ambition is to show what Code for America’s algorithm did in San Francisco and take that approach statewide.

“We’re beginning to separate those that can’t from those that won’t, because no longer can you say ‘I can’t do it,’ ” he said.

As the medicinal and recreational use of marijuana has gained wider acceptance across the nation, lawmakers in a number of states have been wrestling with the issue of how to remove marijuana convictions from people’s records.

Missouri lawmakers are considering a bill that would expunge convictions for medical marijuana patients, as it is now legal there for medicinal use. New Jersey residents can have their convictions expunged, but the process has reportedly proved challenging. In New York, where the governor has proposed legalizing recreational pot use, officials are exploring the means of possibly expunging or sealing conviction records.

“Until something has been shown, it is hard for people to believe it will work,” said Jennifer Pahlka, founder and executive director of Code for America. “Our theory of change is if you show what’s possible you can reset the expectation bar.”

It could go a long way to helping California with Assembly Bill 1793, signed by then-Gov. Jerry Brown last year. The bill mandated the state build a list of all Californians eligible to have crimes expunged under Prop 64 by July 1, with the goal of having all past marijuana-related crimes reduced or cleared in the state by 2020.

“It’s like the stars aligned for our automatic record clearance tool!” Code for America tweeted upon the law’s passage in November.

San Francisco's expungements only date back to 1975, the earliest digitized records that the county's prosecutors maintain, Gascón said.

In Los Angeles County, officials said Dist. Atty. Jackie Lacey's office is exploring the use of different technologies to assist in the evaluation of Prop. 64 cases.

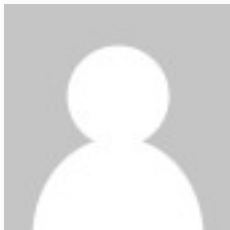
Code for America plans to expand the pilot program to other California counties with the target of clearing 250,000 convictions by the end of this year. The organization has previously delved into the realm of criminal justice. In 2016, it created Clear My Record, an online application that connects people with lawyers to clear criminal records across California.



## ***A new push in California to automatically clear old arrest and conviction records***



FILE – In this Dec. 9, 2014 file photo, San Francisco District Attorney George Gascon speaks during a news conference in San Francisco. The San Francisco top prosecutor says his office used high-tech to erase or reduced 8,000 marijuana convictions dating back decades, the first California prosecutor's office to publicly announce full compliance with clearing criminal records required when voters approved the broad legalization of pot. District Attorney George Gascon made the announcement Wednesday, Feb. 25, 2019, saying the nonprofit Code for America organization used computer-based algorithms to identify eligible cases. (AP Photo/Eric Risberg, File)



By [JOSEPH SERNA](#)

UPDATED: March 8, 2019 at 2:43 a.m.

A week after San Francisco Dist. Atty. George Gascon moved to [wipe out thousands](#) of marijuana convictions dating back decades, he announced Thursday his support for a bill that would clear old arrest and conviction records for defendants statewide.

The measure is intended to open up a pathway to housing, education and new employment opportunities for millions of Californians who have been excluded because of old arrests or convictions for certain offenses still listed on their rap sheets.

“It’s a way to get people out of the paper prison they get sucked into once they have an arrest record or conviction,” Gascon said. “When you remove the ability for people to participate fully in their community – employment, housing, education, other activities – you marginalize them until they’re left with no hope.

“Without hope, they’re more likely to create crimes in that very same community, and what we’re trying to do is reduce the chance of [recidivizing](#).”

The bill, AB 1076, introduced by Assemblyman Phil Ting (D-San Francisco) in February, would mandate that the state Department of Justice automatically clear records of arrests that did not result in a conviction after the statute of limitations has passed, as well as convictions involving probation and jail once an offender’s sentence was completed. Anyone who has to register as a sex offender or has violated their probation would not be eligible.

Most of the records eligible involve drugs or property crimes, officials said. People who committed crimes that ended with a state prison sentence – not in a local jail – would have to go through the process that currently exists to receive a certificate of rehabilitation.

The bill would affect some 380,000 people currently incarcerated for crimes or awaiting trial and the millions more eligible going back in time, officials said. About 8 million Californians have criminal convictions on their records.

“The whole point is they paid their debt, they served their time. Once they get out they should be able to start over,” Ting said. “Once they’re out, why should they continue to suffer?”

An individual’s arrest record and criminal past would still be accessible to law enforcement and certain other agencies but would not be available to landlords or employers, among others, conducting background checks. That means, outside specific exclusions listed in state code, individuals would not have to answer “yes” to having previous arrests or convictions when filling out a job or housing application if they were never convicted or already completed their sentence.

About 90% of employers, 80% of landlords and 60% of colleges screen criminal records, Ting’s office said. Three-quarters of individuals with criminal convictions report job or [housing instability](#), and the process to clear one’s record is notoriously costly and complicated.

Jay Jordan was one of those who struggled to get back on his feet despite having a plan for his life on the outside. Jordan, 33, served time in jail and prison on auto theft and robbery convictions before he was released in 2012.

“We all do this. Everyone around me with a date [of release] was doing the same thing. We create plans, very detailed plans,” Jordan said with a laugh. “I wanted to sell used cars for residual income, sell vending machines. I had it down even to the taxes I was going to have to pay.”

But Jordan said he didn’t qualify for any of those professions because of his record. He ended up working at a temporary employment agency alongside other former inmates, he said, where he injured himself and was then fired after missing work.

“Here I was, trying to do the right thing, trying to do a job that gives me a livable wage, and I get fired for getting hurt,” Jordan said. “I didn’t have any workers’ rights, and I realized very rapidly that something was inherently wrong with this system.”

He ended up joining a nonprofit organization and now pushes for criminal justice reform as the director of the Second Chance project with Californians for Safety and Justice.

“Where’s the opportunity for the people out there trying hard to get a job?” Jordan said. “Working hard to take care of their families and at every single corner they’re [told], ‘You can’t do this for the rest of your life. You can’t do that for the rest of your life.’”

Jordan’s prison sentence for robbery was not eligible to be cleared, but time he spent in jail for auto theft was, authorities said.

If passed, the bill would take effect Jan. 1, 2021. The extended lead time between its introduction and its implementation would allow the Department of Justice to set up the automated process that the bill would require, Ting said. A previous attempt to get the state to proactively clear people’s records through the courts was too labor-intensive and costly, Ting said. The costs to automate the record-clearing process have not yet been determined.

# ***San Francisco will wipe out thousands of marijuana convictions dating to 1975***

By [CINDY CHANG](#), [RONG-GONG LIN II](#) and [SARAH PARVINI](#)

UPDATED: February 1, 2018 at 2:49 a.m.

REPORTING FROM SAN FRANCISCO Reporting from SAN FRANCISCO – San Francisco will retroactively apply California’s new marijuana legalization laws to prior convictions, expunging or reducing misdemeanors and felonies dating to 1975, the district attorney’s office announced Wednesday.

Nearly 5,000 felony marijuana convictions will be reviewed, recalled and resentenced, and more than 3,000 misdemeanors that were sentenced prior to Proposition 64’s passage will be dismissed and sealed, Dist. Atty. George Gascón said. The move will clear people’s records of crimes that can be barriers to employment and housing.

San Francisco’s move could be the beginning of a larger movement to address old pot convictions, though it’s still far from clear how many other counties will follow the famously liberal city’s lead.

Proposition 64 legalizes, among other things, the possession and purchase of up to an ounce of marijuana and allows individuals to grow up to six plants for personal use. The measure also allows people convicted of marijuana possession crimes eliminated by Proposition 64 to petition the courts to have those convictions expunged from their records as long as the person does not pose a risk to public safety.

They also can petition to have some crimes reduced from a felony to a misdemeanor, including possession of more than an ounce of marijuana by a person who is 18 or older.

“While drug policy on the federal level is going backwards, San Francisco is once again taking the lead to undo the damage that this country’s disastrous, failed drug war has had on our nation and on communities of color in particular,” Gascón said in a statement. “Long ago we lost our ability to distinguish the dangerous from the nuisance, and it has broken our pocketbooks, the fabric of our communities, and we are no safer for it.”

About 75% of San Franciscans voted to legalize marijuana, the highest margin among all of California’s 58 counties. But only 23 petitions for Proposition 64 reduction, dismissal or expungement have been filed over the last year, the district attorney’s office said, adding that it does not have any active marijuana prosecutions.

As of September, 4,885 Californians have petitioned the courts to have marijuana convictions expunged or reclassified, but many people don't know about the process, which can be difficult, according to the Drug Policy Alliance, which supported Proposition 64.

"So instead of waiting for the community to take action, we're taking action for the community," Gascón said.

Gascón's announcement came with special resonance in the city's Castro District, a center of efforts to legalize marijuana for medicinal purposes in California. One of the biggest advocates of medical marijuana, Dennis Peron, [died Saturday](#) at 72 after a battle with cancer; Peron was considered a central figure in promoting the use of marijuana for AIDS patients, and in 1991 he [co-founded](#) the San Francisco Cannabis Buyers' Club, the first public marijuana dispensary in the country.

"God knows how many convictions Dennis had," said San Francisco Supervisor Jeff Sheehy, who represents the Castro. Had Peron lived longer, "he'd have had many of his convictions expunged."

Sheehy said Gascón's plan takes the burden off those convicted of marijuana-related offenses to ask the court to review their case. "People recognize that this really is not a crime," Sheehy said.

"I'm totally in favor of that," Paul Greenbaum, 72, said of automatic expungement after he walked out of the Apothecarium, a medical and recreational cannabis dispensary in the Castro. "If it's not a crime now, what's the sense in continuing to stigmatize people?"

Greenbaum said he has been regularly smoking pot since he moved to San Francisco when he was 30 years old.

State Sen. Scott Wiener (D-San Francisco) said there is historical meaning in San Francisco taking this step.

The Castro "was so deeply impacted by the AIDS epidemic. So many people were getting sick and dying, and medical cannabis was a lifeline for many people living with AIDS – a way for people to help with the side effects of the medication, to help with nausea, to help improve their appetite," Wiener said.

Some noted that the district attorney's move could help people with prior convictions improve their livelihoods.

Convictions "really can hold you back from getting a good job," said Redding-area resident Tom Savasta, 32, adding that the move would help people "become more proactive members of society."

A 2016 study by New Frontier Data, a data analytics firm focused on the cannabis industry, found "stark racial disparities in California's marijuana-related jail

population.” Black, Latino and white people all consume and sell marijuana at similar rates, the research found, but black Californians are jailed for marijuana-only offenses at much higher rates – nearly one-quarter of people jailed for those offenses are black.

In a statement, Lt. Gov. Gavin Newsom said San Francisco’s move provides “new hope and opportunities to Californians, primarily people of color, whose lives were long ago derailed by a costly, broken and racially discriminatory system of marijuana criminalization.”

Gascón said the disparities outlined in the study “weighed very heavily” in his decision to review people’s convictions.

“We know there were tremendous failures in the war on drugs, and we criminalized large sections of our community,” he told The Times. “The African American and Latino communities were the most harmed by this.”

The district attorney said he hopes other counties will follow in San Francisco’s footsteps. Some lawmakers have already started to pursue or support similar measures, including state Assemblyman Rob Bonta (D-Oakland), who has [proposed legislation](#) that would require criminal convictions for marijuana-related offenses to be automatically expunged, placing the burden on the courts.

Proposition 64 was opposed by many law enforcement groups in California, including the California Police Chiefs Assn., the California District Attorneys Assn., the California Narcotic Officers’ Assn., the California Peace Officers Assn. and the California State Sheriffs’ Assn. They expressed concern about the impact of legalization and question whether the state was prepared for all the implications the law would bring.

In Colorado, where voters legalized pot, prosecutors have been reluctant to erase prior marijuana convictions, said Sam Kamin, professor of marijuana law and policy at the University of Denver’s Sturm College of Law.

Often, defendants have pleaded guilty to a lesser crime, and prosecutors do not want to wipe their records clean when they may have committed more severe offenses than marijuana possession, Kamin said.

Eric Shevin, a Los Angeles defense attorney who specializes in marijuana law, said many people don’t know they can wipe out their convictions or can’t afford a lawyer to help with the process.

Shevin has already done a few hundred Proposition 64 petitions, which require preparing a motion and appearing in court several times. He said that process would go much more quickly with prosecutors taking the lead. “District attorneys certainly have the right to research their own records and dismiss these cases on their own, en masse,” Shevin said. “I applaud this D.A. for taking the initiative, and I hope others will follow.”

# ***The promise of sealing a criminal conviction in California has an enemy: a growing backlog***

**Following recent reforms allowing more people to seal past convictions, California is figuring out how to assist formerly incarcerated residents who say a criminal record stands between them and starting over.**

By [Chasity Hale](#), Freelance Journalist April 1, 2024

Like millions of Californians, John Jones III knows the effects of incarceration extend far beyond prison walls.

Swept up in the cultural and political maelstrom of the crack cocaine epidemic of the 1980s, the third-generation East Oakland resident went from getting straight A's in grade school to dodging the gun violence, police brutality and economic despair that was devastating his community and clipping his peers' lives short.

At age 16, he was involved in a violent altercation that resulted in the death of another young person. He served eight years in a youth correctional facility for first-degree murder. He was later incarcerated in state prison for a separate assault. He was paroled in 2012.

Eager to find work, the licensed aircraft mechanic was barred from working at an airport due to Federal Aviation Administration regulations requiring a clean background check and 10 years of no felony convictions. He also struggled to find adequate housing because of his record, he said, making it difficult for the single father to reconnect with his oldest son.

“My first real place was literally a renovated basement,” Jones recalled. “The shower was upstairs, so I had to leave the basement, walk to the driveway, up the back steps through the kitchen door, just to be able to cook or use the shower.”

The barriers he encountered upon release propelled him to pursue a career in activism, said Jones, now 49 and director of violence interruption and prevention programs at [Building Opportunities for Self-Sufficiency](#), which provides housing and employment opportunities to low-income and disabled

individuals in Alameda County. “Many of us, we’ve walked that walk. Myself included.”

In a presidential election year where the Republican nominee, former President Donald Trump, is promising a more punitive approach to criminal justice and Democratic leaders like President Joe Biden and California Gov. Gavin Newsom are considering reforms to address racial and social disparities, the Golden State is figuring out how to assist formerly incarcerated residents who say a criminal record stands between them and breaking from old patterns.

In his final [State of the Union address](#) before the 2024 election, Biden alluded to the possibility of cannabis reform, highlighting [executive actions he took in 2022](#) to pardon simple marijuana possession convictions and echoing a [2020 campaign proposal](#) where he suggested providing federal assistance to help states expunge “certain nonviolent criminal records.”

California has been at the forefront of this issue for years, enacting some of the most sweeping record-sealing laws in the country.

In 2016, voters approved [Proposition 64, legalizing cannabis](#) and allowing people to clear past marijuana-related convictions. Since then record-sealing eligibility has grown, and the state, [along with a few others](#), has enacted “clean slate” legislation aiming to automate the process.

One such law was 2018’s [Assembly Bill 1793](#), which aimed to automatically seal cannabis convictions for those who qualify, instead of requiring people to request it. However, expungement efforts were hindered by practical difficulties; a [2022 Los Angeles Times investigation](#) identified the California Department of Justice and county courts as the “primary bottleneck.”

In 2019, the state passed [AB1076, instituting guidelines and deadlines](#) for expungement and requiring that old misdemeanor convictions and felony convictions that didn’t result in prison also be automatically sealed.

In the last six months of 2022, when AB1076 went into effect, about 1.8 million records in the Bay Area — and over 11 million records statewide — were cleared under this law, the state Justice Department [reported](#). (The law requires annual reporting in July.)

That same year, [SB731](#) was passed, making record sealing available for most past convictions four years after a person has finished their sentence and any supervision with no new felony convictions.



Under this law, at least 250,000 Californians with nonviolent, non-sexual felony convictions are eligible for automatic record sealing, and at least 1 million more people with violent felonies, excluding sex offenses, are eligible to petition to have their record sealed, according to Californians for Safety and Justice, one of the law’s sponsors. (Records would still be accessible in some instances, like school background checks.)

Even with legislative efforts to streamline the expungement process, some reform advocates say it remains difficult for both individuals seeking to have records sealed and the agencies tasked with carrying it out.

A [2023 study](#) by the criminal justice reform nonprofit Alliance for Safety and Justice found three in four people with a past conviction had not pursued record relief, and slightly more than half of those who did found the process difficult.

“Expungement is so important to keeping people gainfully employed and keeping communities safe and thriving,” said Kelly Pretzer, a deputy public defender in San Francisco. “The vast majority of our applicants are people of color, and having a criminal record ... make(s) it really, really difficult to move on in life.”

A [2020 study](#) published in the Harvard Law Review, focused on Michigan — one of a handful of states that have [passed clean slate laws in recent years](#) — found that people with expunged records are less likely to reoffend and more likely to earn higher wages than they would without expungement.

About [8 million Californians](#) with a criminal record, and [70 million to 100 million Americans](#) nationwide, face thousands of state and local legal restrictions, known as collateral consequences, that limit access to employment, housing and education. [Most collateral consequences](#) hinder job opportunities, like barring licenses for specific professions.

Formerly incarcerated people face higher rates of [joblessness](#) and [homelessness](#), especially women, people of color, and those recently released from prison, according to the Prison Policy Initiative, a nonprofit think tank.

SB731’s petitioning process went into effect in January, and the automatic expungement process was delayed until July. While the goal of the law is to put the onus on the state rather than the individual, resource limitations are challenging its effective implementation.

“The infrastructure is not there,” said Saun Hough of the Alliance for Safety and Justice, noting that the counties and state use different systems, making it

difficult to communicate with one another about which records have been expunged at the county level and which records are eligible.

A record, or rap sheet, is disaggregated data dispersed across various agencies with varying protocols, resulting in uneven data quality, and sometimes the information in these records is incomplete or misleading.

Jones recalled seeing a background check that listed the date he went to prison as 1983 when he would have been 9 years old. Another challenge is that the data in these digitized records are scraped and sold by unregulated third-party websites.

On the petition side, resource constraints hinder the legal system's ability to handle the volume, Hough said. He added that there aren't enough courts, clerks or county-level public defenders to meet the demand, leading to lengthy delays for petition hearings and a lack of consistent guidance for judges.

"The most difficult thing about pursuing expungement relief is finding an attorney who can help you in a timely manner," Pretzer said. "Across the state, people are experiencing long wait times to have an attorney look at their history and determine their eligibility."

After SB731 took effect last year, Jones petitioned to have his record sealed through the Alameda County Public Defender's Office. While he is still waiting to hear back, he says the goal of having his record sealed is "total redemption." "I understand that a lot of people are very upset about crime and violence," Jones said, adding that it's important to recognize the socioeconomic conditions behind crime, such as poverty and social isolation. "No one is born (a) criminal."

*Chasity Hale is a freelance journalist based in San Francisco and a former reporting intern with the Chronicle's Race & Equity team.*

# *More than 13,000 marijuana convictions cleared in Santa Clara County*

By [Michael Cabanatuan](#), Reporter Updated April 30, 2020 11:56 p.m.

A judge on Wednesday signed off on Santa Clara County District Attorney Jeff Rosen's push to clear more than 13,000 marijuana convictions, officials said.

The expungements affect more than 9,000 people and come after the 2016 passage of Proposition 64, which legalized marijuana in California and allowed convictions for minor marijuana offenses, including sale and possession, to be removed from people's records. The convictions reach back to 1973, officials said.

"Too many people who have committed low-level offenses and paid their debt to society remain hampered by old criminal records in their efforts to get back on track," Rosen said. "The justice system must always evolve toward fairness and equality."

While Prop. 64 allowed convictions to be removed, the confusing process was left to those who were convicted, discouraging many from applying. George Gascón, San Francisco's former district attorney, changed that in 2019, [clearing more than 9,000 convictions](#) dating back to 1975.

## **[Prop. 64: Legalizes adult recreational use of marijuana](#)**

Gascón's office worked with Code for America — a nonprofit that uses open-source technology to improve government — to find every marijuana case eligible for expungement or resentencing under Prop 64.

Code for America worked with several other counties, including Contra Costa, which [expunged convictions for nearly 2,400 people in January](#).

Santa Clara County officials said they did the work on their own, developing their own technology to identify those eligible to have their records cleared. The work was overseen by the district attorney's Conviction Integrity and Narcotics units.

# ***Prop. 64: Legalizes adult recreational use of marijuana***

By Jennifer Tejada Updated Sep 28, 2016 8:15 p.m.

## **Dissenting View**

The proponents of Proposition 64, the ballot initiative to legalize recreational marijuana in California, have a rallying cry: “Let’s get it right.” Unfortunately, Prop. 64 gets it wrong, except for those who wish to make money off the next “[California Gold](#) Rush.”

Voters aren’t being asked to vote on the concept of legalization; they are being asked to vote for an initiative drafted by lobbyists and consultants without collaboration with public health and public safety experts. Prop. 64 is more than 60 pages long and it tweaks, changes or adds 100 laws to the books. Unfortunately, the focus is more on the marijuana industry’s profits than on the potentially devastating social impacts.

The proponents even added a provision that allows for television advertising of marijuana products. It is another in a series of calculated decisions to allow marijuana businesses to market their products to their future customers — our kids.

Polls reveal that as more Californians understand this measure, more are opposed. It tells you all you need to know when you learn that one of the largest funders of the measure is Weedmaps, whose founder told the [Wall Street Journal](#) he wanted to be the “[Philip Morris](#) of pot.”

As a Bay Area police chief, I am aware of the damage done by the criminalization of marijuana. I also understand the issues around medical marijuana. I value and support the regulated use of medical marijuana and the benefits it brings to patients. Just last year, the California Police Chiefs Association worked with legislators, stakeholders and the governor to craft the Medical Cannabis Regulation and Safety Act. Unfortunately, the authors of Prop. 64 are setting the stage for chaos at both the state and local level.

We can learn from Colorado. Since legalization, Colorado has experienced a spike in cartel-driven crime. Prop. 64 allows for personal home grows of six plants. And as in Colorado, we would not know if a personal home grow has six plants or 60 plants, thus providing for a perfect source for the black market.

Impaired driving rates in Colorado have also increased, and the number of kids being poisoned by marijuana edibles continues to skyrocket.

The California Police Chiefs Association is aligned with the [California Growers Association](#), which represents cannabis cultivators, when the growers association executive director says, “We would rather that (the state) takes its time and does it right.”

As we grapple with drug addiction, persons with mental health issues and homelessness throughout the Bay Area, why would we add something that will further affect our public health and safety resources? Prop. 64 is bad for our children, bad for our communities and bad for California.

*[Jennifer Tejada](#) chairs the California Police Chiefs Association’s Law and Legislative Committee.*

### **Chronicle’s View**

“Any serious discussion of marijuana legalization must begin with the acknowledgment of reality: Prohibition is not working. The drug is popular and readily available for recreational use, either through medical marijuana dispensaries, where 18-year-olds can purchase cannabis with a doctor’s recommendation, often after a nudge-and-a-wink; or a black market that continues to thrive. ...

Prop. 64 was drafted to reflect the recommendations of a blue-ribbon commission put together by Lt. Gov. [Gavin Newsom](#) in October 2013. That 24-member panel included specialists in law enforcement, tax law, medicine and federal drug policy. The panel included members with deep apprehensions about expanding marijuana use, especially among minors. ...

Prop. 64 would bring discipline and oversight to an industry operating in the shadows, to the detriment of public health, the environment and public safety. Vote yes on 64.”

# *SF will wipe thousands of marijuana convictions off the books*

By [Evan Sernoffsky](#), Reporter Updated Feb 1, 2018 8:43 a.m.

San Francisco will retroactively apply California’s marijuana-legalization laws to past criminal cases, District Attorney George Gascón said Wednesday — expunging or reducing misdemeanor and felony convictions going back decades.

The unprecedented move will affect thousands of people whose marijuana convictions brand them with criminal histories that can hurt chances of finding jobs and obtaining some government benefits.

Proposition 64, which state voters passed in November 2016, legalized the recreational use of marijuana in California for those 21 and older and permitted the possession up to 1 ounce of cannabis. The legislation also allows those with past marijuana convictions that would have been lesser crimes — or no crime at all — under Prop. 64 to petition a court to recall or dismiss their cases.

Rather than leaving it up to individuals to petition the courts — which is time-consuming and can cost hundreds of dollars in attorney fees — Gascón said San Francisco prosecutors will review and wipe out convictions en masse.

The district attorney said his office will dismiss and seal more than 3,000 misdemeanor marijuana convictions in San Francisco dating back to 1975. Prosecutors will also review and, if necessary, re-sentence 4,940 felony marijuana cases, Gascón said.

“Instead of waiting for people to petition — for the community to come out — we have decided that we will do so ourselves,” Gascón said. “We believe it is the right thing to do. We believe it is the just thing to do.”

He made the announcement at a news conference at which he was joined by city Supervisors Malia Cohen and Jeff Sheehy, along with Nicole Elliot, director of the city’s Office of Cannabis, Laura Thomas of the Drug Policy Alliance reform group, and the Rev. Amos Brown, president of the San Francisco chapter of the NAACP.

Advocates for poor and minority communities have long complained that marijuana laws are [applied disproportionately](#) to the impoverished and

people of color. A [2013 study](#) by the American Civil Liberties Union found that African Americans were more than twice as likely to be arrested for marijuana possession as whites, despite similar levels of use.

In San Francisco, African Americans were four times as likely as whites to be arrested for possession, the study found. A marijuana conviction can affect whether a person qualifies for federally subsidized housing, student loans and disability insurance.

“This is a giant step for justice,” Brown said Wednesday. “And it is a step toward setting black people free to live in the community, to have jobs, to have health care, to have a decent education, and we just need to keep this good thing a-rollin’.”

According to the Drug Policy Alliance, nearly 5,000 people statewide have petitioned courts to have their marijuana convictions expunged since Prop. 64 took effect. In San Francisco, however, fewer than two dozen people have done so, Gascón said.

His office is believed to be the first in the state to move to clear old marijuana convictions, Gascón said. Most of the work will be done outside of courtrooms, and those affected won't be required to show up for court.

Misdemeanor clearances will begin immediately, but felony cases “will take a little more time,” Gascón said.

Those who were convicted of felony marijuana counts that were tied to other offenses may not be eligible to have their cases expunged under Prop. 64. Gascón said he will have a limited number of attorneys and paralegals going over such cases at first, but may assign more depending on the workload. “It’s evolving,” he said. “It will be a lot of clerical work, and we will evaluate as we start reviewing felonies.”

Prosecutors will also have to coordinate with the state attorney general’s office to make sure cases are updated in the state system.

Gascón said he hopes his undertaking will prompt other jurisdictions to follow suit.

“We’re hoping what we are doing here will not only benefit San Francisco,” he said. “We’re hoping other elected officials around the state will say this is the right thing to do.”

On Jan. 9, Assemblyman Rob Bonta, D-Alameda, [introduced a bill](#) that would make it easier for many people statewide to have marijuana convictions expunged. The legislation, AB1793, would “allow automatic expungement or reduction of a prior cannabis conviction.”

However, the number of such convictions throughout California over the years runs into the millions. Opponents of the bill have said ordering courts to expunge them on a broad scale could cost millions of dollars.



# ***Alameda County prosecutors aim to dismiss thousands of cannabis convictions***

By [Kimberly Veklerov](#), Lead Digital Reporter Updated Feb 20, 2018 4:37 p.m.

Alameda County will dismiss, reduce or seal decades of marijuana-related convictions, District Attorney Nancy O'Malley said Tuesday, clearing thousands of people of activities that California no longer deems crimes. Barring unusual circumstances or facts, felony cases will be reduced to misdemeanors, and misdemeanors will be dismissed, O'Malley said. The move is in line with new state regulations that allow prior convictions to be redesignated or erased.

O'Malley's timeline differs slightly from that of [San Francisco District Attorney George Gascón](#), who said last month he would circumvent the petitioning process and automatically expunge or reduce decades of cannabis convictions. O'Malley said her office will first sign onto petitions of those who come forward after a background review and meeting. She said prosecutors will work with court officials to ultimately expunge all qualifying cases, even if the subjects can't be reached or don't file a petition.

From November 2016, when voters legalized recreational use of the drug in California, to December last year, O'Malley said 609 cases were dismissed. She said her office has so far identified 5,900 cases associated with 5,000 individuals that are eligible to be erased.

The district attorney's case-management system includes records only since 1974, and O'Malley said she will ask the county to review older cases as well. "California is offering a second chance to people convicted of cannabis crimes, from felonies to small infractions, with the opportunity to have their criminal records cleared," O'Malley said in a statement. "We join our state officials and intend to reverse decades of cannabis convictions that can be a barrier for people to gain meaningful employment."

# ***Seattle clears pot convictions, following San Francisco lead***

By Gene Johnson Updated Feb 8, 2018 3:30 p.m.

SEATTLE — More than five years after Washington state legalized marijuana, Seattle officials said Thursday they're moving to automatically clear past misdemeanor convictions for pot possession — a step similarly announced by San Francisco last week.

“For thousands of people in Washington state, a misdemeanor marijuana conviction had huge implications: It could be a barrier to housing, to getting credit, to getting good jobs and education,” Mayor Jenny Durkan told a news conference. “It is a necessary step to right the wrongs of what was a failed war on drugs.”

City Attorney Pete Holmes, who was one of the sponsors of Washington's 2012 ballot measure to legalize pot for recreational use, said he's been pressing since it passed for a state law that would help clear prior convictions. But the Legislature has yet to act, and Holmes said he hoped the city's action would spur other jurisdictions and the state itself.

Eight states have now legalized marijuana for recreational use, and some, including Oregon, California and Colorado, have made it easier for people to petition to have their pot convictions vacated or sealed. But Seattle, San Francisco and San Diego appear to be the only major jurisdictions erasing convictions without even requiring the defendants to request it.

Seattle has long taken a lenient view of marijuana. It's been home to HempFest, a “protestival” where huge crowds of people openly smoke pot, since 1991. And in 2003, voters passed a measure making minor pot crimes the Seattle Police Department's lowest priority.

# ***Contra Costa County DA's office to clear marijuana-related convictions of 2,400 people***

By Alejandro Serrano Updated Jan 9, 2020 6:06 p.m.

Contra Costa County District Attorney Diana Becton announced Thursday nearly 2,400 people will have marijuana convictions dismissed, joining five other counties in the state, including San Francisco, that have partnered with a tech nonprofit to clear records.

Prosecutors partnered with Code for America, a nonprofit that focuses on technology to enhance government, to identify 2,399 unique individuals with marijuana-related offenses eligible to be relieved under Proposition 64. Of those people, 531 will no longer have felonies on their criminal record and 316 will have no convictions.

“Far too often old criminal convictions for minor drug offenses can leave a lasting mark on an individual’s life,” Becton said in a statement. “The removal of these convictions effectively reduces barriers to licensing, education, housing and employment. It is imperative that we continue to be innovative in our approach to reforming and strengthening the criminal justice system.”

Contra Costa County prosecutors used Code for America’s Clear My Record technology to analyze state Department of Justice data and determine if records were eligible to be expunged. The technology reduced the effort of clearing records, officials said, because it can sift through thousands of convictions in minutes.

The county joined [San Francisco](#), Sacramento, San Joaquin and Los Angeles counties in partnering with the nonprofit, dismissing or reducing an estimated 75,000 convictions throughout the state.

“The criminal justice system is one of the areas in which we are most failing the American people,” said Jennifer Pahlka, the founder and executive director of Code for America, in a statement. “By reimagining existing government systems through technology and user-centered design, we can rethink incarceration, reduce recidivism and restore opportunity.”

# ***SF district attorney to wipe out 9,000-plus pot cases going back to 1975***

By [Evan Sernoffsky](#), Reporter Updated Feb 25, 2019 5:04 p.m.

San Francisco District Attorney George Gascón announced Monday that his office will wipe out more than 9,000 marijuana-related convictions in an unprecedented step following California's cannabis legalization more than two years ago.

Gascón last year teamed up with Code for America — a nonprofit focused on using open-source technology to improve government — to find every marijuana case eligible for expungement or resentencing under Proposition 64. San Francisco will be the first city in the country to clear all eligible pot convictions.

On Monday, the district attorney's office said it has identified 9,362 eligible cases dating back to 1975. Gascón will present the cases to a judge in the coming weeks for expungement.

Numerous studies show that marijuana convictions disproportionately affect the poor and people of color, and can limit access to federal housing and loans. A 2013 [study by the American Civil Liberties Union](#) found that African Americans in San Francisco were more than four times as likely to be arrested for marijuana possession as white people.

Before Gascón announced plans to wipe out eligible marijuana cases, only 23 people had come forward to petition to have their cases reclassified or expunged. People with prior convictions needed to hire an attorney, and the process was complicated and time-consuming, Gascón said.

“It's incumbent that we, as law enforcement leaders, continue to evolve how we advance fairness and public safety in our respective communities,” Gascón said. “I hope that our success with Code for America can act as a catalyst for other leaders looking to engage in similar innovative and out-of-the-box methods to reform and rethink what our criminal justice system looks like.” Gascón announced [the partnership with Code for America in May](#), when he said he expected to have all cases identified in about a year. On Monday, he said the work came in ahead of schedule and under budget.

Prop. 64, [which voters passed in November 2016](#), legalized recreational marijuana in California for adults 21 and older, and it allows convictions to be expunged.

Code for America used its “Clear My Record” technology — a computer-based algorithm — to parse cases and determine which were eligible under Prop. 64. “Contact with the criminal justice system should not be a life sentence, so we’ve been working to reimagine the record-clearance process,” said Jennifer Pahlka, Code for America’s founder and executive director. “This new approach, which is both innovative and common sense, changes the scale and speed of justice.”

San Francisco was the first jurisdiction in the country to announce it would clear old marijuana convictions, prompting other district attorneys across the state and country to begin similar work.

Gascón said he also wants to use Code for America’s technology to identify other types of cases that may be eligible for expungement.

Thousands of cases under recent criminal justice reforms like Proposition 47, which reduced many drug crimes and theft cases from felonies to misdemeanors, are eligible for reclassification or expungement. Much as with marijuana conviction, though, few people come forward to have their cases changed.

“What we have shown with marijuana is that this can be done en masse,” Gascón said. “You can just go through the criminal records of thousands of people and provide the relief that they qualify for without having to have a lot of human resources invested in it.”

# ***SF district attorney uses algorithm to reduce felony marijuana convictions***

By [Evan Sernoffsky](#), Reporter Updated May 15, 2018 3:04 p.m.

The San Francisco district attorney's office will take a high-tech approach to finding and wiping out certain felony marijuana convictions in a pioneering effort by city prosecutors to retroactively apply the state's new legal marijuana laws.

District Attorney George Gascón on Tuesday announced a partnership with Code for America — a nonprofit with the goal of making government more efficient — to begin using a computer-based algorithm to take on the complicated job of identifying felony marijuana convictions that are eligible for reclassification.

The effort comes after the district attorney's office in January announced it would [dismiss and seal more than 3,000 misdemeanor marijuana convictions](#) dating to 1975. The decision was in response to California voters passing Proposition 64 in November 2016 to legalize recreational marijuana for adults 21 and older.

"We're very excited to partner with Code for America," Gascón said in an interview. "A lot of what we do is antiquated, but we have continued our efforts to bring prosecutions into the 21st century by using technology and being thoughtful in how we employ public resources."

As of this week, the district attorney's office has prepared 962 motions to dismiss misdemeanor marijuana convictions, 528 of which have been submitted to San Francisco Superior Court. So far, judges have granted 428 of the motions.

The city's 4,940 felony marijuana cases, though, are trickier.

Under Prop. 64, people with prior violent felonies, registered sex offenders and those with certain other convictions are not eligible to have their felonies reclassified.

Code for America will use its algorithm to search through San Francisco's felony cases and identify which individuals can have their cases automatically reduced.

The technology uses optical character recognition to read criminal records and then maps the data to determine if the person is eligible. The program then auto-fills the necessary paperwork to have the charge reduced, which is then sent off in bulk to the courts, said Jennifer Pahlka, executive director of Code for America.

“Our vision is to help government clear all eligible criminal records starting with convictions under Prop. 64,” she said.

A major benefit of the plan is it won’t require teams of attorneys to pull cases and review them one by one.

Gascón said he hopes the work will serve as a template that other jurisdictions can use to review past cases in states where marijuana is now legal.

“We heard from prosecutors from around the state saying they’d like to, but don’t have the resources,” Gascón said. “What Code for America is doing is going to basically draw a line between those that can’t and those that won’t. Anyone that talks about not having the resources — once we get this product online — is basically telling us, ‘I won’t do it.’”

Before legalization, many criminal justice reform advocates complained that marijuana laws disproportionately affected the poor and people of color. In San Francisco, African Americans were more than four times as likely to be arrested for marijuana possession as white people, despite similar levels of use, according to [a 2013 study by the American Civil Liberties Union](#).

The San Francisco district attorney’s office was the first in the state to move to clear marijuana convictions off the books, prompting other jurisdictions to follow suit.

In February, Alameda County District Attorney Nancy O’Malley said she will [dismiss, reduce or seal decades of marijuana convictions](#).

San Francisco’s effort preceded decisions by prosecutors in Seattle, Philadelphia and other cities to drop old marijuana cases following legalization in those states.

Gascón said he hopes the partnership with Code for America will have impacts beyond marijuana cases alone.

“The implication would be far-reaching,” he said. “Having the ability to automate the review of criminal history may lead to a very holistic approach to using technology for other areas of our work.”

# ***Republicans are finally ready to legalize cannabis***

By Rezwan Khan and Randal John Meyer Updated Nov 15, 2021 10:43 a.m.

Efforts to legalize cannabis have largely been the work of Democrats, with Republicans usually leading the efforts to prevent it. That dynamic appears to finally be changing today with the introduction of the States Reform Act, or SRA.

Introduced by Rep. Nancy Mace, R-S.C., and co-sponsored by five other Republican representatives from across the country, SRA proposes an end to the federal prohibition of cannabis while allowing states to maintain their right to decide its legal status within their own borders. (Full disclosure: We provided policy support for lawmakers as they crafted the bill.)

Prior to SRA, most of the efforts nationwide to push cannabis reform were led by Democrats — most recently the introduction of the Cannabis Administration and Opportunity Act in July. It proposes descheduling cannabis from the list of banned substances and regulating the legal use of cannabis products across the nation, and is co-sponsored by Senate Majority Leader Chuck Schumer, D-N.Y., and Sens. Cory Booker, D-N.J., and Ron Wyden, D-Ore.

California passed legislation allowing medical use of cannabis in 1996 and legalized adult recreational use in 2016. But despite bold leadership from a host of Democratic lawmakers and a supermajority of Americans — roughly 70% — who support cannabis legalization, efforts in Congress have encountered numerous obstacles from Republicans.

Traditionally, Republicans have pushed back on cannabis reform with concerns over youth use and a failure to respect states' rights to regulate use of intoxicants within their borders. The SRA provides answers to both issues. It ensures a nationwide minimum adult-use age of 21, prevents advertising to young Americans and provides set-aside funds for the Substance Abuse and Mental Health Services Administration to help prevent youth dependency. States will choose how cannabis is legal within their borders, full stop.

For decades, Americans have disagreed on what the best approach is to regulating a plant that is both a cash crop and a medical compound. Some believe that it should only be treated as a pharmaceutical regulated by the Federal Drug Administration under the strictest standards, while others see potential in industrial and adult uses of cannabis products in addition to its



medical value. The comprehensive reform structure of SRA appeals to a wide variety of stakeholders, including industry, advocates, evangelists and skeptics.

For example, public safety advocates will appreciate that the FDA will regulate medical products and that there will be a national age limit unless proscribed by a doctor. Medical cannabis companies will be allowed to have their existing products grandfathered, which avoids punishing first-movers in the industry while leaving room for researchers to develop more sophisticated medical products. California cultivators will continue to work with the U.S. Department of Agriculture and Environmental Protection Agency to maintain environmental standards and to create best practices for cultivating — just as they always have.

Many critics of the cannabis industry and progressive lawmakers have raised questions about the industry's economic growth, and the fairness of large cannabis companies and their investors enjoying profits while Americans remain in prison for growing and consuming cannabis. SRA addresses these concerns as well — something missing from most Republican legalization efforts.

The bill offers nonviolent cannabis offenders second chances in society. In keeping with its respect for states to determine their own legalization posture, the bill grandfathers existing state-based social equity programs to ensure that those harmed by past cannabis criminal convictions still have an opportunity to participate in this emerging industry.

Veterans will welcome similar consideration. Currently, the Veterans Affairs Department is not allowed to recommend cannabis to patients suffering from chronic pain, post-traumatic stress disorder and insomnia, among other conditions. The passage of SRA would change that while ensuring veterans do not face discrimination in federal hiring for cannabis use.

Like Florida oranges or Vermont maple syrup, California cannabis promises to become a luxury, exported around the world. Small operators and entrepreneurial individuals also deserve the opportunity to take part in this brand-new industry. Envisioning a day soon when America exports this highly desirable product, Rep. Mace's proposal leaves very few barriers to entry for entrepreneurs.

The prospect of cannabis legalization in our lifetime is no longer a pipe dream. Mace and her co-sponsors have offered their vision of *how* to accomplish such a reform. This sets the stage for a robust, bicameral and bipartisan discussion on how to best move toward true comprehensive cannabis reform.

Certainly, there will be spirited debate about numerous provisions in the bill, including tax rates, the proper role for the FDA in this emerging industry and how to work to end the illicit market. The States Reform Act floats a 3% federal excise tax — welcome news for an industry that already shoulders high state taxes — a rate that is below the target of other Democratic-led bills. That our national conversation on cannabis legalization has reached this stage demonstrates just how much progress we have made as a country in finding the bipartisan and comprehensive solution needed to bring about cannabis reform.

*Rezwan Khan is the president of the Global Alliance for Cannabis Commerce. Randal John Meyer is the executive director of the alliance and steering committee member of the Cannabis Freedom Alliance.*

# ***Bay Briefing: Thousands of SF marijuana convictions about to be wiped out***

By [Taylor Kate Brown](#), Newsletter Editor Updated Feb 26, 2019 4:00 a.m.

**Good morning, Bay Area.** It's Feb. 26, and San Francisco's Civic Center Plaza may be getting a makeover — eventually. Here's what you need to know to start your day.

## **Marijuana cases to be dropped**

San Francisco District Attorney [George Gascón announced Monday](#) that his office will wipe out more than 9,000 marijuana-related convictions dating back to 1975.

The announcement follows his office's collaboration with Code for America — a nonprofit focused on using open-source technology to improve government — to find marijuana cases eligible for expungement or resentencing under marijuana legalization.

As of May, when Gascón first said he would seek mass expungement, only 23 people had come forward to petition to have their cases reclassified or expunged.

# ***Chronicle recommends: Legalize marijuana Yes on Prop. 64***

By San Francisco Chronicle Updated Sep 15, 2016 6:00 a.m.

Six years ago, California voters wisely rejected Proposition 19, crafted by determined marijuana advocates with far too little regard for the need to regulate and constrain its proliferation. Some of its elements were simply nonsensical: such as a nondiscrimination clause that would have prevented employers from banning pot smoking during breaks, laws that would have established a right to grow 5-by-5 plots that could not be usurped by local ordinances and a provision that allowed passengers to smoke in a moving vehicle. It included no state taxation.

Its defeat gave those who recognize that Prohibition is a failure — but want a more rational and responsible approach to legalization — a chance to study the issue, assess the experience of other states and come up with an initiative that controls, not promotes, cultivation and sale of the drug. They have achieved that balance in Proposition 64.

Any serious discussion of marijuana legalization must begin with the acknowledgment of reality: Prohibition is not working. The drug is popular and readily available for recreational use, either through medical marijuana dispensaries, where 18-year-olds can purchase cannabis with a doctor's recommendation, often after a nudge-and-a-wink; or a black market that continues to thrive. As with the era of alcohol Prohibition until its repeal in 1933, criminal enterprises have exploited the outlawing of a popular product. In the case of cannabis, Prohibition also has wreaked significant environmental damage from clandestine operations that divert water from streams, use chemicals and otherwise tamper with the ecosystem away from regulators' scrutiny.

Prop. 64 was drafted to reflect the recommendations of a blue-ribbon commission put together by Lt. Gov. [Gavin Newsom](#) in October 2013. That 24-member panel included specialists in law enforcement, tax law, medicine and federal drug policy. The panel included members with deep apprehensions about expanding marijuana use, especially among minors. One of Newsom's mantras is that the commission was determined to construct enough controls to keep legalization of cannabis from inducing "the next California Gold Rush." One of the critical elements of Prop. 64 is that — unlike its predecessor, Prop. 19 — it preserves the right for cities and counties to add their own overlays of regulations and taxes, or even bans, on marijuana businesses. The experience

of medical marijuana has shown that community standards on the scale, location and practices of distribution points can vary widely. It also would allow local governments to ban outdoor cultivation. And, again, unlike Prop. 19, it empowers employers to enact policies against marijuana use during the workday.

Opponents have raised legitimate concerns about the effect of increased marijuana use on highway safety. There is no equivalent to a blood-alcohol level to assess the chemical presence of marijuana in real time. But the uptick in marijuana-impairment arrests since the legalization in Colorado has shown that law enforcement can develop protocols for prosecuting people under the influence.

No one should be under the illusion that Prop. 64 will be the final word on marijuana. It will, by necessity, be a work in progress as unintended consequences arise. It allows the State Legislature to amend the initiative with a two-thirds vote.

Prop. 64 would bring discipline and oversight to an industry that is operating in the shadows, to the detriment of public health, the environment and public safety. Vote yes on 64.

### **What Prop. 64 does**

Legalizes marijuana use for adults 21 and older.

Requires licensing for cultivation and sale.

Establishes state excise tax of 15 percent on retail sales, and cultivation taxes of \$9.25 per ounce of flowers and \$2.75 per ounce of leaves. Standard sales taxes also would apply.

Creates packaging, labeling, advertising and marketing standards.

Allows local governments to impose additional regulations and taxes on marijuana.

Provides resentencing consideration for prior marijuana convictions.

Leaves intact the medical marijuana system created by Prop. 215 in 199

# ***Oakland race and equity official reviews cannabis industry***

By [Rachel Swan](#), Reporter Updated Jan 29, 2017 5:55 p.m.

A month into her tenure as Oakland's new czar of race and equity, [Darlene Flynn](#) got thrown into a maelstrom.

Her first assignment: to conduct an analysis of the city's cannabis industry as the City Council fights over whether to pass laws that would allow scads of underground businesses to operate legally.

Flynn, who came to Oakland from Seattle, where she worked at another race and equity program, said in a recent interview that she had little knowledge of the cannabis trade. In Seattle, Flynn said, her office conducted a similar analysis on the race and equity impacts of a proposal to shut down hookah bars.

Her Oakland report, due in February, will look at the effect of the cannabis market on unemployment, poverty, and arrest rates for various race and ethnic groups in Oakland. It will include recommendations to the council as it decides what to require of pot businesses in the city.

But it remains to be seen whether Flynn's recommendations will help resolve the council's months-long battle over how to ensure that African Americans and Latino people aren't left behind as the pot industry becomes legitimate.

Critics are wary, seeing Flynn's one-person [Department of Race and Equity](#) office as yet another roadblock for pot entrepreneurs seeking permits. "We've already taken too much time on this issue," said veteran cannabis attorney [Robert Raich](#), who worries that the race and equity report could become a distraction if it doesn't produce viable laws. "Whatever they do has to get under way soon or cannabis businesses will continue their migration out of Oakland."

[Daniel Grace](#), who heads the East Oakland cultivation facility Dark Heart Nursery, shares those concerns. "People are looking at Richmond, Santa Rosa, and Monterey County," he said. "They're looking at jurisdictions that have a clearer path to legitimacy."

Others see the study as necessary, even if it slows down the legislative process.

“Yes, it slows things down, creates uncertainty, and may cause certain people to lose money,” said [Lanese Martin](#), who co-chairs the [Oakland Diversity and Equity Cannabis Coalition](#) — an advocacy group that looks out for women, immigrants, and people of color working in the marijuana industry. “But in the long term we will get what we want, which is that more entrepreneurs of color become legal.”

Oakland’s pot battle erupted in May, after the council approved its current permit system, which immediately drew criticism from business owners, lawyers and even State Assemblyman [Rob Bonta](#), who suggested that the system ran afoul of state laws.

The permit system, pushed by Councilwoman [Desley Brooks](#), reserves half of the city’s cannabis permits for people who were either jailed on marijuana convictions in Oakland within the past decade, or who have lived for at least two years in a designated East Oakland neighborhood that had high marijuana arrests in 2013. Brooks said her “equity permit program” will help right the perceived wrongs of the federal War on Drugs, which critics say disproportionately harmed black and brown people.

Half of the equity neighborhoods are in Brooks’ district, and the others are in those of an ally, Councilman [Larry Reid](#). Many cannabis insiders have decried the program, saying the narrow criteria will choke off Oakland’s pot trade, putting at risk the scores of jobs and millions of dollars in tax revenue it could generate.

“Before we got into this process I was getting calls every day from people who were interested in opening cannabis businesses in Oakland,” Grace said. “Since the equity permit program passed, those calls have completely stopped.” With the clock ticking on a January 2018 state deadline for cities to craft local pot regulations, council members have bickered for months, offering new proposals only to see them shot down by colleagues.

City Hall, meanwhile, has delayed handing out applications to pot businesses that want to apply for licenses, pending the council’s action. A message on the city’s website tells readers to keep checking back.

If there’s any sense of urgency, however, it’s not being expressed at council meetings.

“We’re not in a rush,” Brooks said at the meeting on Nov. 14, at which Flynn laid out the basic structure for her report. Brooks, who has resisted her colleagues’ attempts to amend the equity permit program, also conceived the idea for the Department of Race and Equity.

“We need to get it right,” Brooks said. “That’s the rush we ought to be in — the rush to get it right.”

Flynn’s analysis will look broadly at Oakland’s cannabis industry, but not at the potential effects of Brooks’ equity permit program or of a proposal by council members [Dan Kalb](#), [Annie Campbell Washington](#) and Abel Guillen.

Their plan calls for loans and other assistance to low-income African Americans and Latinos, without reserving half the city’s permits for a small group of people. Flynn said she will not provide the council with new legislation, but rather a set of tools to enact “equitable” policy.

Flynn also said her analysis will not include an economic component, which raises concerns for cannabis insiders who fear the council has forgotten the main point of having regulations: to generate tax revenue for a city that desperately needs the money.

“I don’t believe there’s been an industry in recent memory that had so much potential to help cities with their deficits,” said [Robert Selna](#), an attorney who is helping clients with permit applications in Oakland and other cities. Selna and others worry that the council is allowing its cannabis industry to be a test case for a race and equity process that no one in the city seems to understand.

“Most Oakland residents support racial justice,” Selna said. “But there’s a glaring lack of clarity about the objectives of this study, or how its outcomes will be measured.”

Brooks did not return phone calls seeking comment for this article. During an interview at her spare 11th-floor office, Flynn defended the merits of the report she plans to deliver in February, and rejected criticism that it is holding up the legislation.

“People said the same thing about environmental impact reports,” she said. “There were people running around saying we’d never build anything again, growth was going to grind to a halt, life as we knew it was over. And of course none of that is true.”

In the case of cannabis, she said, “We will easily meet the state’s deadline.



## ***Pot “legalization 2.0”: Social equity becomes a key question***

States question how best to erase marijuana convictions and ensure that people who were arrested for pot benefit from legal marijuana markets



In this May 5, 2015 photo, marijuana plants grow at a Minnesota Medical Solutions greenhouse in Otsego, Minn. Advocates for legalizing marijuana have long argued it would strike a blow for social justice after a decades-long drug war that disproportionately targeted minority and poor communities.

By **JENNIFER PELTZ** | The Associated Press  
UPDATED: May 19, 2019 at 11:27 a.m.

NEW YORK — Advocates for legalizing marijuana have long argued it would strike a blow for social justice after a decades-long drug war that disproportionately targeted minority and poor communities.

But social equity has been both a sticking point and selling point this year in New York and New Jersey, among other states weighing whether to join the 10 that allow recreational use of pot.

Complicating the law-making process, sometimes even among supporters, are questions about how best to erase marijuana convictions and ensure that people who were arrested for pot benefit from legal marijuana markets.

Advocates say legalization elsewhere hasn't done enough to achieve those goals. Critics maintain legal pot is even accelerating inequality as the drug becomes big business for companies generally run by white men.

"We're at the stage of marijuana reform 2.0," said Douglas Berman, an Ohio State University law professor who follows marijuana policy. The conversation, he said, has shifted from just being about legalization to, "which track should we make sure we head down?"

Questions about conviction-clearing and other issues contributed to delaying legislative votes on legalizing recreational pot that had been expected earlier this spring in New York and New Jersey . The states' Democratic governors and legislative leaders support legalization but confronted differences even within their own party.

The New Jersey measure fizzled this week, when the state Senate president said he'll aim for a 2020 referendum while pursuing separate legislation to expand medical marijuana and expunge low-level pot convictions.

Meanwhile, some New York lawmakers said they'll soon unveil an updated proposal to legalize pot and foster racial and economic equity. Activists remain hopeful the state can set an example.

"Social justice is what's going to propel us, not what's going to hold us back," said Cassandra Frederique, the New York director for the pro-legalization Drug Policy Alliance.

Federal data shows similar percentages of white and black people use marijuana. But the arrest rate for blacks is higher, according to reports by the American Civil Liberties Union and others.

Legalization of recreational pot in 10 states and the District of Columbia, and medical pot in two-thirds of the states, hasn't eliminated the gaps. In Colorado, for instance, a state report found arrests were fewer but the rate remained higher among blacks five years after a 2012 vote for legalization.

Meanwhile, the emerging marijuana industry is very white, according to the limited data available.

"It's obviously a problem," said Morgan Fox of the National Cannabis Industry Association, which has helped craft suggestions for social equity legislation.

Another industry group, the Cannabis Trade Federation, this week announced plans to craft a diversity and equity policy in conjunction with national NAACP officials and other civil-rights advocates.

Some would-be minority entrepreneurs have been caught in a cannabis Catch-22, unable to work in a legal pot business because of a past conviction. Others struggle to raise start-up money in an expensive industry that banks are leery about entering because of the federal government's prohibition on pot.

"We're not going to have much time to make a space in the market for ourselves," said Jason Ortiz, vice president of the Minority Cannabis Business Association.

Marijuana got Ortiz arrested as a teenager, but now he hopes to start a business if recreational pot becomes legal in Connecticut, where he lives.

Some states and cities have started post-legalization initiatives to expunge criminal records and open doors in the cannabis business for people with pot convictions. California, for instance, passed a sweeping expungement law last year affecting hundreds of thousands of drug offenders.

New Jersey Sen. Cory Booker has proposed a national legalization measure that includes expungements and a community "reinvestment" fund, and several of his fellow Democratic senators and 2020 presidential primary contenders have signed on .

Some veterans of early state legalization campaigns have reckoned with their limitations.

"We were overly cautious at the time, looking back," said Art Way, the Drug Policy Alliance's director in Colorado. "But it didn't feel that way" when legalizing marijuana and ending many arrests were unprecedented goals in themselves.

He's been fighting to make Colorado's cannabis industry more accessible to people with drug convictions and entrepreneurs of modest means.

Opponents, too, are looking at how legalization has played out. They say it shows authorizing pot is no way to help minorities.

"The social justice issue is a big front" for states and big business to make money off marijuana, said New Jersey Legislative Black Caucus Chairman Ronald Rice, a Democratic senator from Newark and former police officer. He supports ending criminal penalties for marijuana but not legalizing recreational use.

"I know what social justice looks like," Rice says. "I also know when people are being used."

He doesn't foresee pot shops enhancing neighborhoods where drugs have been a wellspring of problems. And he's skeptical that, even with special incentives, residents would reap the profits in an industry already infused with big money.

New York Assemblywoman Crystal Peoples-Stokes agrees legalizing marijuana isn't a panacea for minority communities. But the Assembly's first African-American majority leader is championing a recreational-pot proposal that's currently being revised.

"It will not end racism. But it is a crucial step in the right direction," Peoples-Stokes, a Buffalo Democrat, recently wrote in Newsweek.

As an aspiring marijuana businessman in New York, Andrew Farrior is following the legalization debate and its talk of social equity.

Farrior, who is black, is intrigued by the possibility of incentives for entrepreneurs like him but not confident such plans would translate into action. Meanwhile, he and co-founder Ethan Jackson are plowing ahead with plans to launch Greenbox.NYC as a subscription and delivery business for hemp and other legal cannabis-related products.

"We're ready to take what the market gives us," Farrior said

## ***Colorado Gov. Jared Polis says pardons for marijuana convictions can start in 90 days***

“We hope that this measure will be a first step for new opportunities for thousands of Coloradans”



Colorado Gov. Jared Polis makes a point before signing a broad police accountability bill during a press conference in the rotunda of the State Capitol Friday, June 19, 2020, in downtown Denver.



By **SAJA HINDI** | The Denver Post  
UPDATED: June 29, 2020 at 8:22 p.m.

### **Loading your audio article**

Colorado Gov. Jared Polis signed a bill into law Monday that allows him to mass-pardon Coloradans with minor marijuana possession convictions, although he has not said exactly how the process will work.

Lawmakers passed [House Bill 1424](#) on June 15, the last day of the 2020 legislative session. The bill aims to make the legal marijuana industry more accessible to people of color and those who were previously convicted on drug charges that wouldn't be crimes now. It expands the social equity program for marijuana business licenses to Colorado residents who have been arrested or convicted on a marijuana offense, been subject to civil asset forfeiture from a marijuana offense, or lived in an area designated as high crime or economically disadvantaged.

“For decades now, the Black community has been disproportionately criminalized because of marijuana while others have profited,” said Rep. James Coleman, a Denver Democrat and bill sponsor. “We have needed to act on this injustice for decades.”

In [a last-minute move](#), lawmakers agreed to add another component to the bill: giving the governor the power to mass-pardon Coloradans for convictions of marijuana possession of 2 ounces or less, rather than doing them on an individual basis. Longmont Democratic Rep. Jonathan Singer added the amendment after the pandemic forced him to drop plans for a more extensive marijuana expungement bill.

Polis signed the bill Monday night at Simply Pure in Denver, a dispensary owned by Wanda James and Scott Durrah, the first Black couple in the country to own a dispensary, a cultivation facility and an edible company, according to their website.

I'm at the bill signing event for House Bill 1424 at Simply Pure dispensary in [#Denver](#).  
Background: <https://t.co/l3SQh2ecZX> [#copolitics](#) [#coleg](#) [pic.twitter.com/Kx41ztIVlw](https://pic.twitter.com/Kx41ztIVlw)  
— Saja Hindi (@BySajaHindi) [June 30, 2020](#)

“There's too many people that have a prior conviction for personal amounts of cannabis fully legal today that prevent them from getting loans, from getting leases, from raising capital, from getting licenses, from getting jobs, from getting mortgages, and that's wrong,” Polis said. “We hope that this measure will be a first step for new opportunities for thousands of Coloradans who should not be living with a cloud over their head simply because they were a little bit ahead of their time.”

He said he can begin offering the pardons in 90 days.

Boulder District Attorney Michael Dougherty said he agrees with the concept of pardoning as a matter of “fundamental fairness” but wishes there was more time to discuss the amendment and process.

“I trust the governor's office will carefully review each individual case, be transparent, and make public each pardon decision,” Dougherty said.

The Black Cannabis Equity Initiative and the Colorado Black Round Table penned a letter to Polis urging the immediate release of low-level cannabis offenders and records expungement before the signing.

“This Pardon and Expungement are not the face of social equity in Colorado, however, they are important action steps in recognizing and acknowledging systemic and institutional racism as well as the past barriers and significant omissions in the evolution and history of the Colorado cannabis industry,” the letter stated.

*Originally Published: June 29, 2020 at 8:18 p.m.*

# *Op-ed: America's past holds clues for solving current issues with marijuana industry*

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PUBLISHED: OCT 20, 2017, 12:28 PM • UPDATED: OCT 21, 2017, 8:13 AM

By **Nick Johnson**, *Special To The Cannabist*

Marijuana might not have given many Americans a hangover, but prohibition certainly did.

[In 1917, Colorado banned cultivation and sale of the drug cannabis](#), a peripheral yet legal medicine in early 20th-century America. Then, 95 years later on Nov. 6, 2012, Coloradans voted to re-legalize the plant and its products for adults 21 and older.

While the legalization vote was widely celebrated as the dawn of a new, more rational era in American drug policy, few observers took the time to appreciate what happened in the interceding decades, and what those events might mean for the modern cannabis industry.

As it turns out, two of the legal cannabis industry's most vexing problems — [racial inequality](#) and [environmental neglect](#) — are hangovers from continuing federal prohibition. The sooner we recognize and appreciate this history, the sooner we can craft legislation and policy that will make marijuana legalization a truly progressive endeavor.

One of the most popular talking points in pro-legalization circles is the fact that [racism toward blacks and Latinos played a major role](#) in the establishment of national marijuana prohibition via the [Marihuana Tax Act](#) in 1937. This is true, but more broadly, marijuana prohibition was just one part of the institutional racism that systematically shut down educational and economic opportunities for black and Latino communities from the end of the Civil War through the present. The result was a [huge wealth disparity](#) for black and brown America compared with white America. Producing, selling, and using illegal drugs has [long presented](#) the nation's poorer communities — regardless of skin color — an opportunity to make a living and cope with the everyday stresses of racism and poverty.

This meant that the [War on Drugs took a disproportionate toll on communities of color](#); again, this is common knowledge among advocates of legal marijuana. Less common is the realization that, because of this historical inequality, black and brown Americans were [not as well-positioned as white Americans](#) to benefit



from the reversal of a [policy that hammered their communities for decades](#). States that have re-legalized cannabis have largely failed to address this opportunity gap in both rhetoric and policy. The result? A legal cannabis industry that is overwhelmingly dominated by white men – although there have been [recent efforts](#) to change the dynamic.

And while it's true that fewer minorities are going to jail for pot, ingrained prejudice and entrenched patterns of over-policing minority communities have [maintained the disparity in marijuana arrests](#) between whites and non-whites – even in states that have legalized, and even though both groups [use the drug at similar rates](#).

Meanwhile, the crackdown on American marijuana growers that began in the latter part of the 20th century was, among other things, an environmental disaster. Yes, people's lives and livelihoods were disrupted and their possessions were [unjustly confiscated](#) – another common (and true) refrain from legalization advocates – but growers' guerilla-like response to the War on Drugs effectively mainstreamed unsustainable and irresponsible agriculture.

Determined to take advantage of the high prices encouraged by marijuana prohibition, growers moved indoors and deeper into public lands and other remote regions such as California's "[Emerald Triangle](#)." Indoors, innovative but [energy-intensive](#) lighting and cooling systems widened the crop's energy footprint; outdoors, unregulated cultivation disrupted and [polluted ecosystems](#).

The environmental problems only got worse after states began legalizing medical marijuana in the 1990s, as more and more outlaw growers flocked to places like California and Oregon to capitalize on the cover of a gray market.

Campaigns to legalize marijuana in Colorado and elsewhere largely ignored environmental issues tied to cultivation. Lost in supporters' jubilation after the legalization votes in 2012 was the fact that Colorado and Washington voters had just legalized a hugely popular crop just as their states began to feel the effects of an [awful drought](#).



Trash and other items found during a raid of an illegal marijuana cultivation in Colorado's San Isabel National Forest. (Provided by U.S. Forest Service)

Widespread injustice under federal marijuana prohibition made activists more concerned with the broad concept of legalization, while decades of prohibitionist rhetoric about cannabis as an "illegal narcotic" and "Schedule I substance" made state politicians more concerned about regulating marijuana the drug instead of cannabis the crop. For instance, not once in a [266-page report](#) did Colorado's Amendment 64 Implementation Task Force mention the word "water." Washington state conducted just one [third-party study](#) on marijuana's environmental impact. Oregon, which also legalized in a drought year, did better, but with federal prohibition buoying the price of illegal marijuana, black-market cultivation remains a lucrative enterprise.

Fortunately, states have recently been paying more attention to this problem. California's new [legalization plan](#) includes strict environmental parameters, and nearly every state with legal recreational marijuana now regulates the use of [pesticides](#). Denver Water representatives are increasingly "[impressed](#)" with conservation efforts from marijuana cultivators. Outdoor and greenhouse cultivation is becoming [more attractive](#) and [viable](#).

These are all important steps, but advocates and authorities involved in cannabis legalization must continue to reflect and act on lessons from the plant's history under decades of prohibition. States that have legalized must embrace [plans to boost minorities and women in the industry](#) and other efforts to make the cannabis industry more socially inclusive. They must establish green energy standards and continue pushing the industry toward greenhouse and outdoor cultivation. Contrary to [Gov. John Hickenlooper's "wait and see" advice](#), states that have legalized must call loudly for an end to federal prohibition that is the main driver of environmentally harmful, black-market growing.

Prohibition has given the marijuana industry quite a hangover, but strong leadership based on an appreciation for history may be just the seltzer it needs.

*Nick Johnson is an historian based in Longmont, Colorado. He is the author of the new book [Grass Roots: A History of Cannabis in the American West](#).*

## *House votes to decriminalize marijuana at federal level*

Supporters say the bill would help reverse adverse effects of the decades-long “war on drugs” by removing marijuana from the list of federally controlled substances



In this Aug. 15, 2019 file photo, marijuana grows at an indoor cannabis farm in Gardena, Calif. Top prosecutors in the vast majority of Arizona counties are dropping all existing possession of marijuana cases even before a new voter-approved law eliminating criminal penalties for having small amounts of the drug takes effect when results of the Nov. 3, 2020 election are certified. An Associated Press survey of county attorneys received responses from 13 of 15 elected county attorneys, all of whom said they were either immediately dropping existing cases or in one case pausing prosecutions and planning to drop them when Proposition 207 goes into effect.

By **MATTHEW DALY** | The Associated Press  
UPDATED: December 4, 2020 at 12:40 p.m.

WASHINGTON — The Democratic-controlled House on Friday approved a bill to decriminalize and tax marijuana at the federal level, reversing what supporters

called a failed policy of criminalization of pot use and taking steps to address racial disparities in enforcement of federal drug laws.

Opponents, mostly Republicans, called the bill a hollow political gesture and mocked Democrats for bringing it up at a time when thousands of Americans are dying from the coronavirus pandemic.

“With all the challenges America has right now, (Republicans) think COVID relief should be on the floor, but instead, the Democrats put cats and cannabis” on the House floor, said House Minority Leader Kevin McCarthy, R-Calif. “They’re picking weed over the workers. They’re picking marijuana over (providing) the much-needed money we need to go forward” to address the pandemic.

McCarthy’s comment about cats referred to a separate bill approved by the House to ban private ownership of big cats such as lions and tigers, a measure boosted by the Netflix series “Tiger King.” That bill, approved by the House on Thursday, would allow most private zoos to keep their tigers and other species but would prohibit most public contact with the animals.

Democrats said they can work on COVID-19 relief and marijuana reform at the same time and noted that the House passed a major pandemic relief bill in May that has languished in the Senate.

Supporters say the pot bill would help reverse adverse effects of the decades-long “war on drugs” by removing marijuana, or cannabis, from the list of federally controlled substances while allowing states to set their own rules on pot. The bill also would use money from an excise tax on marijuana to address the needs of groups and communities harmed by the drug war and provide for the expungement of federal marijuana convictions and arrests.

“For far too long, we have treated marijuana as a criminal justice problem instead of as a matter of personal choice and public health,” said Rep. Jerry Nadler, D-N.Y., chairman of the House Judiciary Committee and a key sponsor of the bill. “Whatever one’s views are on the use of marijuana for recreational or medicinal use, the policy of arrests, prosecution and incarceration at the federal level has proven unwise and unjust.”

The vote comes at a time when most Americans live in states where marijuana is legal in some form, and lawmakers from both parties agreed that national cannabis policy has lagged woefully behind changes at the state level. That divide has created a host of problems — loans and other banking services, for example, are hard to get for many marijuana companies because pot remains illegal at the federal level.

Four states, including New Jersey and Arizona, passed referendums allowing recreational cannabis. Voters made Oregon the first state in the nation to decriminalize possession of small amounts of cocaine, heroin and methamphetamine.

Rep. Barbara Lee, D-Calif., called the House bill an important racial justice measure. Lee, who is Black, said the bill is the product of years of work by a range of advocates and is long overdue.

The bill “is a major step, mind you, a major step toward ending the unjust war on drugs and racial inequities that are central to these laws,” Lee said.

The bill also would open up more opportunities for marijuana businesses, including access to Small Business Administration loans to help ensure that minorities can take part in an industry dominated by white farmers and growers. “This is a job-creating industry, and (the bill) also provides economic opportunities for minority-owned business owners,” Lee said.

The bill, which passed 228-164, now goes to the Republican-controlled Senate, where it is unlikely to advance. A related bill that would give pot businesses access to traditional banking services has languished in the Senate after being approved by the House last year.

Louisiana Rep. Steve Scalise, the No. 2 House Republican, said GOP lawmakers have been pushing for weeks to bring up a bill that allows small businesses to receive another round of Paycheck Protection Program loans. Many small businesses are struggling or have closed as a result of the pandemic.

If House Speaker Nancy Pelosi brought the GOP bill to the House floor, “it would get over 400 votes,” Scalise told Fox News. “And yet, she’s actually focused more on legalizing pot this week than on helping those small businesses with PPP loans. It’s just unbelievable how tone deaf (Democrats) are to these small businesses and the jobs, the families that are tied to them.”

Among its provisions, the legislation would authorize a 5% sales tax on marijuana products to fund programs aimed at assisting people and communities harmed in the so-called war on drugs, such as job training and legal aid. It also would require federal courts to expunge prior marijuana convictions.

The Big Cat Public Safety Act also is unlikely to move forward in the Senate.

Sen. Ted Cruz, R-Texas, criticized Democrats, saying in a tweet that they are moving to “Prosecute Tiger King” rather than address issues related to the COVID-19 pandemic.

But Carole Baskin, whose animal rescue organization is featured in the Netflix series, said the legislation would culminate a decades-long effort to end abuse of tiger cubs and other big cats, and protect the public and first responders from injuries and death.

“None of these important goals are partisan in any way, and we hope the Senate will follow suit quickly to make it into law,” said Baskin, CEO and founder of Florida-based Big Cat Rescue.

# ***Program to erase old pot charges aids 58 California counties***

The AP logo consists of the letters 'AP' in a bold, black, sans-serif font. The 'A' and 'P' are connected at the top. Below the letters is a thick red horizontal bar.

By [ASSOCIATED PRESS](#)

UPDATED: September 9, 2019 at 4:32 p.m.

SACRAMENTO, Calif. (AP) — Every California county prosecutor can now use new technology to erase or reduce an estimated 220,000 old marijuana convictions after voters broadly legalized the drug in 2016.

Code for America, a San Francisco-based nonprofit tech organization, announced Thursday it is making its computer algorithms available for free to all 58 district attorneys. The program quickly finds eligible cases in court documents that may date back decades.

Six counties including Los Angeles and San Francisco earlier used the Clear My Record program on a trial basis to clear an estimated 75,000 cannabis convictions.

Voters approved eliminating some pot-related crimes and wiping out past criminal convictions or reducing felonies to misdemeanors when they legalized adult marijuana use in 2016.

But there was no easy way to identify those who qualified.

The computer program not only identifies eligible cases, but automatically fills out forms to file with the courts. It can analyze conviction eligibility for about 10,000 people per minute, instead of requiring county employees to dig through individual records.

District attorneys have until July to decide whether to dismiss sentences or fight reducing the convictions.

Code for America founder and executive director Jennifer Pahlka said in a statement that the expansion “will open the door to relief for tens of thousands of Californians...who have been denied jobs, housing and other opportunities because of their criminal record.”

The announcement comes a week after Cook County, Illinois, State’s Attorney Kimberly Foxx announced she would use the technology, becoming the first county outside California to participate.

# *Where pot is now legal, those punished in the past seek forgiveness*

The logo for the Associated Press, consisting of the letters 'AP' in a bold, black, sans-serif font.

By [ASSOCIATED PRESS](#)

UPDATED: August 22, 2019 at 9:20 a.m.

Despite its name, hippie reputation and liberal spirit, Vermont hasn't always been kind to pot smokers. Now, as the state moves to legalize weed beyond medical use, those punished in the past for marijuana misdemeanors are seeking forgiveness.

On July 1, Vermont will become the ninth state, along with Washington, D.C., to legalize recreational marijuana. It will not set up a system to tax or regulate production, but adults will be able to possess an ounce of marijuana, two mature plants and four immature plants.

The law also brings an opportunity for those convicted of marijuana transgressions to have them removed from their records.

Past convictions have led to difficulty finding housing or a job. Some were turned away when they applied for a nursing license or federal student loans, attorneys say. Some can't get into neighboring Canada.

So prosecutors across the state are doing what they can to help — just as in many other places that have legalized marijuana, with varying degrees of difficulty.

Glyn Wilkinson, a 70-year-old semi-retired carpenter who ran for the state Senate in 2014 as a Libertarian, and came in last, was among the first to arrive at an “Expungement Day” workshop held last week in Burlington.

He received the first of his two marijuana convictions in 1968 — so far back in the Chittenden County records that the prosecutor's office had a hard time finding it. He has been turned back at the Canadian border, he said, and was disqualified from buying a firearm.

“Can you really get used to it? You can forget about it, but it never really goes away,” Wilkinson said. “Today it can actually go away.”

Joshua Rowe could not make it to Burlington for the expungement event, but he has been working with Vermont Legal Aid to clear his record. A 31-year-old lighting designer who has worked on tours with Willie Nelson and Trombone Shorty, Rowe said his two misdemeanor convictions have prevented him from taking work in Canada.

“There are jobs I don’t even want to attempt to take, because it will look bad on my record with them if I get denied going into Canada for a job,” he said. “These old charges are holding me back.”

The Canadian Border Services Agency confirmed that people like Rowe will be able to show their record has been cleared and allowed to enter.

Windsor County prosecutor David Cahill, who hosted a workshop similar to Burlington’s, estimated there are roughly 2,800 marijuana misdemeanor convictions eligible for expungement across the state.

Other governments have grappled with what to do with those who have criminal convictions for something that is no longer a crime.

Provisions of California’s 2016 law that broadly legalized marijuana also allowed for the expungement or reduction from felonies to misdemeanors of some old pot convictions. But there was no mechanism for getting that done.

Kristen Clarke, president of the Lawyers’ Committee for Civil Rights Under Law, has been looking at how jurisdictions nationwide are addressing marijuana convictions in the post-legalization world.

San Francisco, she said, stands out for clearing thousands of marijuana convictions without requiring individuals to specifically ask.

“They are wiping convictions off of people’s records in one fell swoop, and my hope is that more officials will follow San Francisco,” Clarke said.

District attorneys in four other California counties, including San Diego and Alameda – home to Oakland and Berkeley – have also begun expunging old marijuana convictions or reducing felonies to misdemeanors on their own, without the participation of the defendants.

San Diego said it is combing through about 4,000 old cases, and Alameda said as many as 6,000 cases may be eligible for expungement or reduction.

Public defenders throughout California have been hosting legal clinics to help people with convictions fill out the proper forms and file the petitions with the courts.

Colorado last year passed a law that allows those convicted of misdemeanor use or possession to ask to seal, but not erase, criminal records if it is not currently a crime, and the Oregon Legislature passed a similar bill in 2015.



In Vermont, a bill that would have fast-tracked misdemeanor marijuana convictions for expungement died in a legislative committee this year. So the law still requires that the person seeking expungement begin the process, something Sarah George, the lead prosecutor in Chittenden County, said limits who can be helped.

Getting an attorney can be expensive and a deterrent, she said.

A grant from the Pennywise Foundation covered the \$90 filing fee for those who came out to the events in Windsor and Chittenden counties, but normally petitioners have to pay that amount for each case.

George and her colleagues in Windsor and Bennington counties said they hope the state moves toward automatic expungement.

“It’s taking up time that we could be doing other things,” George said, “but from my perspective it’s well worth the time.”

*Associated Press reporter Paul Elias contributed to this report from San Francisco.*

## ***Brooklyn DA erases 56 marijuana convictions, vacates over 3,000 pot warrants***



Brooklyn District Attorney Eric Gonzalez has expunged over 3,000 arrest warrants and vacated 56 marijuana convictions.

By [CATHERINA GIOINO](#) and [STEPHEN REX BROWN](#)

UPDATED: December 12, 2018 at 11:30 p.m.

Thousands of pot cases in Brooklyn have gone up in smoke.

Brooklyn District Attorney Eric Gonzalez agreed to vacate 56 marijuana convictions and expunge over 3,000 arrest warrants on minor marijuana charges in hope of righting the wrongs of the stop-and-frisk era of policing.

“The majority of these warrants were issued to Black and Latino New Yorkers,” Gonzalez said Friday at an event dubbed “Begin Again.”

“I believe we must do what we can to repair the harms done to the individuals and the communities that were targeted in well-meaning but misguided efforts of the past.”

The 3,146 arrest warrants — most of which were for simple marijuana possession — were vacated without the alleged pot-possessors’ presence in court. Brooklyn Criminal Court Justice Abena Darkeh accepted Gonzalez’s motion to toss the warrants.

The 56 convictions required that the person be present — not in a courtroom, but at Lenox Road Baptist Church in Prospect-Lefferts Gardens.

During a brief proceeding, public defenders helped the 56 Brooklynites file motions to vacate their convictions for misdemeanor pot offenses, most of which also involved possession of marijuana.

Warrants for 138 other offenses not involving weed – such as littering – were also vacated.

“Right now I feel like I can see,” said Jean Moyon, 51, who had a misdemeanor conviction for smoking weed expunged.

He was one of the many people who left the church with a big smile, happily holding paperwork from the feel-good proceeding, grateful to have the charges erased from their records.

“It was a little dark but now there’s light and it got a little better... Now I can get back into life,” said Moyon, who believes he lost a chance at a job because of the conviction.

“Last year, I was trying to get a job at Sears and I passed every test until they did a background check,” he said. “And they never called me, so I put two and two together.”

Brentnol Ward, 37, was arrested for an open pot warrant only the day before the event. After a long day stuck in the wheels of justice, cops directed him to Judge Darkeh’s hearing at the church.

Ward was bitter that he’d been arrested in front of his 10-year-old daughter for a warrant he didn’t even realize he had. He’d also missed a day of work.

But after the hearing, the case was no longer on his record, he said.

“Luckily I got it dismissed so I can show it to her and explain to her what happened,” Ward said.

The expungements come as marijuana policies shift across the city – and possibly statewide.

Gov. Cuomo has signaled he’s open to the possibility of [legalizing recreational use](#) of marijuana. The NYPD has also implemented a policy to [reduce arrests](#) of weed smokers.

Manhattan District Attorney Cy Vance [has instructed](#) prosecutors to decline most pot possession cases.

One woman leaving the church who declined to give her name noted the mellowing attitudes towards weed.

“It’s a fresh start. I’m free...It shouldn’t even be a thing. Soon it’ll be legal anyway,” the woman said.

## *Balancing the books on N.Y.'s cannabis legalization*



Crowds gather outside Housing Works Cannabis Co., New York's first legal cannabis dispensary at 750 Broadway in Noho on Thursday, Dec. 29, 2022, in New York. Housing Works Cannabis Co. is a recipient of New York State's social equity license initiative and the first legal cannabis dispensary to open in the state. (AP Photo/Stefan Jeremiah)

By [KASSANDRA FREDERIQUE](#) and [MELISSA MOORE](#)

PUBLISHED: January 7, 2024 at 5:00 a.m.

Fifty years ago, our country declared the War on Drugs, and New York enacted the draconian Rockefeller drug laws, setting a dangerous blueprint for using drugs as a justification for targeting and criminalizing Black and Brown communities. The full-throttle drug war approach defunded vital community-led programs and weaponized the criminal legal system when a public health approach was needed.

Several years later, an uproar over excruciatingly long sentences for marijuana use — led particularly by suburban New York parents who decried how their teen and early adult kids' futures were eclipsed by incarceration — created the political will in Albany to decriminalize personal possession of marijuana in 1977.

Flash forward a couple of decades to the height of the stop-and-frisk driven marijuana arrest crusade, and New York City alone arrested more than 50,000 people annually for low-level possession. There were more than 800,000 arrests for

marijuana possession alone in the two decades preceding cannabis legalization for adult use — all arrested over a charge that wasn't supposed to be illegal.

The vast majority of those criminalized were young Black or Latinx people, even though rates of use are quite similar across race and ethnicity. As a result, hundreds of thousands of New Yorkers had their families and lives derailed. Beyond the criminal system, people criminalized for marijuana use faced dire impacts on their access to housing, employment, and education. They often were ensnared in the vicious family policing system (commonly known as child welfare) or immigration detention and deportation.

Marijuana prohibition created generational poverty and roadblocks to opportunity that continue to exist in families and communities today. As the [city comptroller's 2018 analysis showed](#), the New York City neighborhoods with the highest marijuana arrest rates are the same parts of the city with the worst socioeconomic indicators like unemployment rate, poverty concentration, low credit scores, and homeownership rates.

Hindsight is always 20/20; thankfully, humans can evolve, learn, and change. Every day presents us with a new opportunity to be better than the day before. In 2021, New York State passed the Marijuana Regulation and Taxation Act (MRTA) as a good-faith effort to begin the arduous process of repairing many of these tremendous harms. The MRTA set forth powerful retroactive justice provisions and forward-looking protections to build a foundation for New York rooted in personal and community safety and equitable access to necessities like housing, jobs, and education.

Despite the MRTA's quiet but methodical and profound reshaping of how New Yorkers can access jobs, housing, and education and keep their families together with protections for parents who consume lawfully and safeguards against deportation, its broad impact on under-resourced and overburdened communities continues to be largely overlooked. The recent lawsuit settlement for the Conditional Adult Use Retail Dispensary licenses, dispensaries, and licensing has held the limelight for much of the media attention around the legalization rollout in New York.

Yet, as an accounting ledger tracks the nitty gritty gains and losses in business accounting, the MRTA is racking up gains by all measures. Just because the road has been bumpy and there are hurdles does not mean this is the time to lose our resolve. This is the crucial moment to redouble our efforts to enact the vision and the fully transformative opportunity that is a fundamental part of the framework within the MRTA.

As we kick off the year, because of the MRTA New Yorkers will not be faced with such horrors that were previously commonplace.

A year before statewide marijuana reform passed, a mob of police officers in Brooklyn swarmed a young Black teen outside of a park in Brooklyn, and video shows them [viciously beating him](#) as he pleads for his mother – all because officers claimed to smell marijuana. The MRTA ensures the police can no longer stop, search, question, or harass anyone, including minors, by using cannabis enforcement as the justification.

In the decade before legalization, the purported odor of cannabis had become one of the most oft-used reasons for the massively racially disproportionate marijuana arrests and enforcement by the NYPD and a [fundamental violation of New Yorkers' civil rights](#).

Students are not being strip-searched without their parent's consent over suspicions of marijuana, as was the experience of [four 12-year-old Black girls in Binghamton in 2019](#). Thanks to the MRTA, young people now have factual educational resources that underscore the risks of use – and it has created space for them to speak with knowledgeable and trusted adults without the fear that they will get in trouble.

A Black mother from the Bronx recently [sued](#) the NYC Administration for Children's Services (ACS) for improperly sequestering her newborn from her at the hospital and subjecting her and her family to months of invasive investigations after she legally smoked cannabis. The MRTA gave her the means to advocate for her family, and [ACS settled with her for \\$75,000](#). Now, there is a template for any future lawsuits needed to hold this and other agencies accountable under the protections in the bill.

Because of the MRTA, people are not facing eviction or [permanent exclusion from housing over marijuana](#). Decade after decade, New York tenants were kicked out of housing or had to grapple with the gut-wrenching reality of not allowing family members who had a prior marijuana arrest even to come just to visit on public housing grounds. If they did, any family member resident could be evicted. No more.

The efforts leading up to the MRTA [established a standard for expungement](#) of cannabis convictions on which the MRTA expanded – and that freed hundreds of thousands of New Yorkers from the educational and employment burdens and barriers of a cannabis record. These provisions in our landmark legalization bill provided [stepping stones for broader justice initiatives](#) dealing with expungement, such as the [Clean Slate Act](#), which was signed into law by Gov. Hochul.

For decades, New Yorkers applying for work and even those already in stable jobs were routinely required to submit to dehumanizing and intrusive drug tests to get or maintain work. Despite there being [no the absence of proof](#) that drug testing employees increases productivity or predicts impairment, millions of New Yorkers had their job opportunities blocked because of the widespread practice.

The marijuana justice campaign worked with the NYC Council to pass [groundbreaking legislation](#) limiting pre-employment cannabis testing for most positions in 2019, and the [MRTA extended these protections for workers statewide and to existing employees who should not face penalties for lawful consumption off-the-clock](#). These protections now serve as a north star for other states and cities like California and Washington, D.C. to adapt their labor laws to follow New York.

We can't snap our fingers and immediately undo the decades of damage wrought by punitive marijuana policies that have harmed people across nearly every aspect of daily life. Still, we were clear that the remedies for the devastation caused by New York's marijuana arrest crusade needed to be just as comprehensive as the harm done to people and communities.

Additional relief for New Yorkers is on the horizon: The MRTA created a Community Reinvestment Fund, which will channel 40% of state tax revenue – set to be millions of dollars annually – to provide a mechanism to invest in communities disproportionately impacted by the drug war. It will be accessible to community-based nonprofit organizations for job training and placement, re-entry services, adult education programming, and other services supporting people and communities harmed by the marijuana arrest crusade.

The other large funding streams from the MRTA will go to the state Education Department (40%) and to a drug treatment and public education fund (20%). Additional allocations from tax revenue will cover the costs of conducting studies analyzing the impacts of marijuana legalization on public health, public safety, youth use, the state economy, the environment, and on the criminal justice system.

It's easier to focus on a single complicated aspect of a new system, like dispensaries, than it is to zoom out and look at the full picture of all the damage that has not happened because of the far-reaching protections in the MRTA. More work lies ahead in establishing New York's first legalized adult recreational cannabis marketplace. But let's not forget how far we've come.

# ***N.Y.'s slipping promise on cannabis: A pledge of justice for Black and Brown communities is being broken***



A sales person waits to sell cannabis to VIP customers at the opening press conference for the Housing Works Cannabis Co. Thursday, December, 29, 2022 in Manhattan, New York. (Barry Williams for New York Daily News)



By [NEW YORK DAILY NEWS](#) | [NYDN@medianewsgroup.com](mailto:NYDN@medianewsgroup.com)

UPDATED: August 28, 2023 at 9:00 a.m.

Sixty years after the [March on Washington](#) and 157 years since the [Civil Rights Act of 1866](#), New York stands at the forefront of a new civil rights battle for economic justice. A recent lawsuit challenges the implementation of the [Marijuana Regulation and Taxation Act \(MRTA\)](#), casting a shadow of uncertainty and threatening the progress towards addressing human rights injustices that Black and Brown communities have endured, especially during the “war on drugs.”



To add insult to injury, the lawsuit is being supported by none other than the Coalition for Access to Regulated & Safe Cannabis (CARSC). According to reports, CARSC consists of at least four of the state's "[registered organizations](#)" (its legacy medical marijuana operators) – Acreage Holdings, PharmaCann, Green Thumb Industries and Curaleaf. Although they all claim to support social equity, the truth is big cannabis corporations are allocating significant resources to circumvent these initiatives that level the playing field for Black and Brown communities to build generational wealth.

Enacted in 2021, MRTA was designed to rectify the harms caused by New York's draconian drug laws that disproportionately impacted communities of color. Under MRTA, the [state Office of Cannabis Management \(OCM\)](#) prioritized social and economic equity applicants, reserving retail dispensary licenses for justice-involved individuals and nonprofits aimed at helping those most affected by racially motivated drug laws. big cannabis corporations are trying to circumvent these initiatives that level the playing field for Black and Brown communities to build generational wealth.

Promises were made by OCM that they have been unable to realize for us and our communities. The inability to deliver on these promises threatens the cycle of intergenerational wealth, considering the time and resources expended on turning dreams into reality. For more than 30 years, I have dedicated my life to advocating for and uplifting voices within my community. I founded [LIFE Camp \(Love Ignites Freedom through Education\)](#) to help youth and families impacted by these harsh drug laws and the war on drugs that occurred in my community.

As the first Black woman and founder of a Black-owned nonprofit to receive a [Conditional Adult-Use Retail Dispensary license \(CAURD\)](#), my dream has been deferred due to those favoring big cannabis corporations over remedying New York's past pain. My face, likeness, and organization were used to promote the CAURD program, but when it was time to benefit, I found myself unsupported. My team worked double and triple time to establish the dispensary, compromising our focus on critical work.

We received no state financial support, and now we face uncertainty. We were promised a prioritized market share to protect us from big corporate cannabis, but now we may not be able to proceed. We entered contracts and committed to life-changing opportunities that might no longer be possible.

We relied on OCM's promise that we could open and operate. Leveraging ourselves as a nonprofit, we became the first federally recognized nonprofit to hold a cannabis license, a first for New York. However, the American dream and New York State's promise of supporting community-based businesses have failed. Entities are working to halt economic opportunities for those burdened by harmful drug policies.

Cannabis corporations are driving the disenfranchisement of the same people who have suffered under these policies and are now in a legal market. The collateral consequences of pausing MRTA and CAURD perpetuate the same harm families are still recovering from. As a justice advocate, community leader, and first Black woman-owned licensee, I fear irreparable harm as the inability to become operational continues. New Yorkers who have invested in compliance, location preparation, staff training, and community education will suffer if the lawsuit's restraining order is upheld.

We cannot afford to wait and let calculated legal challenges stifle economic freedom, social justice and empowerment. We cannot allow big corporate cannabis to undermine the goals of the MRTA. I urge you to support MRTA and CAURD and fight for real social equity, social change and substantive social justice. Blocking these opportunities is perpetuating ongoing efforts to remedy generational disenfranchisement and deprived economic opportunity.

The war on drugs devastated many of our communities, but now we have a chance at restoration. We can't let big multi-state operators rewrite our narrative and push out those who've suffered the most. As the daughter of a sergeant who gave his life in the Vietnam War for this country, I urge you to stand resilient, just as he did. When we unite, our collective strength can overcome any corporate giant. Let's ensure the benefits of this green revolution uplift those most impacted. Together, let's ensure our city's future is equitable and just.

## ***How to legalize marijuana: To combat racial discrimination, New York must do this right***



A volunteer working for the DCMJ, a Washington group calling for cannabis to be removed from the Controlled Substances Act, takes a break for a smoke after he and friends rolled hundreds and hundreds of marijuana joints on April 13, 2017 in preparation for their April 20th (420) protest that gathers at “High Noon” at the US Capitol calling on legislators to relax marijuana laws. The group, fully expecting arrests and large crowds, will be firing up and giving away free marijuana starting at “High Noon” on April 20th — 420 — as they ask the US Congress to have cannabis descheduled from US drug laws. / AFP PHOTO / PAUL J. RICHARDS (Photo credit should read PAUL J. RICHARDS/AFP via Getty Images)

By [CARL HART](#)

UPDATED: January 26, 2021 at 10:00 a.m.

It’s not a question of if New York will legalize marijuana but when, and what the legislation will look like. Nationwide support for cannabis legalization is at an all-time high, with [68%](#) of Americans endorsing such measures. Correspondingly, 15 states — and Washington, D.C. — but not New York, have okayed weed for adult use.

That legal marijuana has yet to become a New York reality doesn’t mean lawmakers haven’t tried. They have, and failed, twice. How tax revenue will be allocated was a

key sticking point that derailed previous legalization [efforts](#). Gov. Cuomo proposed the creation of a new state agency that would decide how the money would be spent, whereas several legislators, including Manhattan's Sen. Liz Krueger, wanted a proportion of the revenue designated for communities most negatively affected by the multi-decade war on drugs.

I am reminded why this is even an issue every time I fly in or out of LaGuardia Airport and am forced to think about why marijuana was banned in the first place.

During the 1930s, media reports concocted a connection between marijuana use by Black people and violent crimes. Some authorities even claimed that use of the drug caused [matricide](#). These fictitious claims were used to justify racism and to facilitate passage of the [federal Marijuana Tax Act in 1937](#), which essentially banned the drug. During Congressional hearings concerning regulation of marijuana, Harry J. Anslinger, commissioner of the Federal Bureau of Narcotics, declared, "Marijuana is the most violence-causing drug in the history of mankind."

Around the same time, Mayor Fiorello LaGuardia commissioned a comprehensive study of marijuana's use and effects. Findings from the LaGuardia report were published in 1944. They contradicted the rhetoric that had led to the ban on marijuana. In short, the evidence revealed that individuals "who have been smoking marijuana for a period of years showed no mental or physical deterioration which may be attributed to the drug," and that concerns about catastrophic effects of smoking marijuana were unfounded.

But more than 80 years later, the anguish caused by New York's ban on marijuana continues to reverberate. Here's just one example among many. Black and Brown New Yorkers [represent](#) more than 90% of those arrested for low-level marijuana charges, even though they [do not use the drug more](#) than their white counterparts.

This disproportionate rate of arrests is the definition of racial discrimination.

With this as a backdrop, the imperative to legalize marijuana and redress the suffering inflicted by marijuana prohibition ought to take on a sharper focus.

Nonetheless, New York lawmakers need not reinvent the wheel as they attempt to right the wrongs of the drug war. States that have successfully implemented legal marijuana legislation while addressing past racist drug law enforcement practices should serve as guides.

Under the [Illinois statute](#), for example, 25% of marijuana sales tax revenue is set aside to fund development in communities that were overpoliced and subjected to unfair treatment by the police. In addition, people convicted for marijuana possession prior to legalization may now seek an expungement, while those who were disproportionately harmed by the war on drugs receive preferential consideration for marijuana vendor licenses. These or similar elements must be included in the New York marijuana law.

The new legislation should also earmark funds to monitor and deal with discriminatory marijuana law enforcement. Although the overall number of marijuana arrests is expected to drop substantially, racial discrimination associated with such arrests will likely persist if additional action isn't taken.

For example, even though Colorado legalized weed at the start of 2014, Black Coloradans are still nearly [twice as likely to be arrested](#) for marijuana violations than their white counterparts. The point is that changing marijuana laws is helpful – because it decreases interactions between Black people and police – but is alone insufficient for correcting racialized law enforcement practices. Thus, provisions in the New York law should require law enforcement agencies to make all marijuana arrest data available publicly. If racial discrimination is detected, then immediate consequences should follow. Examples of consequences can include, but not limited to: judicial oversight, a decrease in that agency's budget, and disciplinary action for officers who conduct discriminatory arrest practices.

There was a time when we ignored the damage done under the pretense of ridding certain communities of drugs like marijuana. This allowed racist drug law enforcement to flourish, causing incalculable harms and an enormous amount of suffering. Decades later, marijuana legalization presents us with an opportunity to begin to reconcile our inglorious past practices with the nation's founding promise of "Life, Liberty and the pursuit of Happiness."

*Hart is a professor of psychology and psychiatry at Columbia University and the author of "Drug Use for Grown-ups: Chasing Liberty in the Land of Fear."*

# *Marijuana enforcement is still driving racist policing*

By [KASSANDRA FREDERIQUE](#)

UPDATED: May 29, 2020 at 2:23 p.m.

Every incident I witness of unnecessary violence against black people across the country at the hands of law enforcement gets more sickening. Recent headlines, including data showing that [87% of social distancing arrests](#) made in Brooklyn were of black New Yorkers, points to a worrying and dangerous indicator of race relations between the New York Police Department and the public.

As the NYPD has been charged with enforcing social distancing, we saw photos of officers handing out masks in a crowded Central Park to groups of young, predominately white residents. New Yorkers then [watched](#) on social media as an officer in a vastly different neighborhood grabbed a young black man and proceeded to throw him on the ground and repeatedly punch his head. It wasn't long before [another video circulated](#) showing another black youth being arrested and abused, this time by multiple NYPD officers, for social distancing and failing to wear a mask.

While now carried out under the direction to enforce social distancing, these scenes mirror police behavior justified by marijuana possession, for which arrest rates are also disproportionately high for people of color despite similar rates of use.

Just a few months ago, [another young man in Brooklyn](#) faced similar abuse and arrest by several police officers when he was alleged to be smoking a joint in a park. It would be blatantly obtuse to view these as separate, unconnected incidents when they continue to occur until the current circumstances of COVID-19 and the NYPD [refuses to seek](#) proper punishment for those who commit these egregious acts.

Although marijuana possession was decriminalized across the state, decriminalized in New York City decades ago and directed to be deprioritized by the NYPD, it continues to be used by officers to justify their interactions.

In this time of social distancing, we see drugs — and other crimes of poverty like turnstile jumping or being without a mask — being used as an even further excuse for the use of unnecessary force, violence and arrests.

New York has decriminalized marijuana possession as much as possible, and while it works for white residents — the same young people we find in Central Park during quarantine — it is not working for New Yorkers of color.

Marijuana use is not a matter of public safety. At this moment, public safety means we should be taking actions to reduce, not increase community interactions with police, especially when they can prove to be fatal. We must take possession off the table as a justification they've relied on for too long.

We cannot continue to let law enforcement use it as a tool to target and bring violence against communities of color. In the first quarters of 2019 and 2020, the NYPD continued to arrest New Yorkers of color at extreme rates, with black and Hispanic people accounting for 90% and 88% of those arrested, compared with white people comprising less than 5% of arrests in both years. This is despite [data](#) from the NYC Department of Health and Mental Hygiene showing that in NYC white people use marijuana at a higher rate than black people and at twice the rate of Latinos.

It's time we fully legalize recreational adult-use marijuana in order to remove the discretion it gives law enforcement to criminalize some populations and not others. And we must remove police from the role of enforcing social distancing and other public health measures — as we've seen from decades of skewed marijuana enforcement we know that when there is discretion in how measures can be carried out there will be extreme disparity and disproportionate impact of communities of color in New York. Every day that our lawmakers do not return to their legislative duties to pass cannabis legalization, they risk these events of police brutality happening time and time again.

# *Los Angeles resets marijuana program to combat racial inequality*

By [BRENDAN BURES](#)

UPDATED: June 26, 2020 at 8:49 p.m.

The changes will finally address the city's stagnant social equity programs, but could lead legacy operators into the illicit market.

The Los Angeles City Council approved [a series of recommendations](#) Tuesday that would overhaul its plagued recreational cannabis program, with a primary focus on fixing social equity licenses. The changes have been met with applause and derision from those vying to join L.A.'s cannabis industry.

At one time, the Los Angeles marijuana scene held significant promise. Insiders expected the city to serve as a hotbed for cannabis culture and entrepreneurship, showcasing the massive growth potential possible within marijuana businesses.

In many ways, the promise L.A. held has been realized. The only problem? The majority of that success happens in the illicit market. [According to the Los Angeles Times](#), California marijuana revenue hit \$3.1 billion in legal sales in 2019, the highest total of any adult-use market. Illicit sales, meanwhile, is expected to total \$8.7 billion. Social equity programs, designed to benefit those impacted by the War on Drugs, have proceeded over two years in sluggish fashion, drawing criticism to L.A. and the state writ large.

The latter issue was the focus of City Council's changes, most of which will prioritize social equity applicants in the near future. L.A. will streamline the application process for social equity applicants, as well as provide temporary approval to those who meet the program's benchmarks. Until 2025, the city will limit all delivery licenses to businesses that fall in line with social equity criteria. Reference points for who fits these benchmark include those either arrested for marijuana-related offenses or lived in neighborhoods previously overwhelmed by high marijuana arrest rates.

These were imperative changes said Cat Packer, the city's top cannabis regulator, following racial justice protests and economic damages caused by the coronavirus pandemic. The intersection "between cannabis policy and racial injustice is clear to me," [Packer said](#). "Black and brown communities ... have been disproportionately impacted, disproportionately policed, and we made a commitment to actively acknowledge those harms and address the harms of the drug war."



While credited with finally addressing the city's flailing social equity programs, others criticized the negative impact this could present to legacy operators. That includes retailers and growers who supported the state's medical marijuana program before 2018, when adult-use sales began. It could also push potential operators into the illicit market, as they might have to wait several years before a chance to become fully legal.

Michael Chernis, an attorney with clients in and outside social equity programs, [told](#) Marijuana Business Daily this could "cut off any chance for anyone but a social equity applicant to get a retail license, a non-storefront retail license or, as far as I can tell, any license for five years."

He added, "My initial reaction is it's really unfair to people who are not social equity applicants, because there are a lot of people who were waiting patiently to be licensed ... resisting the temptation to operate illegally in the hopes of becoming licensed."

*The Fresh Toast is a daily lifestyle platform with a side of cannabis. For more information, visit [www.thefreshtoast.com](http://www.thefreshtoast.com).*

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## *How Prop 64 could reduce prison sentences, clear pot-related criminal records*



1 of 2

Barbara Tillis holds a picture of her son, Corvain Cooper, in her Rialto home on Nov. 1, 2016. Cooper, who is serving life in prison without parole for crimes related to marijuana, could potentially have his sentence shortened and get out in just a few years if California Proposition 64 passes. Cooper is currently at United States Penitentiary, Atwater in Northern California.



By **BROOKE STAGGS** | [bstaggs@scng.com](mailto:bstaggs@scng.com) | Southern California News Group

UPDATED: August 28, 2017 at 5:56 a.m.

Though his fate will hang in the balance on Election Day, Corvain Cooper won't get to cast a ballot.

The 37-year-old will be in a cell in central California's Atwater federal prison, where he's serving a life sentence with no chance of parole for convictions involving marijuana.

“I was placed in a federal prison at its highest level, with felons who all committed acts of violence,” the Los Angeles native said in a series of monitored emails sent from prison.

“Yet they all have release dates.”

Soon, Cooper could, too.

Though most of the attention surrounding Proposition 64 centers on how the measure would make it legal for adults to consume recreational marijuana, the law would do something else: potentially reduce prison sentences and clear old criminal records related to marijuana.

Cooper is one of more than 6,000 people serving time who could potentially have their time behind bars shortened or even go free if Proposition 64 passes on Tuesday, according to an estimate by the Drug Policy Alliance, which is funding the measure.

Another 1 million people convicted of marijuana-related misdemeanors and felonies could petition to have their records changed or cleared, the nonprofit organization estimates. That would give them wider access to jobs, housing and other services that are currently out of reach.

“The criminal code changes are so profound that, even if I didn’t like other things in the initiative, I would vote for it just for that,” said Chris Conrad, a longtime marijuana activist who’s backing Proposition 64 even as many friends in the medical cannabis community remain divided over the measure.

Opponents of Proposition 64 have many objections to the measure, including the provision that could allow convicted drug dealers who’ve served out their sentences to enter the newly legal pot market.

But Andrew Acosta, spokesman for the No on 64 campaign, said the measure’s criminal justice reforms haven’t been a big point of contention. That’s because many people say they view pot as essentially legal in California today.

Medical marijuana was decriminalized in 1996, allowing residents to buy it or grow it at home with an easy-to-get doctor’s recommendation.

And in 2010, Gov. Arnold Schwarzenegger made carrying small amounts of marijuana an infraction. That triggered an 86 percent drop in misdemeanor arrests for pot over the past five years.

“I don’t have people in jail for possession of marijuana unless it’s a lot of marijuana packaged for sales,” said Orange County Sheriff Sandra Hutchens, who is opposing Proposition 64.

But a Drug Policy Alliance report shows California still has an average of 11,000 felony arrests for marijuana-related crimes each year, with more than half of those resulting in time behind bars. And data show minorities are more likely than whites to be arrested or jailed.

#### **A civil rights issue?**

Though black, Latino and white people consume and sell pot at similar rates, the Drug Policy Alliance report shows Latinos were 26 percent more likely than white people to be arrested for a marijuana felony in 2015, while blacks were five times as likely.

“It’s almost always white people who say that law enforcement leaves us alone when it comes to drugs — and especially when it comes to marijuana,” said Lynne Lyman, California director for the Drug Policy Alliance.

When white people are caught with more than an ounce of weed, Lyman said, they commonly get charged with possession, which is a misdemeanor that might carry just a \$500 fine.

But minorities caught with the same amount are often charged with intent to sell, the data show, which is a felony that could get them up to three years in prison.

Such racial disparities are the reason Silicon Valley billionaire Sean Parker has given more than \$7 million to support Proposition 64, according to campaign spokesman Jason Kinney. And they’re the main reason rapper Jay Z, actor Danny Glover and a number of other stars cite for backing Proposition 64.

Opponents of the measure point out studies that show uneven enforcement hasn’t improved even in states that have legalized marijuana.

While marijuana arrests dropped by 60 percent in Colorado and 90 percent in Washington state from 2008 to 2014, after these states legalized pot, a Center on Juvenile and Criminal Justice study found that blacks were still two times more likely to be arrested for related crimes than whites.

“It shows that once again legalization advocates are only paying lip service to racial justice questions to advance the agenda of the marijuana industry,” said Kevin Sabet, president of Smart Approaches to Marijuana, which is funding opposition to Proposition 64.

Sabet and other opponents argue that legal marijuana actually harms minority communities, with a concentration of pot shops and farms popping up in poor Colorado neighborhoods.

There’s evidence of that trend already playing out in California, with low-income cities such as Adelanto and Desert Hot Springs among the first to permit

commercial marijuana cultivation in hopes of balancing their budgets with pot tax revenues.

While legalizing marijuana doesn't even the playing field, Lyman said it does reduce the number of blacks and Latinos arrested.

Lyman also points out that up to \$50 million generated by Proposition 64 taxes would go toward grants for job training and other services in communities such as Los Angeles, Santa Ana and Riverside, which have historically high drug incarceration rates.

### **Changing the system**

If Proposition 64 has a clear victory Tuesday, a sweeping overhaul to California's criminal code would kick in Wednesday.

"Other than selling to minors and home butane extraction," which is using volatile materials to make marijuana concentrates, Lyman said, "Prop. 64 reduces or eliminates every marijuana criminal penalty currently on the books."

Right now, anyone without a medical marijuana card who gets caught with an ounce of weed faces a \$100 ticket, while non-patients growing a few plants at home can get a felony. Under Proposition 64, both of those activities would be legal for anyone 21 and older.

Proposition 64 is the nation's first legalization measure that would eliminate all pot-related criminal penalties for people under 18, with jail time and fines swapped out for community service and drug education courses. And at age 18, related criminal records would be sealed so convictions couldn't stop them from getting financial aid for college or other services.

The measure would increase one fine: A ticket for smoking pot where tobacco is banned would go up by \$150.

But law enforcement could no longer use the smell of marijuana, or the presence of paraphernalia, as a basis for broader searches.

Conrad, who has served as an expert witness in some 2,500 marijuana-related cases, said removing weed as probable cause will eliminate a common point of contact with police that often escalates into something more serious.

"Out of all the court cases I have been involved with, probably 50 percent start off with cops saying they smell marijuana," he said.

Mike Ramos, district attorney for San Bernardino County, and other law enforcement leaders take issue with Proposition 64 allowing people with prior drug convictions to work in the newly legal pot market.

“It’s one thing to have a conversation about formerly incarcerated drug offenders working in a dispensary,” said Ken Corney, president of the California Police Chiefs Association. “This is an inflexible mandate imposed by the drafters of Proposition 64 to allow drug traffickers to own and operate marijuana cultivation sites and dispensaries.”

Lyman argues it would be a “harm upon harm” for industry pioneers who’ve paid for their crimes to be denied licenses once cannabis becomes a legitimate career.

### **Clearing the record**

Since Proposition 64 would reduce penalties retroactively, anyone who’s been convicted of a marijuana-related misdemeanor or felony in California could petition to have their sentences reduced or their records expunged.

And some people with pending marijuana charges could see them automatically dropped or downgraded.

That could remove thousands of barriers now facing people who have criminal records for pot, according to Eunisses Hernandez with Drug Policy Alliance, with felony convictions affecting everything from their ability to own a gun to adopting a child.

Ingrid Archie knows about those obstacles all too well.

She grew up in foster care after her alcoholic mother attacked her older sister with a knife.

When she was 18, Archie was living with someone who was involved in gangs and drugs. Their L.A. home was raided, and officers seized a large amount of marijuana. Archie spent three years in state prison.

After she got out, Archie tried to get her life on track. She’d been working at Verizon for a couple of years in 2009 when the company instituted a stricter policy regarding employees with felonies. She was immediately laid off, which triggered several more rough years.

Today, Archie has regained full custody of her two daughters and is working at a nonprofit in Los Angeles that helps families impacted by incarceration. Still, she has that felony drug possession conviction on her record.

### **Lives in limbo**

With polls showing Proposition 64 likely to pass, Drug Policy Alliance is planning free legal clinics to help people petition to have their sentences or records changed.

Archie will be at the nonprofit's Election Night party in Los Angeles. If the measure is approved, aides will assist her in filling out paperwork on the spot to ask for that 2004 felony charge to be cleared from her record.

Just north of Merced, at Atwater federal prison, Cooper will be waiting to hear the news.

In 2011, he was caught with half a pound of marijuana and served nearly a year in jail.

He said he learned his lesson, focusing after his release on his fiancée, two daughters and a clothing store he opened in his old neighborhood.

Then in 2013, federal agents swarmed his driveway. Soon, he was being extradited to North Carolina, where a childhood friend got a reduced sentence by fingering Cooper as being involved in a decade-old conspiracy to traffic pot.

The conviction should have given Cooper perhaps 10 years behind bars, but prosecutors used his prior offenses to enhance his sentence. The judge had no choice but to give him life in prison without parole.

"The crime didn't fit the time," argued Cooper's mother, Barbara Tillis, who now lives in Rialto.

Cooper appealed the sentence and lost. Then Long Beach activist Cheri Sicard told him about Proposition 64, and he felt a surge of hope.

Under the measure, his 2011 marijuana felony could become a misdemeanor. He could then petition for his sentence to be reduced to the original 10 years.

With credit for time served and good behavior, Cooper could potentially be out of prison within a couple of years if Proposition 64 becomes law.

## ***Could LA County marijuana offenders get a 'second chance' in the era of legalization? An effort is in the works***



By [SUSAN ABRAM](#) | [bysusanabram@gmail.com](mailto:bysusanabram@gmail.com)

UPDATED: February 13, 2018 at 7:06 p.m.

Hoping to follow cities such as San Francisco, Los Angeles County leaders on Tuesday unanimously approved an effort to develop a plan to decriminalize marijuana-related sentences that occurred before Proposition 64.

The motion, authored by supervisors Mark Ridley-Thomas and Hilda Solis, asks the county's Office of Cannabis Management, as well as other departments and community activists, to find ways to streamline the process of resentencing procedures. The supervisors noted that there may be thousands of Los Angeles County residents with prior, minor marijuana convictions who may be held back from employment or housing because of their records.



“This would remove barriers to employment, housing, financial assistance, and deepening social and economic disparities,” Ridley-Thomas said. “For many, this is the second chance that was due to them, and has been a long time coming.”

San Francisco officials moved to retroactively expunge or reduce marijuana-related misdemeanors and felonies dating back to 1975, the district attorney’s office there announced last week.

Both Ridley-Thomas and Solis said the nation’s decades-long war on drugs have led to racial disparities in marijuana-related arrests and convictions.

“Over the last 40 years, the so-called ‘War on Drugs’ has disproportionately affected communities of color,” Solis said. “By supporting Prop. 64, the voters have decided that this ‘war’ needs to end. Today’s motion will begin a comprehensive review of options available to the County to mitigate over-criminalization, reduce imprisonment, curb court case loads, and put people back to work instead of behind bars.”

Members of groups that help people released from jails and prisons re-enter the community spoke in favor of the supervisors’ efforts, including those from Homeboy Industries, the Youth Justice Coalition, and A New Way of Life Reentry Project.

Known as the Adult Use of Marijuana Act, Prop. 64 was passed by voters in 2016. Similar to Prop. 47, which includes provisions that reduce past felonies to misdemeanors, Prop. 64 allows for eligible prior convictions to be reduced or dismissed. But many who carry these past convictions may be unaware that they may be eligible for legal relief.

[A report](#) by the pro-legalization group Drug Policy Alliance found that between 2006 and 2015, there were nearly 500,000 marijuana arrests in California. “The act of getting someone’s conviction reclassified or dismissed off their record removes at least 4,800 barriers that prevent them from obtaining housing, employment and supportive services,” Eunisses Hernandez, policy coordinator with the nonprofit Drug Policy Alliance said in a statement. “Providing post-conviction relief services opens the door for new opportunities that allow people to fully integrate back into their communities after being impacted by the criminal justice system.”

A report on the county’s plan is expected in 180 days. Meanwhile, the Board of Supervisors also is expected to vote in the next few weeks on a proposed set of regulations for cannabis retail shops, cultivation, and growth for the region’s unincorporated areas.

## ***Prop. 64 didn't legalize every cannabis crime, but arrests are falling fast***



The San Bernardino County Sheriff's Marijuana Enforcement Team served search warrants at several residences in Phelan, Ca. on Thursday, June 21, 2018. High Desert areas such as Lucerne Valley, Newberry Springs and Phelan, have become a hot spot for marijuana cultivation. Although the drug has recently become legal, it is still illegal to grow with the intent to sell. (Sarah Alvarado for The Sun)

By [BROOKE STAGGS](#) | [bstaggs@scng.com](mailto:bstaggs@scng.com) | Southern California News Group

UPDATED: July 11, 2018 at 11:15 a.m.

Yes, you can still get busted for some cannabis-related offenses in California. But now that recreational use is legal, the number of such arrests is dropping quickly.

Those are two takeaways from a crime report issued this week by California Attorney General Xavier Becerra. The data showed a huge drop in marijuana-related arrests last year, with all such arrests falling by 56 percent and felony arrests down 74 percent.

Overall, from 2016 to 2017, the number of people in California facing possible incarceration, hefty legal fees and criminal records as a result of cannabis crimes fell by nearly 8,000.

Those findings pleased people who two years ago worked to pass Proposition 64.

“Overall, I think it bodes well for marijuana legalization in California,” said Jolene Forman, an attorney with the Drug Policy Alliance, which backed the marijuana legalization effort. “It shows... that law enforcement resources are not being wasted on marijuana arrests anymore and can be used on more serious offenses.”

But Bacerra's new Crime in California report — expected to track annual crime statistics statewide — also shows that the rules for cannabis production and consumption still can lead to contact with law enforcement.

In all, 6,065 people were busted for marijuana-related crimes last year in California, a figure that included 2,086 felony arrests.

The data also shows shows that people of color are still being disproportionately arrested for cannabis-related offenses, much as they were prior to the passage of Prop. 64.

Non-Hispanic white people accounted for 24 percent of marijuana felony arrests in 2017, according to the report, while Hispanic people accounted for 40 percent of felony arrests and black people accounted for 21 percent. Those arrest numbers counter other data, which suggests all three populations consume and sell cannabis at about the same rate.

Proposition 64 reduced penalties for just about every crime involving cannabis. Possession with intent to sell was downgraded from felony to a misdemeanor, for example, while transporting up to an ounce of weed went from a misdemeanor to fully legal for anyone 21 and older.

But it's still a felony to use minors to sell cannabis or to repeatedly grow large amounts of marijuana without a license, and advocates say they never expected marijuana-related arrests would drop to zero under the new law.

“That's like saying no one is arrested for alcohol anymore because alcohol is legal,” said Dale Gieringer, director of the advocacy group California NORML.

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They also didn't expect systemic problems with racially biased policing to be cured by legalizing marijuana, Forman said, pointing to figures from other legal-weed states that indicate a similarly persistent trend. Still, she said the impact of the

injustice is getting smaller, with far fewer people of all races arrested for cannabis under the new laws.

“We don't get nearly as many calls from people in legal trouble as we used to,” Gieringer said.

Policing experts suggested lessened penalties for cannabis-related crime is a key factor in the decline in arrests.

“Part of the explanation... is simply that cops are making less drug-related arrests because the sentences have been so reduced,” said Shaun Rundle, deputy director for the California Peace Officers' Association.

“If someone is going to be out of jail six months and back on the streets — and six months is even unlikely these days — then the agencies need to divert their time and resources to the most dangerous and violent crime prevention.”

Based on what's happened in states that legalized recreational cannabis before California, Forman said we can expect a smaller but steady declines in marijuana arrests in the years to come.

Kevin Sabet, president of the organization Smart Approaches to Marijuana, which opposed Prop. 64, said the new data was easy to predict. He called it “as surprising as saying the robbery arrest rate decreased after we legalized robbery.”

“The much bigger issue is with public use, (driving under the influence) and black market marijuana rates, which this statistic does not touch on,” Sabet added.

Peace Officer representative Rundle said cops remain wary of cannabis-related DUIs, which have yet to be sharply defined under state law.

“We're concerned that the more you lessen the sentences for cannabis possession and consumption, the more prevalent it is going to be,” he said.

But marijuana advocates saw a win there, too, in the data released this week.

The report shows overall DUI arrests continued their steady decline in 2017, dropping 5 percent from the prior year and down 30 percent since 2012.

“Marijuana legalization in California is still very new,” Forman said, “but these early indications are generally very

positive.”

## California cannabis penalties

Applies to non-medical adults age 21-plus.

Adult cannabis use activity	Before Prop. 64	Current criminal penalties
Possession < 1 ounce of cannabis	\$100 ticket	Legal
Possession < 8 grams of cannabis	One year, \$500 or both	Legal
Transport < 1 ounce / 8 grams cannabis	\$100 misdemeanor	Legal
Give away < 1 ounce / 8 grams cannabis	\$100 misdemeanor	Legal
Homegrown 1 cannabis plant	16 month, two/three years	Legal
Possession < 6 cannabis plants	16 months, two/three years	Legal
Harvest > 1 ounce and keep it	16 months, two/three years	Legal
Smoking where tobacco banned	\$100 ticket	\$250 ticket
Public smoking or underage use	\$100 ticket	\$100 ticket
Age 18-20 grow < 6 plants	16 months, two/three years	\$100 ticket
Age 18-20 < 4 grams concentrate	One year, \$500 or both	\$100 ticket
Offenses by minors < age 18	Same as adults	Counseling, community service, drug education
Age 18 and up grow > 6 plants	16 months, two/three years	Six months, \$500 or both
Possess > 1 ounce cannabis	Six months, \$500 or both	Six months, \$500 or both
Possess > 4 / 8 g. concentrate	One year, \$500 or both	Six months, \$500 or both
Transport, give away > 1 ounce	Two/three/four years	Six months, \$500 or both
Sales without a license	Two/three/four years	Six months, \$500 or both
Possess with intent to sell	16 months, two/three years	Six months, \$500 or both
Third or aggravated > 6 plants*	16 months, two/three years	Wobbler
Third or aggravated intent to sell*	16 months, two/three years	Wobbler
Third or aggravated sales*	Two/three/four years	Wobbler
Sales involving minors	Three to seven years	Three to seven years

**Felony**   **Wobbler: Felony or misdemeanor**   **Misdemeanor**   **Infraction**   **Legal**

\*Such as involving minors, gross negligence, toxic/hazardous substances, watershed/environmental harm, prior super strike, registered sex offender

Source: Proposition 64

SCNG

Originally Published: July 10, 2018 at 4:03 p.m.

# Virginia is first Southern state to legalize marijuana

Adults will be able to possess and cultivate small amounts starting in July



A vote tally board displays the vote on a bill legalizing marijuana during the Senate reconvene session at the Science Museum of Virginia in Richmond, Va., Wednesday, April 7, 2021. (AP Photo/Steve Helber)

By [THE ASSOCIATED PRESS](#)

UPDATED: April 8, 2021 at 3:44 a.m.

By Sarah Rankin | Associated Press

RICHMOND, Va. — Virginia became the first Southern state to legalize marijuana Wednesday, as lawmakers voted to approve Gov. Ralph Northam's proposed changes to a bill that will allow adults to possess and cultivate small amounts starting in July.

Northam sent the bill back to lawmakers substantially changed from the version they sent him in February. The amendments lawmakers agreed to Wednesday

would accelerate the timeline of legalization by about three years, well before retail sales would begin, a move that's been cheered by racial justice advocates.

“The time has come for our state to legalize marijuana. The amendments ensure that while we're doing the complicated work of standing up a commercial market, we aren't delaying immediate reforms that will make our Commonwealth more equitable for all Virginians,” House Majority Leader Charniele Herring said in urging her colleagues to approve the governor's changes.

Democrats said the bill was a matter of urgency, a necessary step to end what state figures show is a disparate treatment of people of color under current marijuana laws.

Northam's amendments cleared the House 53-44 with two abstentions during a one-day session held for the purpose of putting the finishing touches on the year's legislation. In the Senate, lawmakers deadlocked 20-20 and Democratic Lt. Gov. Justin Fairfax broke the tie, voting to approve the changes.

The final version of the legislation would allow adults 21 and up to legally possess up to one ounce (28.3 grams) of cannabis without the intent to distribute beginning July 1. It also would allow the home cultivation of up to four plants per household beginning July 1. Public use of the drug will be prohibited.

“This is not going to generate some ganjafest at Jiffy Lube Pavilion out in the parking lot, because that is smoking in public. Just like you can't drink in public, you can't smoke in public under this,” Democratic Sen. Scott Surovell said.

It will be years before legal retail sales follow legalized possession. The bill lays out the complex process of creating a new state agency to oversee the marijuana marketplace, with sales beginning and regulations taking effect on Jan. 1, 2024.

Many parts of the bill dealing with the regulatory framework will have to be reapproved by lawmakers next year. The possession and cultivation pieces will not.

Republicans, who overwhelmingly opposed the bill when it initially went through the General Assembly, railed against the latest version citing several reasons.

GOP Del. Chris Head called the bill “a train wreck.”

“The hard-fought compromise that barely made it out of this chamber and over to the Senate has just been discarded. And why is that? It's because some activists want marijuana legalized and they want it legalized now, consequences be damned,” he said.

Some Republicans also took issue with labor provisions in the new version of the bill, in particular a change that says the government can revoke or suspend

licenses issued under the new law in cases where an employer has refused to “remain neutral regarding any union organizing efforts by employees.”

During the legislative session, the Senate sought to legalize simple possession beginning in July, but House Democrats argued that legalization without a legal market for marijuana could promote the growth of the black market. The bill as passed in February would not have legalized simple possession until 2024.

Herring said Wednesday that home cultivation would give Virginians a way to legally acquire cannabis while the retail market is being put in place.

Many of the other amendments lawmakers dealt with Wednesday were minor or technical in nature and dispensed with more easily. For instance, both chambers quickly signed off on a tweak to a sweeping voting rights measure that supporters say will protect and expand access to the ballot box. And they approved minor changes to a measure intended to improve the beleaguered unemployment system.

Both chambers also signed off on a budget amendment from Northam that will fund an outside investigation into a small component of a larger controversy over the state parole board. Republicans blasted the governor’s proposal as far less substantive than necessary and said it would allow the administration to keep quiet any unflattering findings.

Lawmakers had no veto overrides to consider this year. Northam took action on 552 bills from the 2021 session and didn’t veto any, according to his office.

The Senate met at a science museum that’s been the chamber’s host venue during the pandemic to allow for greater social distancing.

That chamber also welcomed its newest member, Republican Sen. Travis Hackworth, who won a special election held last month to fill the seat of the late Sen. Ben Chafin. Chafin died in January after contracting COVID-19.

The House conducted its work virtually as it did in the regular session.



## *In Oregon, all drug possession is now decriminalized*

A civilian citation for possession, "like a traffic ticket," will replace arrest in the state



FILE – In this June 26, 2020, file photo taken from video, provided by the Yes on Measure 110 Campaign, volunteers deliver boxes containing signed petitions in favor of the measure to the Oregon Secretary of State's office in Salem, Ore. The measure said the U.S., possession of small amounts of heroin, cocaine, LSD and other hard drugs would be decriminalized in Oregon. Police in Oregon can no longer arrest someone for possession of small amounts of heroin, methamphetamine and other hard drugs as the ballot measure that decriminalized them took effect on Monday, Feb. 1, 2021. (Yes on Measure 110 Campaign via AP, File)



By [THE ASSOCIATED PRESS](#)

UPDATED: February 2, 2021 at 4:02 a.m.

By **Andrew Selsky** | Associated Press

SALEM, Ore. — Police in Oregon can no longer arrest someone for possession of small amounts of heroin, methamphetamine, LSD, oxycodone and other drugs as a ballot measure that decriminalized them took effect on Monday.

Instead, those found in possession would face a \$100 fine or a health assessment that could lead to addiction counseling. Backers of the ballot measure, which Oregon voters passed by a wide margin in November, hailed it as a revolutionary move for the United States.

“Today, the first domino of our cruel and inhumane war on drugs has fallen, setting off what we expect to be a cascade of other efforts centering health over criminalization,” said Kassandra Frederique, executive director of the Drug Policy Alliance, which spearheaded the ballot initiative.

Ballot Measure 110’s backers said treatment needs to be the priority and that criminalizing drug possession was not working. Besides facing the prospect of being locked up, having a criminal record makes it difficult to find housing and jobs and can haunt a person for a lifetime.

Two dozen district attorneys had opposed the measure, saying it was reckless and would lead to an increase in the acceptability of dangerous drugs.

Instead of facing arrest, those found by law enforcement with personal-use amounts of drugs would face a civil citation, “like a traffic ticket,” and not a criminal citation, said Matt Sutton, spokesman for the Drug Policy Alliance.

Under the new system, addiction recovery centers will be tasked with “triaging the acute needs of people who use drugs and assessing and addressing any on-going needs thorough intensive case management and linkage to care and services.”

The addiction recovery centers will be funded by millions of dollars of tax revenue from Oregon’s legalized marijuana industry. That diverts some funds from other programs and entities that already receive it, like schools.

The ballot measure capped the amount of pot tax revenue that schools; mental health alcoholism and drug services; the state police; and cities and counties receive at \$45 million annually, with the rest going to a “Drug Treatment and Recovery Services Fund.”

The fund will be awash in money if the sales trend for marijuana continues as expected.

In the 2020 fiscal year, marijuana tax revenues peaked at \$133 million, a 30% increase over the previous year, and a 545% increase over 2016, when pot taxes began being collected from legal, registered recreational marijuana enterprises around the state.

The other recipients of pot tax revenues are now saying that, after assessment and related treatment options are set up, the distribution of those revenues will deserve another look. A leading lawmaker agrees.

“In the future, as Oregon’s treatment programs reach full funding, the state should evaluate what other services would benefit from our continually growing marijuana tax revenues,” Oregon Education Association President John Larson said in an email.

Larson said a “balanced approach to budgeting” will support communities and students. The OEA union represents about 44,000 educators.

State Sen. Floyd Prozanski, chair of the Senate Committee On Judiciary and Ballot Measure 110 Implementation, said he expects Oregon’s cannabis tax revenues to increase exponentially if recreational marijuana in the United States is legalized. He expects that to happen within four years.

That would make the Drug Treatment and Recovery Services Fund “oversaturated with revenue” as out-of-state consumers legally buy Oregon’s potent marijuana, Prozanski said in a telephone interview.

“It would be foolish for us as a Legislature to think that the voters would want us to put hundreds upon hundreds upon hundreds of millions of dollars into a program that would be, at that point, I would think, having a gold standard” in addiction recovery services, the Democrat said.

But Sutton noted that besides traditional treatment services, the fund would also be spent on housing and job assistance to provide long-term stability for people struggling with addiction. “I can’t imagine a situation where this fund becomes oversaturated anytime soon,” Sutton said.

Oregon is a pioneer in liberalizing drug laws. It was the first state, in 1973, to decriminalize marijuana possession. In 2014, Oregon voters passed a ballot measure legalizing recreational use of marijuana. But Sutton said there are no plans to pursue legalization and a regulated market of hard drugs in Oregon.

Addiction recovery centers must be available by Oct. 1. One center must be established within each existing coordinated care organization service area.

After decriminalization, about 3,700 fewer Oregonians per year will be convicted of felony or misdemeanor possession of controlled substances, according to estimates by the Oregon Criminal Justice Commission. The measure will also likely lead to significant reductions in racial and ethnic disparities in convictions and arrests, the state commission said.

Drugs specified by the measure include LSD, cocaine, methamphetamine, heroin, methadone, oxycodone, and MDMA — commonly known as ecstasy.

While this approach is new in the United States, several countries, including Portugal, the Netherlands and Switzerland, have already decriminalized possession of small amounts of hard drugs, according to the United Nations.

Portugal’s 2000 decriminalization brought no surge in drug use. Drug deaths fell while the number of people treated for drug addiction in the country rose 20% from 2001 to 2008 and then stabilized, Portuguese officials have said.

# ***Biden pardons thousands for simple marijuana possession***

"Sending people to prison for possessing marijuana has upended too many lives"



WASHINGTON, DC – OCTOBER 6: U.S. President Joe Biden speaks to reporters before boarding Marine One on the South Lawn of the White House October 6, 2022 in Washington, DC. President Biden is traveling to Poughkeepsie, New York to tour an IBM facility. The company has invested \$20 billion in the Hudson Valley region over the next 10 years, focused on semiconductors, computers, artificial intelligence and other programs. He will also stop in New York City and New Jersey for Democratic fundraising events. (Photo by Drew Angerer/Getty Images) \*\*\* BESTPIX \*\*\*

By [THE ASSOCIATED PRESS](#)

UPDATED: October 6, 2022 at 12:44 p.m.

By Zeke Miller and Chris Megerian | Associated Press

WASHINGTON — President Joe Biden is pardoning thousands of Americans convicted of “simple possession” of marijuana under federal law, as his

administration takes a dramatic step toward decriminalizing the drug and addressing charging practices that disproportionately impact people of color.

Biden's move also covers thousands convicted of the crime in the District of Columbia. He is also calling on governors to issue similar pardons for those convicted of state marijuana offenses, which reflect the vast majority of marijuana possession cases.

Biden, in a statement, said the move reflects his position that "no one should be in jail just for using or possessing marijuana."

"Too many lives have been upended because of our failed approach to marijuana," he added. "It's time that we right these wrongs."

According to the White House, no one is currently in federal prison solely for "simple possession" of the drug, but the pardon could help thousands overcome obstacles to renting a home or finding a job.

"There are thousands of people who have prior Federal convictions for marijuana possession, who may be denied employment, housing, or educational opportunities as a result," he said. "My action will help relieve the collateral consequences arising from these convictions."

Biden is also directing the secretary of Health and Human Services and the U.S. attorney general to review how marijuana is scheduled under federal law. Rescheduling the drug would reduce or potentially eliminate criminal penalties for possession.

But Biden said he believes that as the federal government and many states ease marijuana laws, they should maintain limitations on trafficking, marketing and underage sales.

The move by Biden puts the federal government on par with other big cities like New York that have been moving toward decriminalizing low-level marijuana arrests for years. But there's a big divide in the nation as some police departments still believe the drug leads to more serious crime and ignoring low-level offenses emboldens criminals.

The move also fulfills one of the top priorities of the Democratic nominee in one of their party's most critical Senate races, as Pennsylvania Lt. Gov. John Fetterman has repeatedly pressed Biden to take the step.

## ***Good on Biden for pardoning marijuana offenses. But it's still not enough. Deschedule it.***



In this March 1, 2018 photo, Rick Thompson, clockwise from left, Keith Baskerville and Xavier Baskerville smoke marijuana while sitting in a booth in the smoking lounge at Barbary Coast Dispensary in San Francisco. San Francisco plans to issue more permits for marijuana smoking lounges this year after health officials finalize updated regulations. (AP Photo/Jeff Chiu)

**Daily  
News**

By **THE EDITORIAL BOARD** | [opinion@scng.com](mailto:opinion@scng.com)

UPDATED: December 29, 2023 at 10:03 a.m.

Better late than never, the Biden administration last week issued a proclamation “granting a full, unconditional, and categorical pardon of additional federal and D.C. offenses of simple possession, attempted possession, and use of marijuana.”

The “additional” bit is because this is an extension of a pardon of just over a year ago for possession, adding in the attempted possession and use categories.

It's the thought that counts, sure, sort of — obviously there is a relatively limited universe of cannabis arrests for small amounts that were federal in nature, or for offenses in the District of Columbia, as opposed to in the 50 states, under the laws of which most of the millions of Americans who were arrested for offenses related to weed over the last century-plus got needlessly tangled in the legal system — many hundreds of thousands with their lives in great part ruined by the absurd, counterproductive prohibition.

Clearly, this is an (almost) election-year gambit by President Joe Biden in order to garner votes.

Because the fact is that, for a liberal Democrat, Biden throughout his long political career has had a most illiberal stance on decriminalizing marijuana.

For instance, in December 2010, as Mother Jones reports, “then-Vice President Biden told ABC News that he thinks cannabis is a ‘gateway drug’— a theory for which the evidence is shaky at best — and that ‘legalization is a mistake.’”

Then, in 2014, he told Time magazine he still didn't support legalization — although he did at least add that he thought “focusing significant resources” on convicting people for smoking marijuana was a “waste.”

In the 1980s and 1990s, then-Sen. Joe Biden was a key part of a group of lawmakers who wrote and then passed “tough-on-crime” legislation that included the 1988 Anti-Drug Abuse Act and the 1994 crime bill, both of which continued and added to the federal laws that lumped in marijuana with opiates and other drugs and increased the criminal penalties for mere possession as well as for distribution.

Hundreds of thousands of Americans, especially the poor and the non-White, were thus rounded up and arrested, with many serving long prison sentences.

So Biden is just barely catching up now with Americans' attitudes toward marijuana prohibition. Polls show that well over 60% of Americans say the use of marijuana should be legalized, and in 2018 one poll showed that included 45% of Republicans.

With his proclamation last week, Biden also commuted the federal prison sentences of 11 people serving hard time for non-violent drug offenses, and pardoned thousands of others for cannabis use or simple possession.

“Criminal records for marijuana use and possession have imposed needless barriers to employment, housing, and educational opportunities,” Biden said in a statement. “Too many lives have been upended because of our failed approach to marijuana. It's time that we right these wrongs.”

Now Biden needs to get on board with the movement within his administration to finally declassify marijuana from its current listing as a Schedule 1 drug along with

many so-called “harder” and certainly potentially more dangerous drugs, including an Aug. 29 recommendation from the Department of Health and Human Services that the drug be reclassified as a Schedule 3 controlled substance. That recommendation is the first stance by the federal government that acknowledges marijuana has medicinal value.

It would also take cannabis growers out of Section 280E of the IRS code, which prohibits marijuana businesses from taking normal business deductions on federal tax returns.

But, so far at least, the recommendation would still mandate that federal pot laws require a physician’s prescription for cannabis, which California and other states have long dispensed with.

Election gambit or not, the move this month toward decriminalization is a positive step toward reform of regressive marijuana laws.



# ***Los Angeles wiping out 66,000 old marijuana convictions, with tech nonprofit's help***

By Louis Casiano [Fox News](#)

Published February 13, 2020 7:33pm EST

[Fox News Flash top headlines for Feb. 13](#)

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[Los Angeles](#) County prosecutors are partnering with a nonprofit technology firm to wipe out or reduce up to 66,000 [marijuana](#) convictions that disproportionately impacted minorities over decades.

The effort comes several years after [California](#) voters legalized the drug. The county is working with Code for America, which uses a program to find cases among decades-old court documents that are eligible under the program.

"The dismissal of tens of thousands of old cannabis-related convictions in Los Angeles County will bring much-needed relief to communities of color that disproportionately suffered the unjust consequences of our nation's drug laws," District Attorney Jackie Lacey said in a [statement](#).



**Los Angeles County District Attorney Jackie Lacey speaks during a discussion in Salt Lake City. Los Angeles-area prosecutors are joining other district attorneys to use technology to wipe out or reduce as many as 66,000 old marijuana convictions years after California voters broadly legalized the drug. (AP Photo/Rick Bowmer, File)**

On Thursday, a judge granted a request from prosecutors to dismiss 62,000 felony marijuana convictions dating back to 1961. Lacey's office also asked the court to erase 4,000 misdemeanor marijuana possession cases.

Of 53,000 people in Los Angeles County who have obtained relief under the plan, approximately 45 percent are Latino, 32 percent are African American, 20 percent are white and 3 percent are other or unknown.

Studies have shown communities of color have borne the brunt of marijuana enforcement efforts even though whites use and sell marijuana at similar rates. Blacks are jailed at higher rates in California for marijuana-related crimes even though they account for only 6 percent of the state's population.

In an effort to expand the program, Code for America has offered its services to all 58 district attorneys in the state.

"This is a clear demonstration that automatic record clearance is possible at scale and can help to right the wrongs of the failed war on drugs," Evonne Silva, Code for America's senior program director of criminal justice, said in a statement.

The computer program identifies eligible cases and fills out forms to file with courts. It can analyze conviction eligibility for about 10,000 people per minute, as opposed to the time it would take employees to dig through records.

With the latest action, Code for America will have helped dismiss more than 85,000 marijuana convictions in five counties including San Francisco, Sacramento, San Joaquin and Contra Costa, officials said.

*The Associated Press contributed to this report.*

# *San Francisco will wipe out thousands of marijuana convictions dating back decades*

By Nicole Darrah , [Fox News](#)

Published January 31, 2018 9:45pm EST Updated January 31, 2018 10:00pm EST



[Video](#)

## Unintended consequence of Calif.'s legalization of marijuana

In 2017, if a medical marijuana patient wanted to buy edible THC at a therapeutic alternative in California their options were basically limitless; but today, less than two weeks after recreational pot sales became legal, their choices are limited.

The city of San Francisco plans to retroactively apply California's current marijuana legalization laws to past criminal cases dating back decades, the district attorney's office [announced Wednesday](#).

The new policy will apply Proposition 64 to nearly 5,000 felony marijuana convictions and more than 3,000 misdemeanors dating as far back as 1975, District Attorney George Gascón said.

"While drug policy on the federal level is going backwards, San Francisco is once again taking the lead to undo the damage that this country's disastrous, failed drug war has had on our nation and on communities of color in particular," the district attorney said of the plan.



### **Justice Department targets recreational marijuana**

Attorney General Sessions is taking aim at the industry.

The thousands of felony convictions in the state for pot use will be reviewed, recalled and resentenced, and the misdemeanors will be dismissed and sealed, Gascón said.

While California was the first state to allow marijuana use for medicinal purposes, Proposition 64 — which became law in 2016 and allowed for legal pot sales in 2018 — allows adults 21 or older to legally use and grow cannabis, in addition to possessing up to one ounce of it.

Criminal convictions “can be a barrier to employment, housing and other benefits,” Gascón said.

California Lt. Gov. Gavin Newsom said he hopes the policy will help alleviate the burden of the convictions to “primarily people of color, whose lives were long ago derailed by a costly, broken and racially discriminatory system.”

More than two million people were arrested in California between 1915 and 2016 for marijuana, but, according to the DA’s office, only 4,885 residents have filed petitions to have their convictions reduced or removed.

# ***VP Harris says 'nobody' should go to jail for marijuana use despite overseeing pot convictions as DA***

Harris touts Biden pardon for individuals convicted on federal charges of simple marijuana possession



By [Houston Keene Fox News](#)  
Published October 10, 2022 2:45pm EDT



Video

[Kamala Harris heads to Texas for dinner with donors—should she visit the border?](#)

People in Austin weigh in on whether Vice President Kamala Harris should visit the southern border to witness the border crisis during her trip to Texas.

Vice President Kamala Harris said on Saturday that "nobody should have to go to jail for smoking weed," despite the fact that she oversaw nearly 2,000 convictions for [pot-related offenses](#).

While speaking in Austin, Texas, over the weekend, Harris touched on [President Biden's pardon](#) of individuals with federal charges of simple possession of marijuana.

"We are also changing, y'all might have heard that this week, the federal government's approach to marijuana," Harris said on Saturday.



Vice President Kamala Harris said on Saturday "nobody should have to go to jail for smoking weed" but she put over 2,000 people in prison for pot-related offenses. (Leigh Vogel/Abaca/Bloomberg via Getty Images)

"Because the bottom line there is: Nobody should have to go to jail for smoking weed," the vice president continued.

Harris oversaw the convictions of nearly 2,000 people for marijuana offenses as San Francisco district attorney, Bay Area News Group reported in 2020.

While running for state attorney general in 2010, Harris opposed a state-wide ballot measure to green light marijuana use, calling the initiative "flawed public policy."



**Harris put 1,974 people in prison for marijuana-related offenses while California's attorney general. (Reuters/Ben Nelms)**

Harris also admitted to smoking weed in college during a radio interview while running for president and ticked off her father, the Jamaican-born Donald Harris, when she invoked her heritage while saying she would support pot legalization.

"Half my family's from Jamaica," Harris said. "Are you kidding me?"

Harris' father said their family "must be turning in their grave right now to see their family's name, reputation and proud Jamaican identity" associated with the "fraudulent stereotype of a pot-smoking joy seeker."

The vice president's office did not immediately respond to Fox News Digital's request for comment.

# *Washington state legislature strikes word 'marijuana' from state laws, citing racism*

The bill's sponsor said the word is 'pejorative and racist'

By [Jon Brown Fox News](#)

Published April 25, 2022 11:02am EDT



## [Fox News Flash top headlines for April 25](#)

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The Washington State Legislature recently passed a bill replacing the word "marijuana" with "cannabis" in all state laws, citing the alleged racist origins of the Spanish word.

"The term 'marijuana' itself is pejorative and racist," said Democratic state Rep. Melanie Morgan claimed during 2021 testimony regarding [House Bill 1210](#), which she sponsored, according to local CBS affiliate KIRO 7.

"As recreational marijuana use became more popular, it was negatively associated with Mexican immigrants," Morgan explained. "Even though it seems simple because it's just one word, the reality is we're healing the wrongs that were committed against Black and Brown people around cannabis."





Evening at the Washington State Capitol with flowering cherry trees. (Dan Mihai/Getty Images)

Morgan went on during her testimony to quote Harry Anslinger, the first commissioner of the Federal Bureau of Narcotics, who played a pivotal role in the Marijuana Tax Act of 1937 that banned selling and processing cannabis.

"It was ... Anslinger that said, and I quote, 'Marijuana is the most violent causing drug in the history of mankind. And most marijuana users are Negroes, Hispanic, Caribbean, and entertainers. Their satanic music, jazz, and swing result from marijuana usage,'" said Morgan.

"It was used as a racist terminology to lock up Black and Brown people," she added.



Washington Gov. Jay Inslee holds a press conference on March 16, 2020, in Seattle. (Elaine Thompson - Pool/Getty Images)

Gov. Jay Inslee signed the bill after it passed unanimously on March 11, and its provisions will go into effect in June.

In 2020, Washington state lawmakers established the "Washington Task Force on Social Equity in Cannabis," with the intention of bringing more diversity to pot shop owners by offering minority cannabis license applicants grants and financial assistance to get their business started.

By a vote of 220-204, the U.S. House of Representatives voted earlier this month to decriminalize possession of marijuana on the federal level.

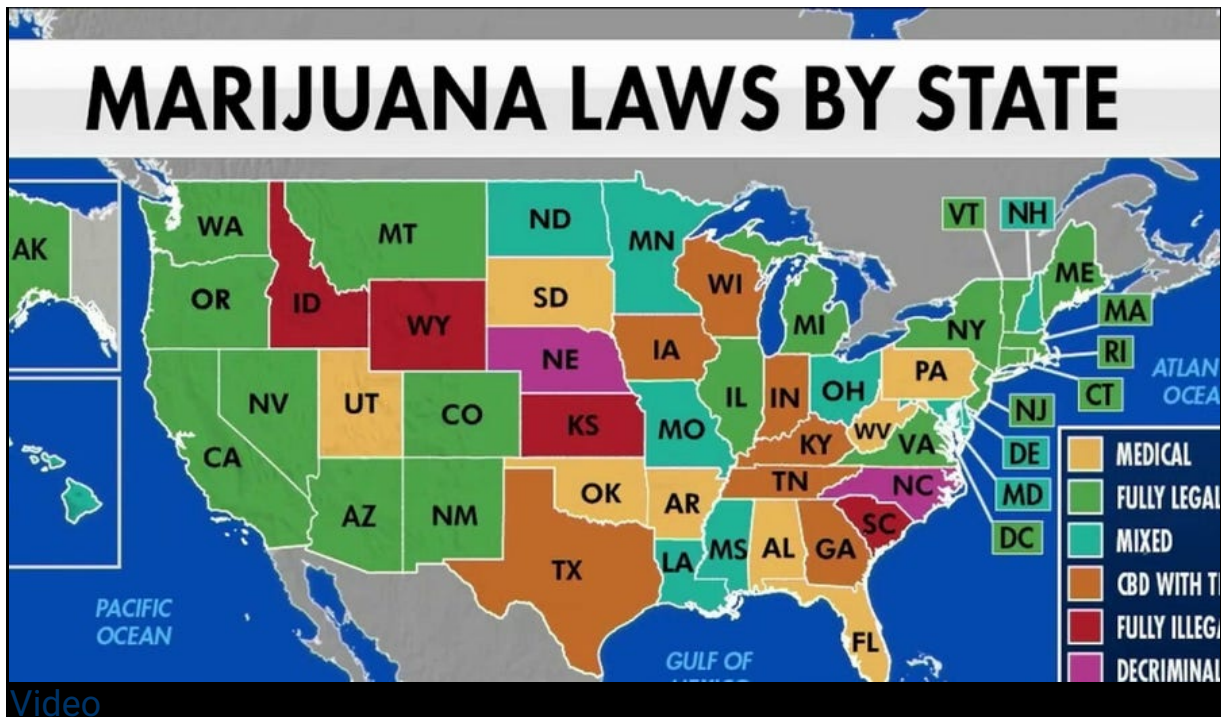
# Legalizing pot is not good for New York or the US

Right now the focus by officials in many parts of the country seems to be potential tax revenues not health and safety concerns



By [Liz Peek Fox News](#)

Published December 13, 2022 4:00am EST



Video

## [Marijuana use surpasses alcohol for those under 18](#)

Fox News correspondent Lucas Tomlinson has more on addiction concerns as child marijuana use soars 245% in the last 20 years on 'Special Report.'

**NEW** You can now listen to Fox News articles!

New York stinks of weed. Everywhere you go – theater lobbies, parking lots, construction sites, delis, public parks – you can smell the bitter aroma of pot. Does anyone actually think this is good for our troubled city? Or for our country?

Can you imagine China encouraging drug usage that can permanently impair the intelligence of young people and that saps the productivity of workers? It is absurd, and yet (mainly) Democrats in financially wounded cities and states have [rushed to legalize pot](#), grounding their campaigns on three questionable arguments:

1. That the war on drugs and prohibition against smoking pot led to racial inequities, which could only be corrected through legalization;
2. That selling weed and [levying hefty taxes](#) on those sales would plug the budget gaps of profligate cities and states; and
3. That marijuana was no more harmful than alcohol and therefore should be legal.

Are these assumptions true?



Image 1 of 3

next

Concepts of medical marijuana use and legalization of the cannabis

The widely disseminated claim that millions of Black Americans are unjustly in prison for simple pot possession is a myth. A 2015 study showed that in the federal prison system, which in 2020 housed 226,000 people, more than 99 percent of those sentenced for drug possession had originally been accused of trafficking or other crimes, but had been allowed to plead down to lesser charges.



Video

President [Joe Biden](#) made a big show before the midterms of issuing a pot pardon, saying "No one should be in jail for possessing marijuana." He looked a tad foolish when it turned out there was literally not one person locked up in federal prisons for that offense.

A lengthy [ACLU study](#) of marijuana arrests concludes: "Black people are 3.64 times more likely than white people to be arrested for marijuana possession, notwithstanding comparable usage rates." Interestingly, even in the ACLU's 110-page report, titled "A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform" there is no verification of the "comparable usage" assertion, which is pivotal to the overall claim of racial injustice. It is just *assumed* that Blacks and whites use marijuana at the same rate.

## Since legalization, the number of young people smoking weed has steadily increased. Is this how we're going to help our kids achieve their dreams?

The National Survey on Drug Use and Health, the apparent source for this assumption, actually shows marijuana consumption to be slightly higher among Blacks than whites. But the survey does not determine how frequently or regularly the person uses.

An [HHS study](#) on alcohol and marijuana use disorders published for the National Library of Medicine concludes that white Americans abuse alcohol at higher rates than Blacks, but that African-Americans incurred [marijuana dependence and abuse](#) at nearly twice the rate of whites or Hispanics. Most likely, that suggests a higher level of usage.



These surveys do not prove the case, and the war on drugs may have targeted Blacks more aggressively than whites, but instead of providing proof of racism, higher arrest rates could reflect a higher preponderance of illegal marijuana dealers in the Black community, or that charging criminals with possession of an illegal substance was an easier case to prove than other misdeeds.

The second argument for legal weed is that [communities like Colorado](#), one of the first states in the union to legalize pot for recreational use, needed revenues, and that taxing a booming new industry would help close budget holes delivered in part by out-of-control public employee unions.

For several years, the program worked. Colorado became the pot destination of choice, with sales of weed surpassing \$2 billion in 2021 and tax collections totaling \$423 million. But then other states began to legalize weed, and for the [first seven months](#) of 2022, revenues dropped 21 percent.

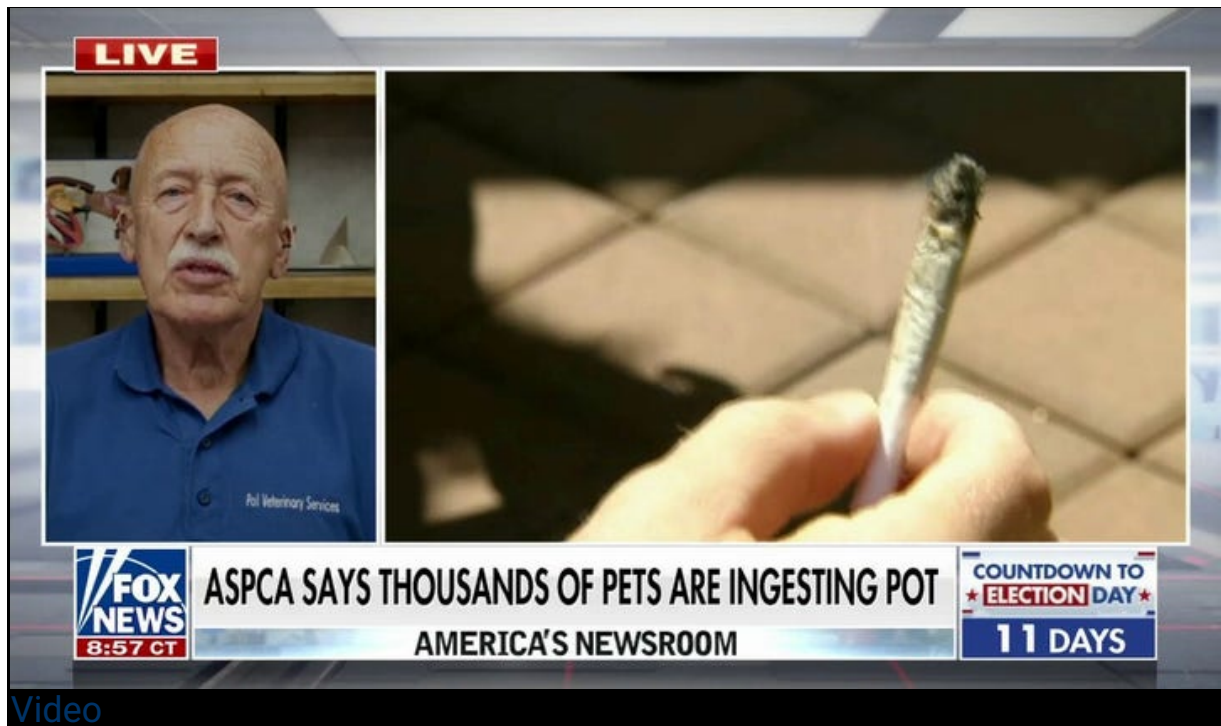


Video

[Pot dispensaries are closing in Colorado](#), delivery operations are shutting down, and, most important, school districts and other revenue recipients are taking a massive hit. As more states and communities legalize pot, the profit and [tax opportunity](#) will drop. That is already happening in Colorado, and it will happen elsewhere. The final argument from cannabis proponents is that pot is no more harmful than alcohol. The jury is out.

We know that [long-term usage by teens](#) reduces their adult IQ by almost 6 points; in effect, steady pot consumption by kids makes them stupider. Since legalization, the number of young people smoking weed has steadily increased. Is this how we're going to help our kids achieve their dreams?

We also know that in the four years after pot was legalized for recreational use in Colorado, cannabis-related emergency room visits jumped three-fold. Many of those emergencies stemmed from consumption of edibles where the THC (the main psychoactive ingredient in cannabis) content is unknown, and many of those visits involved children.



Selling pot to children is illegal, but kids often mistake THC-laced gummy bears or brownies for their favorite treat and end up sick.

Marijuana has become wildly more potent (and, many argue, more addictive) over time. In the 1990s the THC content of pot averaged 4%; today, in concentrates, it can be more than 80%. [Dutch officials](#) have classified potency above 15% as a "hard drug." An [activist group](#) that focuses on protecting children claims that "Teens 12-17 who use marijuana are twice as likely to advance to substance use disorder than teens who use alcohol or tobacco." They also say that young people are more likely to drive after consuming pot than alcohol and that using marijuana products "with high THC potency is associated with higher rates of [schizophrenia, psychosis and generalized anxiety](#)."

The legalization of pot is moving too fast, with desperate officials focused on revenues and not the welfare of their citizens. Twenty-one states and [Washington, D.C.](#) now allow recreational use of pot.

There is probably no turning this ship around, but those communities that have not yet taken the leap should look very hard at what awaits them on the other side.



# ***58,000 more marijuana convictions in Los Angeles County will be dismissed, district attorney says***

By Jason Hanna and Stella Chan, CNN

2 minute read

Published 8:23 AM EDT, Tue September 28, 2021



Marijuana is seen inside a container. Los Angeles County has announced about 124,000 marijuana conviction dismissals since 2020.

Mariah Tauger/Los Angeles Times/Getty Images  
CNN —

Los Angeles County will dismiss about 58,000 more marijuana convictions dating back more than three decades, an action spurred in part by the [state's legalization of recreational marijuana](#) a few years ago, the county district attorney said Monday.

This will bring the total number of felony and misdemeanor marijuana convictions identified for dismissal in the county [since last year](#) to about 124,000.



**RELATED ARTICLE** [New York isn't the only state trying to legalize marijuana](#)

“Dismissing these convictions means the possibility of a better future to thousands of disenfranchised people who are receiving this long-needed relief,” District Attorney George Gascón said Monday. “It clears the path for them to find jobs, housing and other services that previously were denied to them because of unjust cannabis laws.”

The latest cases were identified through a follow-up examination of county court records. The previous group of cases identified for dismissal – nearly 66,000 [in February 2020](#) – covered only an examination of state Department of Justice data, Gascón’s office said.

The Social Impact Center, a local nonprofit, helped the county identify the latest batch of cases, Gascón’s office said.

“I have made it my life mission to help and support people who have been impacted by the ‘war on drugs,’” Social Impact Center Executive Director Felicia Carbajal said Monday. “Giving people with cannabis convictions a new lease on life by expunging the records is something I have worked on for years and I am grateful that we can now make it happen.”

These moves follow the passage of a couple of state laws.



**RELATED ARTICLE** February 2020: Nearly 66K marijuana convictions in Los Angeles County to be dismissed

In November 2016, California voters OK'd the legalization of recreational marijuana by [approving Proposition 64](#). The proposition's passage also allowed people to petition the judicial system to have their old pot convictions expunged.

In 2018, the state Legislature passed [AB 1793](#), which required the state Department of Justice to scour California's crime records and find past cannabis convictions that are eligible to be expunged or downgraded to misdemeanors – generally, convictions for activities that would no longer be crimes under Proposition 64.

The bill instructed county prosecutors to review the list and decide which dismissals would be appropriate. In Los Angeles County, that led to the February 2020 announcement that its initial group of nearly 66,000 cases would be dismissed.

Because a person can have more than one conviction, it was not immediately clear how many people are affected by Monday's announcement. When the county announced the dismissal of nearly 66,000 cases last year, the district's attorney's office said that would cover about 53,000 people.

# ***Nearly 66,000 marijuana convictions in Los Angeles County will be dismissed, district attorney says***

By Jason Hanna, CNN

2 minute read

Published 4:25 PM EST, Thu February 13, 2020



Shutterstock

**CNN —**

Nearly 66,000 marijuana convictions in Los Angeles County will be dismissed thanks in part to state laws that paved the way for the action, the county district attorney said Thursday.

The cases include 62,000 felony convictions for cases – including those for marijuana sales and cultivation – dating back to 1961, and about 4,000 misdemeanor possession cases, District Attorney Jackie Lacey’s office said.

“The dismissal of tens of thousands of old cannabis-related convictions in Los Angeles County will bring much-needed relief to communities of color that disproportionately suffered the unjust consequences of our nation’s drug laws,” Lacey said in a news release.

“I am privileged to be part of a system dedicated to finding innovative solutions and implementing meaningful criminal justice reform that gives all people the support they need to build the life they deserve,” she said.

The 66,000 dismissals mean conviction relief for about 53,000 people. About 45% are Latino; 32% are black; and 20% are white, Lacey’s office said.

In November 2016, California voters OK’d the legalization of recreational marijuana by [approving Proposition 64](#). The proposition’s passage also allows people to petition the judicial system to have their old pot convictions expunged.

In 2018, the state Legislature passed [AB 1793](#), which required the state Department of Justice to scour California’s crime records and find past cannabis convictions that are eligible to be expunged or downgraded to misdemeanors – generally, convictions for activities that would no longer be crimes under Proposition 64.

The bill gives county prosecutors until this July to review the list and decide which dismissals would be appropriate.

The state Department of Justice [estimated](#) in 2018 that more than 218,000 convictions statewide could be eligible for relief.

Lacey’s office said it worked with [Clear My Record](#), a service that helps people expunge nonviolent marijuana convictions, to evaluate records. The service is offered by the nonprofit [Code for America](#).

Including the Los Angeles County cases, Clear My Record has helped prosecutors dismiss about 85,000 marijuana convictions across the state, Code for America senior criminal justice program director Evonne Silva said.

“This is a clear demonstration that automatic record clearance is possible at scale and can help to right the wrongs of the failed war on drugs,” Silva said.

# California lawmakers vote to wipe out old pot convictions

By [Doug Criss](#), CNN

2 minute read

Published 1:50 PM EDT, Thu August 23, 2018



A resident smokes a large cannabis joint during a marijuana festival last year.

David Kawai/Bloomberg/Getty Images

CNN —

When California voters [approved Proposition 64](#) in November 2016, they OK'd more than the legalization of recreational marijuana. They authorized allowing people to petition the judicial system to have their old pot convictions expunged.

A bill – passed Wednesday by the state Senate and now awaiting Gov. Jerry Brown's signature – provides a framework to make such expungements possible.

The legislation, called [AB 1793](#), requires the state Department of Justice to scour California's crime records and find past cannabis convictions that are eligible to be expunged, as well as felony pot-related convictions that, under Prop 64, should be downgraded to misdemeanors.

That information is then passed on to county prosecutors, who have until July 1, 2020, to review and determine whether expunging or downgrading a conviction is appropriate. The bill says prosecutors can challenge the action if the person who would benefit from it “does not meet the eligibility requirements or presents an unreasonable risk to public safety.”

There are more than 218,000 convictions that could be eligible to either be wiped out or downgraded, according to an estimate from the state justice department.

During floor debate on the bill, state Sen. Scott Wiener, one of the bill's co-sponsors, said it “creates a simpler pathway for Californians to turn the page,” the [Los Angeles Times reported](#).

It's not clear whether or when Brown might sign the legislation. CNN has reached out to his office for comment.

# ***Over 8,000 marijuana convictions in San Francisco dismissed with help from a computer algorithm***

By [Amanda Jackson](#), CNN

3 minute read

Published 8:54 PM EST, Mon February 25, 2019



Recreation marijuana is legal in California.

PEDRO PARDO/AFP/AFP/Getty Images

CNN —

Technology meets law and order to help dismiss thousands of marijuana-related convictions dating back to 1975 in San Francisco.

The San Francisco District Attorney's office announced on Monday that 8,132 convictions will be dismissed thanks to a computer algorithm that automatically scanned court records.

"This makes San Francisco the first county in the country to complete the automated marijuana record clearance process," said a statement from the office of San Francisco District Attorney George Gascón

The DA's office teamed up with Code For America – a nonprofit company using technology to improve the government – to develop the computer program to identify cases that are eligible for dismissal since California passed a law in 2016 allowing recreational marijuana use.

[Since that law, Proposition 64, passed](#), people whose past crimes would now not be penalized in the same way could petition to have their convictions overturned or reduced from a felony to a misdemeanor. But it was up to the individual to petition the court on their own, a process that could be both time-consuming and costly. In 2018, only 23 people in San Francisco filed petitions, according to Gascón.

Gascón announced last year that his office would proactively look into the cases to determine eligibility and in May teamed up Code For America to start the process of developing the algorithm.

While sifting manually through thousands of court records would have been time-consuming, the development of the algorithm cut the process down to minutes.

“Using technology, we have been able to proactively bring greater racial equity and fairness to marijuana legalization in California,” Gascón said in a press release Monday.

“I am thrilled to see other counties and states following suit by offering similar relief in their communities. It’s the right thing to do.”

The cleared records will help people gain employment and be approved for housing and other opportunities they might have been denied because of their criminal records.

“If you are the mom or dad who wants to participate in the kids’ school activities and they’re being told you can’t go to that field trip because you have a felony conviction because you sold a nickel bag in the Tenderloin 10 years ago, that’s the people that we care about,” [said Gascón](#).

“This partnership also helps to address wrongs caused by the failed war on drugs, felt most strongly by communities of color.” the press release added. “In San Francisco, approximately 33% of all dismissed convictions involved African American people, and 27% involved Latinx people.”

The cases will now be sent to court for the dismissal and sealing.

Gascon decided last year to retroactively apply Proposition 64 to felony and misdemeanor cases back to 1975. Cases prior to ’75 can still be dismissed by the district attorney, but defendants in those cases must contact the DA’s office to initiate a review.

Code For America is hoping this pilot program will be picked up by other cities and counties to expunge eligible convictions.

“Contact with the criminal justice system should not be a life sentence, so we’ve been working to reimagine the record clearance process,” Jennifer Pahlka, Code for America founder and executive director, said in a statement. “This new approach, which is both innovative and common sense, changes the scale and speed of justice and has the potential to ignite change across the country.”

Gascón did mention his office isn’t able to notify everyone who will have their cases dismissed.

“We’re hoping that those that understand that they may be subject to this can then call us and say, ‘Hey, is my conviction cleared?’”

If a member of the public believes their marijuana conviction should be dismissed or reclassified by the San Francisco district attorney’s office, they can contact the office by phone at 415-553-1751, or via email at [sfda.prop64relief@sfgov.org](mailto:sfda.prop64relief@sfgov.org).



# ***San Francisco retroactively tossing thousands of pot convictions***

By Steve Almasy, CNN

3 minute read - Published 9:03 PM EST, Wed January 31, 2018

California legalizes recreational marijuana

01:49 - Source: [CNN](#)

**CNN** — Good news for people who had a marijuana-related conviction in San Francisco during the past 40-plus years.

There's a good chance it will be removed from their records or be downgraded.

On Wednesday, San Francisco District Attorney George Gascón said his office is going to look into thousands of cases dating back to 1975, retroactively applying a new California law legalizing some recreational cannabis possession.

The [new law](#) allows people whose past crimes would now not be penalized in the same way to petition to have their convictions overturned or reduced from a felony to a misdemeanor. But Gascón said his office is going to be proactive and do the legwork for the people affected.

“We have an opportunity to lead the way (statewide and nationally),” he said.

There are 3,038 misdemeanor marijuana crimes that will be expunged, he told reporters. Another 4,940 felony cases need to be reviewed to see which ones qualify to be reduced to a misdemeanor. Murderers and rapists, for instance, would not be eligible, Gascón said.

“What we want to make sure is ... that people who were really the victims of the war on drugs, in general terms, and are people that are trying to get their lives in the right direction, that they get relief they deserve,” he said. “We have damaged a lot of people in our community.”

Statewide about 4,900 Californians have filed petitions asking to have their records wiped of cannabis convictions. In San Francisco the number is about 23, Gascón said.

Gascón said no one in San Francisco will have to pay for an attorney, take off work to attend court, or file time-consuming paperwork.

Officials who attended the DA's news conference praised the decision, saying the number of marijuana arrests disproportionately affected minorities. The convictions make it more difficult for people to get jobs, loans or places to live, they said.

Amos C. Brown of the NAACP's San Francisco office said the district's attorney's decision will help African-Americans “who've been the victims of an unjust criminal justice system, denied equality of opportunity” and had their humanity disrespected.

Laura Thomas of the [Drug Policy Alliance](#), an advocacy organization that says people should not be punished for what they put in their bodies, said applying the law retroactively is very important.

“It doesn’t feel like justice to change the laws for some people and leave other people in jail cells,” she said.

There are no misdemeanor cases in the courts now, Gascón said.

He believes that people curious about the status of their cases will be able to go to the DA’s website to see whether there has been a change. Misdemeanors will be easier to expunge, Gascón said. Felony cases will involve more time.

“I think within a year our work will be done,” Gascón said.

# ***Los Angeles DA moves to dismiss nearly 60,000 marijuana convictions***

The new dismissals mean the possibility of better futures for thousands of people, Los Angeles County District Attorney George Gascón said.

Sept. 28, 2021, 2:15 AM GMT+2

By [Phil Helsel](#)

LOS ANGELES — Prosecutors in Los Angeles will move to dismiss nearly 60,000 marijuana-related convictions about five years after California voters approved recreational cannabis, the district attorney's office said Monday.

Officials identified about 58,000 cases that are eligible for dismissal, Los Angeles County District Attorney George Gascón said. The cases go back three decades. Last year, Jackie Lacey, then the district attorney, [dismissed 66,000 convictions](#) related to pot.

Gascón, who was elected district attorney in November, said the new dismissals would mean the possibility of better futures for thousands of people.

"It clears the path for them to find jobs, housing and other services that previously were denied to them because of unjust cannabis laws," Gascón said in a statement.

The 66,000 cases dismissed last year relied on data from the state Justice Department, Gascón's office said.

The 58,000 cases now being dismissed were found after a review of county court records, he said.

California voters in [2016 approved a measure](#) to legalize recreational marijuana. Prosecutors and officials in other states have also moved to expunge or [dismiss pot convictions](#) after recreational marijuana became legal.

New York began automatically expunging criminal records of people with certain marijuana convictions after recreational marijuana [was legalized](#) this year. A 2019 law decriminalized possession and led to records' being expunged.

Eighteen states and Washington, D.C., have legalized recreational marijuana, but not all have set up legalized sales yet.

# ***Maryland governor announces pardons of more than 175,000 marijuana convictions***

The action makes Maryland the first state in the U.S. to issue mass pardons on cannabis paraphernalia-related convictions, Gov. Wes Moore's office said.

June 17, 2024, 4:31 PM GMT+2

By [Summer Concepcion](#)

Maryland Gov. Wes Moore on Monday signed an executive order pardoning more than 175,000 marijuana convictions, the governor's office said.

Moore signed the executive order in Annapolis with state Attorney General Anthony Brown in attendance.

An estimated 100,000 individuals will be affected by the pardons, the governor's office said in a press call Monday morning.

The pardons include more than 150,000 misdemeanor convictions for simple possession of cannabis and more than 18,000 misdemeanor convictions for use or possession with intent to use drug paraphernalia, his office said.

The pardons reflect the number of convictions, with some individuals having more than one conviction pardoned through the executive order, the governor's office said.

The executive order makes Maryland the first state in the U.S. to issue mass pardons on cannabis paraphernalia-related convictions, the governor's office said. The state [legalized recreational marijuana in 2023](#) after the [passage of a constitutional amendment](#) during the state's 2022 legislative session.

"We cannot celebrate the benefits of legalization if we do not address the consequences of criminalization," Moore said in remarks announcing the executive order Monday. "So I want to be clear: When it comes to cannabis, rolling out one of the best and most equitable legal markets in the country is incredibly important. But that rollout must go hand in hand with pardoning past conduct, and Maryland is going to lead by example."

Moore's administration said in a statement that it "is committed to promoting social equity and ensuring the fair and equitable administration of justice. Because the use and possession of cannabis is no longer illegal in the state, Marylanders should not continue to face barriers to housing, employment, or

educational opportunities based on convictions for conduct that is no longer illegal."

Pardons won't result in the release of incarcerated individuals, and the pardons were completed through existing state resources, Moore's office said.

After Moore signs the executive order, the state judiciary will update each individual electronic docket with an entry indicating that the cannabis-related conviction was pardoned by the governor, a process that could take about two weeks, his office said.

Moore's order directs his administration's Department of Public Safety and Correctional Services to implement a process to indicate a pardon on an individual's criminal record, which could take about 10 months to complete, the governor's office said.

## ***House reintroduces bill to decriminalize cannabis, create social equity programs***

“The whole intention and vision behind this bill is that it would repair past harms of drug prohibition,” said Maritza Perez, the Drug Policy Alliance's Office of National Affairs director.



A bill to federally decriminalize cannabis was reintroduced in the House on Friday, breathing new life into a growing movement to remove marijuana from the list of controlled substances. Maggie Shannon / for NBC News

May 28, 2021, 11:44 PM GMT+2

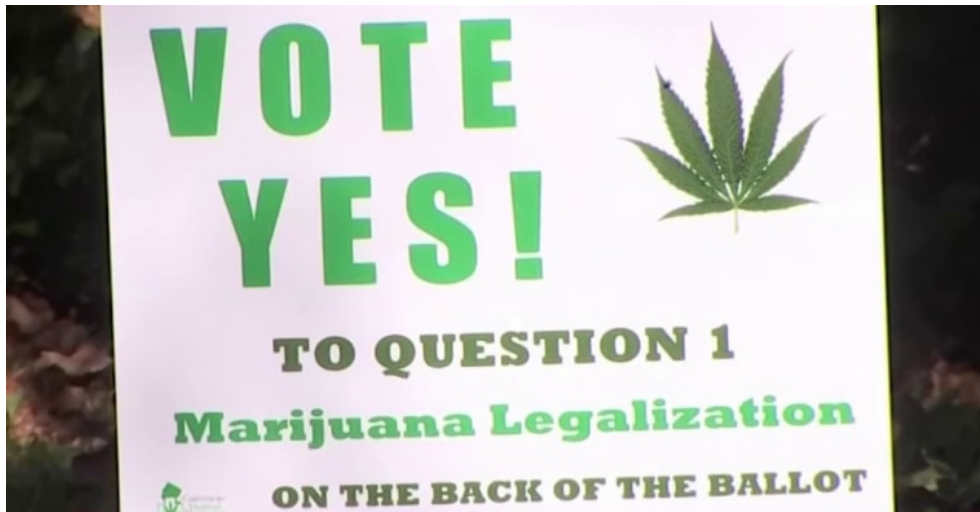
By [Alicia Victoria Lozano](#)

After voting overwhelmingly last year to decriminalize cannabis at the federal level, congressional leaders reintroduced a bill Friday to strike marijuana from the list of controlled substances and invest in communities disproportionately affected by the so-called drug war.

The Marijuana Opportunity Reinvestment and Expungement Act of 2021, also known as the [MORE Act](#), would also eliminate criminal penalties, clear criminal records and create social equity programs focused on repairing damage to individuals and communities impacted by decades of prohibition.

The bill was introduced by House Judiciary Committee Chairman Jerry Nadler, D-N.Y.

"Since I introduced the MORE Act last Congress, numerous states across the nation, including my home state of New York, have moved to [legalize marijuana](#)," Nadler said in a statement. "Our federal laws must keep up with this pace."



[Americans embrace marijuana, legalizing cannabis in five additional states](#)

03:44

The bill failed to advance last year in the Senate, where a companion bill also died. A second Senate bill is expected to be introduced later this year with the backing of Senate Majority Leader Chuck Schumer, D-N.Y., and Sens. Cory Booker, D-N.J., and Ron Wyden, D-Ore.

The revised bill contains stronger social justice measures intended to address the generational effects of prohibition, including removing language that would have denied federal permits to applicants with felony cannabis convictions.

It would set a 5 percent tax on cannabis retail sales that would increase to 8 percent over three years. Revenue would go to the Opportunity Trust Fund, which would pay for job training, re-entry services, legal aid and health education programs for impacted communities.

It also would create an Office of Cannabis Justice to oversee social equity components, prevent the federal government from penalizing cannabis users who depend on social services and open the door to more research opportunities.

The Small Business Administration would establish the Cannabis Restorative Opportunity Program to help businesses owned and operated by “socially and economically disadvantaged individuals.” The SBA mandate would develop and implement equitable cannabis licensing programs that minimize barriers for people adversely impacted by the drug war.

“The whole intention and vision behind this bill is that it would repair past harms of drug prohibition,” said Maritza Perez, national affairs director at the Drug Policy Alliance, a nonprofit working to reform drug laws. “We’re hoping that another successful House vote would continue to pile on momentum.”

Despite the move toward decriminalization, people of color continue to be most affected by existing drug laws. According to a [2020 report by the American Civil Liberties Union](#), a Black person is 3 times more likely to be arrested for cannabis possession than a white person. The ACLU estimated that enforcing cannabis prohibition laws costs taxpayers approximately \$3.6 billion a year.

“This bill will give a lot of individuals a fresh start,” said Stuart Titus, CEO of cannabis company Medical Marijuana Inc.

But it could take a “herculean effort” to advance cannabis legislation, Titus said, adding that Democrats will need to pick up more Republican support if they intend to end prohibition.

December’s vote was the first time a full chamber of Congress took up the issue of federally decriminalizing cannabis. Of the vote count, 222 Democrats were in favor of passing the MORE Act and six were against it. Five Republicans voted in favor of it and 158 voted against passing it.



Maggie Shannon / for NBC News

“This has historic implications,” Titus said. “We have an entire industry here ready to boom.”



In 2020, legal cannabis sales totaled \$20 billion and are projected to more than double by 2025, according to the bill.

For nearly a decade, the federal government has relied on an uneasy truce with states that chose to carve their own cannabis laws. Currently 17 states, two territories and Washington, D.C., have legalized recreational cannabis and 36 states and two territories allow [medical marijuana](#).

The tension between state and federal law has contributed to confusion over what rights cannabis users have to buy and use marijuana.

Narmin Jarrous, chief development officer for Exclusive Brands, a cannabis company based in Michigan, said her primary care doctor recently dropped her after she tested positive for marijuana. Jarrous lives with chronic pain caused by endometriosis and prefers marijuana to harsher pain management medications, such as Vicodin and oxycodone.

“If it’s happening to me, I know it’s happening to [other] patients,” she said. “It was such an absurd policy, in my opinion, and it just shows how much work we have to do as a society.”

# Democratic Governor Pardons Over 175,000 Marijuana Convictions

(Photo by Andrew Harnik/Getty images)

[ROBERT SCHMAD](#) CONTRIBUTOR

June 17, 2024 11:38 AM ET

FONT SIZE:

Democratic Maryland Gov. Wes Moore signed an executive order pardoning an estimated 175,000 of marijuana-related convictions on Monday.

Moore [announced](#) that he would pardon anyone convicted of a marijuana possession charge or a drug paraphernalia charge tied to the possession or use of marijuana at a signing ceremony Monday. The governor stressed that the pardons will help to correct what he believes to be past harms [inflicted](#) on “communities of color” through the “[war on drugs](#),” noting that his actions coincide with the week of [Juneteenth](#), a holiday that has been [referred](#) to as “black independence day.”

“I’m ecstatic that we have a real opportunity with what I’m signing to right a lot of historical wrongs,” Moore [told](#) The Washington Post. “If you want to be able to create inclusive economic growth, it means you have to start removing these barriers that continue to disproportionately sit on communities of color.” [\(RELATED: Weed Advocates Are Ramping Up Lobbying Efforts And Notching Wins\)](#)

Moore has historically been friendly to the cannabis industry, [releasing](#) \$40 million worth of previously-frozen funds to support the growth of the marijuana businesses in Maryland in January 2023. The Maryland governor held roughly \$1.2 million worth of shares in a cannabis company that did business in Maryland before placing his assets in a blind trust in May 2023, NBC 4 Washington [reported](#).

“Our current reality of disproportionate arrests and convictions are the residuals of slavery,” Democratic Maryland Attorney General Anthony Brown said on Monday, [according](#) to CNN.

“Cannabis convictions for hundreds of thousands of people here in Maryland were scarlet letters, modern day shackles,” he continued. “I can almost hear the clanging of those shackles falling to the floor with your pardon this morning, governor.”

Moore’s pardon will cover an estimated 100,000 people, according to the Post. Individuals covered by Moore’s executive action will see their pardons marked in court records within two weeks and will be removed from criminal background check databases within 10 months, however, their convictions will still appear in public records.

Officials say the pardons will not result in anyone currently incarcerated being released from prison because no one in the state is currently imprisoned for minor possession, according to the Post. Prosecutions for criminal marijuana possession have stopped in Maryland as the state [legalized](#) recreational marijuana use on July 1, 2023.

Maryland isn’t the first state to issue mass pardons for people convicted of cannabis-related offenses, with Oregon, Massachusetts, Colorado, Illinois, Washington, Nevada, Pennsylvania, North Dakota and Wisconsin collectively pardoning hundreds of thousands convicted of such offenses, [according](#) to the National Organization for the Reform of Marijuana Laws. Some states, like California, have fallen short of pardons, opting instead to expunge, seal or dismiss convictions, the Post reported.

The Maryland governor’s office did not immediately respond to the Daily Caller News Foundation’s request for comment.

# Texas Sues Cities Over Cannabis Decriminalization Laws

Getty Images/Brandon Bell

[ARJUN SINGH](#) CONTRIBUTOR

February 02, 2024 12:20 PM ET

FONT SIZE:

Texas is suing multiple municipalities that have decriminalized the use of cannabis, alleging they have violated the state’s constitution.

Cannabis has been [legalized](#) for use by several states and is [consumed](#) by millions of Americans annually. The [lawsuits](#) target the city of Austin and its suburbs of San Marcos, Killeen and Elgin, as well as Denton, a suburb of Houston. [\(RELATED: Biden Regulators Request Marijuana Restrictions Be Eased\)](#)

“I will not stand idly by as cities run by pro-crime extremists deliberately violate Texas law and promote the use of illicit drugs that harm our communities,” said Attorney General Ken Paxton in a [press release](#). “It’s quite simple: the legislature passes every law after a full debate on the issues, and we don’t allow cities the ability to create anarchy by picking and choosing the laws they enforce.”

These municipalities, having adopted policies that do not prosecute the possession and distribution of cannabis, are allegedly violating the [Texas Constitution](#), which requires that city ordinances not violate state law, according to the lawsuits.

The [Texas Health and Safety Code](#) makes possession of marijuana a misdemeanor if the amount is under two ounces, with progressive penalties as the amount increases. Cannabis is currently [listed](#) as a “Schedule I” drug under the federal Controlled Substances Act, which means that it has no acceptable medicinal or recreational use.

However, the municipalities where the ordinances were enacted appeared to support them by large margins, with Austin voters endorsing the ordinance to not prosecute cannabis offenses by an [85%](#) margin, [according](#) to the Texas Tribune. In San Marcos, that number was [82%](#) while in Elgin, Denton, and Killeen had [75%](#), [71%](#) and [70% support](#), respectively.

“We are aware of the Attorney General’s lawsuit and subsequent news release, but do not comment on pending litigation,” [said](#) the City of Denton to NBCDFW.

Paxton’s lawsuits have been filed at a time when several Republican-led states, by ballot initiatives, are either decriminalizing the possession of cannabis or legalizing its recreational use. In 2022, the state of Missouri [voted](#) to legalize the possession and use of cannabis, while Montana and South Dakota [voted](#) [the same way](#) in 2020.

“Ken Paxton will be remembered as being on the wrong side of history,” [wrote](#) the Texas Cannabis Collective on Twitter, now known as X, in response to the decision.

# Weed Advocates Are Ramping Up Lobbying Efforts And Notching Wins

(Photo by Lauren DeCicca/Getty Images)

[ROBERT SCHMAD](#) CONTRIBUTOR

November 14, 2023 11:09 AM ET

FONT SIZE:

Marijuana legalization advocates are hiring more lobbyists and otherwise ramping up their efforts to influence drug policy on Capitol Hill.

The weed industry's lobbying efforts [increased](#) significantly between the first and second quarters of 2023, rising from \$1.04 million to \$1.39 million. Cannabis Freedom Alliance, a coalition of groups seeking to end federal prohibitions on weed, recently hired the Bose Public Affairs Group to lobby Congress on marijuana reform issues, [according](#) to lobbying disclosures.

Voters in Ohio [approved](#) a ballot measure to legalize recreational marijuana on Nov. 7. The Coalition to Regulate Marijuana Like Alcohol, the group [behind](#) the ballot measure, spent \$5.2 million on efforts to legalize weed in Ohio, [according](#) to expenditure records maintained by the Ohio secretary of state.

Cannabis Freedom Alliance [includes](#) groups like the [Koch-funded](#) Americans for Prosperity, Koch-backed libertarian organizations like the [Reason Institute](#) and [Students for Liberty](#) as well as pro-marijuana advocacy groups. [\(RELATED: Biden Admin Recommends Weeding Out Federal Marijuana Restrictions\)](#)

Charles Koch, CEO of Koch Industries, has [long backed](#) marijuana legalization, spending millions on legalization efforts. Cannabis Freedom Alliance itself launched with the support of Koch, [according](#) to the Hill.

Koch initially got the idea to launch Cannabis Freedom Alliance on a Zoom call with Snoop Dogg and another hip-hop artist, Vice [reported](#).

The bump in lobbying activity among marijuana groups coincided with The Secure and Fair Enforcement Regulation Banking Act, a bipartisan bill that would provide legal protection to banks that serve marijuana businesses in states where the substance is legal, being [advanced](#) by the Senate Banking Committee.

Twenty-four states and the District of Columbia have legalized cannabis for recreational and medical use, [according](#) to the Hill.

Deep-pocketed groups like Bank of America, the National Rifle Association, and Mastercard spent money lobbying on the bill, Forbes [reported](#).

(Photo by Miguel MEDINA / AFP)

As the lobbyists advocate for loosened restrictions on marijuana usage, some recent research has raised concerns about the substance's effects on the mental and physical health of users.

Two studies [presented](#) at an academic conference earlier this month found that cannabis usage increases the risk of cardiovascular disease, building on other recent studies that found usage of the substance to be associated with the development of schizophrenia and other mental illnesses.

“Prior research shows links between marijuana use and cardiovascular disease like coronary artery disease, heart failure and atrial fibrillation, which is known to cause heart failure,” Dr. Yakubu Bene-Alhasan, the lead researcher on one of the studies presented at the conference, said. “Marijuana use isn't without its health concerns, and our study provides more data linking its use to cardiovascular conditions.”

Cannabis Freedom Alliance could not be reached for comment.

# ***Biden Admin Recommends Weeding Out Federal Marijuana Restrictions***

Photo by Michael M. Santiago/Getty Images

[LILLIAN TWETEN](#) CONTRIBUTOR

August 31, 2023 12:25 PM ET

FONT SIZE:

A top official at the Department of Health and Human Services (HHS) recommended on Tuesday that the federal government ease its restrictions for marijuana, Bloomberg reported.

Dr. Rachel Levine, the assistant secretary of health for HHS, wrote a letter to the Drug Enforcement Agency (DEA) recommending that the government reclassify marijuana from a Schedule 1 drug to a Schedule 3 drug under the Controlled Substances Act to be considered as safe as drugs like testosterone and ketamine, [according](#) to Politico. Schedule 1 drugs [include](#) substances such as heroin and are considered extremely dangerous and addictive, while Schedule 3 drugs are considered only mildly addictive and can be acquired over the counter with a prescription, Bloomberg [reported](#). [\(RELATED: \*\*Illegal Chinese Marijuana Grow Operations Are Taking Over Blue State, Leaked Memo Says\*\*\)](#)

“Cannabis should have never been scheduled alongside heroin and placed at the center of our nation’s drug war,” said Edward Conklin, the executive director of the US Cannabis Council, according to Bloomberg. “Thankfully that era is coming to a close and is being replaced by a modern and scientific approach to regulating this plant.”

The HHS provided its recommendations on marijuana scheduling after receiving a [directive](#) requesting review of the drug from President Joe Biden, according to a DEA statement to the Daily Caller News Foundation. The department conducted a scientific and medical review of the drug before it submitted its findings in a letter to the DEA.



While rescheduling marijuana would decrease the penalties associated with illegal possession, the measure would not decriminalize the drug at the federal level, Politico reported.

The District of Columbia and 23 states allow for recreational use of marijuana, and 38 states as well as D.C. have legalized marijuana for medical use, USA Today [reported](#).

“The only way to fully resolve the myriad of issues stemming from the federal conflict with state law is to remove cannabis from the Controlled Substances Act and regulate the product in a manner similar to alcohol,” Aaron Smith, the CEO of the National Cannabis Industry Association, said in a statement to Bloomberg.

The HHS did not immediately respond to the DCNF’s request for comment.

# *The Model For Cannabis Regulation Is 85 Years Old*

Reuters/ By Terray Sylvester and Jaime Saldarriaga

[DAWSON HOBBS](#) CEO, WSWA

July 30, 2018 6:01 PM ET

FONT SIZE:

The time has come for the Federal Government to recognize the right of states to legalize cannabis.

The right to legalize, however, comes with the responsibility to regulate. The Wine & Spirits Wholesalers of America (WSWA) believes Congress should respect the will of the states to legalize cannabis markets to operate as long as they enact appropriate regulations.

WSWA is the first alcohol industry association to advocate for federal recognition of states' rights to legalize and regulate cannabis.

The alcohol industry offers a model framework, informed by our eight-decade record of safety, effective regulation, innovation and competition. The framework seeks to promote four broad, shared goals: ensure product safety, discourage underage access, create an effective tax collection regime, and eliminate diversion of cannabis to non-legal markets — all while allowing the regulated market to supply the needs of adult consumers.

Enacting policies to achieve these goals would bring the growing cannabis industry on par with beverage alcohol. To ameliorate conflict between federal laws and states with legalized cannabis, Congress should provide regulatory standards these states must meet to receive federal recognition.

Our suggestion is not new; cannabis activists have long asked to be regulated like alcohol. We agree, but it is important for lawmakers to recognize alcohol regulations don't end at the 21-year-old drinking age; they include all the principles outlined below.

Minimum standards can be explained in three categories.

Regulation to protect public safety should include a 21-year-old minimum age for purchase, possession and use, and penalties for providing cannabis to minors. Impaired driving standards and restrictions on health claims on packaging should be established, along with hours and days of sale (similar to alcohol) and restrictions to discourage underage access and encourage responsible consumption. Delivery by common carriers should be regulated like alcohol.

Industry practice regulations should prohibit vertical integration, ensure accurate and efficient tax collection, and enact licensing of producers, processors, distributors and retailers — with penalties for license violations mirroring the state’s alcohol code. States should designate an agency to be charged with regulating cannabis and enact measures to prevent diversion to other states.

Finally, regulations should ensure product integrity as with alcohol. This measure includes testing formulas to ensure purity and consistency and confirming that all products in the marketplace can be traced to the processor/producer.

This framework is identical to requirements on the beverage alcohol industry.

Policymakers established alcohol industry regulations because of failures before and during Prohibition. The adopted model was simple: Empower each state as the primary authority over its beverage alcohol licensees (suppliers, distributors and retailers) with additional federal licensing and oversight for suppliers and distributors.

Eight decades later, counterfeit and tainted alcohol products are essentially nonexistent in the United States, despite being widespread in other countries.

With careful and continuous regulation, cannabis can achieve wider acceptance on a federal level. Adherence to regulations will, over time, create a cannabis marketplace that’s heralded as safe, unadulterated and effective.

The United States is home to the most diverse, innovative and competitive alcohol marketplace in the world and that marketplace is successfully regulated (and taxed) by state and federal authorities working in partnership. Both alcohol and cannabis are intoxicants that have potential for impairment and misuse; regulating the substances in a similar manner makes sense.

Cannabis legalization is here to stay.

To adapt in this new era, federal and state officials can look to the lessons of Prohibition and the success of the modern beverage alcohol marketplace for a model that can guide the cannabis industry. If it's done right, cannabis producers, processors, distributors and retailers — along with policymakers and the public — will be as proud of the cannabis industry's record as we are of ours today.

*Dawson Hobbs is the CEO of [WSWA](#), the national trade association representing the wholesale tier of the wine and spirits industry, which distributes more than 80 percent of all wine and spirits sold at wholesale in the United States.*

*The views and opinions expressed in this commentary are those of the author and do not reflect the official position of The Daily Caller.*

# *America's Federalism Advantage And Marijuana Legalization*

(Media Credit Aleynikov Pavel/Shutterstock)

[PETER FERRARA](#) CONTRIBUTOR

June 28, 2018 5:49 PM ET

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In America, states are not just subunits of the federal government required to carry out federal policies, as local governments in European countries generally are.

Each state is legally sovereign in its own right, with its own Governor and legislature elected to exercise its own powers. This structure is established in the Constitution, hence our nation's name: the United States.

This framework is called “federalism,” which provides valuable advantages for America. With that fundamental structure, the states are each individual laboratories of democracy, free to try out policies the voters of each state think would work out best for them.

That not only enables variation for the different local conditions and populations of each state, but it also creates a competition and experiment in each state, enabling America to see the results of different policies in the real world, rather than adopting one policy nationwide. When a policy is demonstrated to work well in one state, other states learn from that and can copy what is shown to work best.

This is why federalism was so important to our Founding Fathers, as recognized by President Reagan. Early in his first year, Reagan issued an Executive Order commanding the agencies and departments of his executive branch to follow the principles of federalism in every decision they made, favoring more power, authority and funding down to the states unless there was an overriding reason to the contrary.

Today, federalism is proving to be the best approach for addressing the issue of legalization of marijuana. That is recognized in bipartisan legislation just introduced in Congress by Senators Cory Gardner (R-Colo.) and Elizabeth Warren (D-Mass.) and by Reps. David Joyce (R-Ohio) and Earl Blumenauer (D-Ore.), labeled the Strengthening the Tenth Amendment Through Entrusting States (STATES) Act. That would amend federal law to recognize that each state has the legal right to determine for itself the best policies concerning marijuana within its borders.

Forty-six states have already changed their own laws to decriminalize marijuana. Under President Obama, the Department of Justice accommodated that by issuing a “guidance” recognizing these changes in state laws to ensure that limited law enforcement resources would not be used to prosecute violations of increasingly outdated, inconsistent federal law, which still prohibits the sale, distribution and use of marijuana.

But that “guidance” did not involve a permanent change in federal law (something the Obama administration had consistent trouble with). As a result, earlier this year Attorney General Jeff Sessions (who is frequently not on the same page with President Trump), withdrew the “guidance,” which he had the legal authority to do with the stroke of a pen.

But recognizing the legal insufficiency of the Obama administration’s attempted fix, every year since 2014, Rep. Dana Rohrabacher (R-Calf.) has inserted an amendment into the appropriations bill governing the Justice Department to prohibit it from using federal funds to prosecute medical marijuana businesses and users for violating the outdated federal law. The Los Angeles Times called that “a temporary but necessary fix” for the outdated federal law.

The STATES Act is the permanent fix. That is why the proposed legislation has been endorsed by organizations from Left to Right, including the American Civil Liberties Union (ACLU), Americans for Prosperity, Americans for Safe Access, Americans for Tax Reform (ATR), the Brennan Center for Justice, Campaign for Liberty, the Competitive Enterprise Institute (CEI), the Drug Policy Alliance, the Institute for Liberty, LatinoJustice PRLDEF, the Law Enforcement Action Partnership, the Marijuana Policy Project, the Massachusetts Bankers Association, the National Conference of State Legislators, the National Organization for the Reform of Marijuana Laws (NORML), R Street and the Taxpayers Protection Alliance, among others.

President Trump has long-supported the same policy, going back to his 2016 campaign. He said even in 2015, “In terms of marijuana and legalization, I think that should be a state issue, state-by-state.” He said on a Colorado TV station that he supports the right of states like Colorado to allow adult use marijuana, saying in contradiction to Sessions today, “I wouldn’t do that [using federal authority to shut down recreational marijuana] ... I think it should be up to the states. Absolutely.” He said the same on a Detroit radio station in March of 2016.

Public opinion polls show the American people overwhelmingly support the same position, as well: 94 percent to 4 percent for medical marijuana in a 2017 Quinnipiac poll. In Gallup, 64 percent say marijuana should be legalized, and 61 percent in Pew Research polls. The STATES Act would legally resolve this issue in accordance with the will of the people.

*Peter Ferrara teaches economics at Kings College in NY. He also serves as Senior Fellow for Legal Affairs at the Heartland Institute and Senior Policy Advisor to the National Taxpayer Limitation Foundation. He formerly served in the White House for President Reagan and as Associate Deputy Attorney General under President George H.W. Bush*

*The views and opinions expressed in this commentary are those of the author and do not reflect the official position of The Daily Caller.*

# ***ANGELOS: It's Time For Marijuana Policies To Reflect The Will Of People***

REUTERS/Shannon Stapleton

[WELDON ANGELOS](#) CONTRIBUTOR

December 20, 2023 6:32 PM ET

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Americans are ready to say goodbye to marijuana prohibition.

According to a [new Gallup poll](#), 70 percent of Americans think that marijuana should be legal, including 55 percent of Republicans. Thirty-eight states, three territories, and the District of Columbia have legalized marijuana for medical use. And Ohio, a traditionally conservative state, just voted to legalize recreational marijuana, making it the 24th state to do so since 2012.

It's about time. Other lawmakers at the state and federal levels must take advantage of this changing landscape to push for further marijuana reforms to keep communities safe and families together.

For decades, we have relied on a heavy-handed, top-down, criminal justice-based approach to drug use that has robbed countless individuals of their ability to contribute to their communities and families.

The so-called "war on drugs" has cost American taxpayers [more than \\$1 trillion](#) while doing little to curb drug addiction or overdose deaths, which hit a [record high](#) in 2021. It's clear the criminal justice system is not fit to handle these problems — it only exacerbates them by criminalizing what shouldn't be a crime and punishing instead of treating.

Marijuana offers a clear example. Of the 106,699 overdose deaths in 2021, marijuana accounted for none. It never does. Yet, under federal law it is treated the same as a much more dangerous substance like heroin. Taxpayers shell out



an estimated 7.6 billion annually to enforce anti-marijuana laws. But many of the costs are immeasurable.

I know from experience. At 23 years old, I was an up-and-coming producer and musician working with Snoop Dogg and 2Pac's rap group, among others. More importantly, I was the father of two young boys. To make ends meet while waiting for my music career to take off, I sold small amounts of marijuana on the side.

My life changed forever when I was arrested for selling \$300 worth of marijuana to a government informant. My punishment upon conviction was preordained and draconian: a mandatory prison sentence of 55 years. It was so obscene that even the judge – a conservative, tough-on-crime George W. Bush appointee – described my sentence as “[cruel, unjust, and even irrational.](#)”

Thankfully, I had people in my corner who kept fighting for me, and I was released from prison after 13 years when a federal court reduced my sentence. But I will never get that time back with my sons and family.

Sentences like mine are no longer common. After my release, I worked with both political parties to help change the laws that led to my brutal sentence. And for the past two administrations, the Justice Department has declined to prosecute federal marijuana violations in states that have legalized it. But those laws are still on the books, and federal prohibition is often cited to justify continued state marijuana bans.

The federal government should move to fully decriminalize marijuana and allow states to make their own decisions on prohibition, just as Ohio did. The Buckeye State has always been a political bellwether, so we should expect more states – including red states – to follow Ohio's lead.

For their part, members of Congress from GOP strongholds like Ohio, Missouri, Florida, Montana, and South Carolina have spoken out in favor of ending federal marijuana prohibition. They reflect the changed attitudes surrounding marijuana, even in the most conservative areas of the country.

They also reflect the impact that ending marijuana prohibition would have on reducing violent crime, a key GOP talking point. State and local law enforcement agencies are chronically understaffed and overworked, resulting in more violent crimes going unsolved and fewer victims receiving justice.

Ending marijuana prohibitions can free up precious police time and resources to focus on more serious crimes.

It now falls upon us to unwind decades of ineffective and harmful marijuana policy. By lifting the federal marijuana ban, states will gain a new and important freedom to shape their own communities. Here, America's modern approach to alcohol and tobacco can provide a model for state and local marijuana regulation, which can be adapted to the unique needs of individual jurisdictions and supported by robust community programs with local knowledge and expertise.

Marijuana laws in Ohio will be different from those in Colorado or Massachusetts, and that's a good thing. Lawmakers will have to listen to the input of their constituents when implementing a regulatory scheme for legal marijuana.

But this is only the first step of remedying the errors of marijuana prohibition. Government officials must also revisit existing marijuana convictions and sentences. Anyone serving time for non-violent marijuana offenses should be released from prison, and those convicted of marijuana crimes who have lived peacefully in society should have their criminal records expunged.

It's time for public policy that is aligned with the 70 percent supermajority that supports marijuana legalization.

*Weldon Angelos is criminal justice reform advocate and founder of The Weldon Project, a non-profit organization committed to securing relief for people who are incarcerated over cannabis. He received a presidential pardon for his own federal marijuana conviction in 2020 after serving 13 years in prison.*

*The views and opinions expressed in this commentary are those of the author and do not reflect the official position of the Daily Caller.*

# Oregon Gov. Kate Brown Pardons Everyone Convicted Of Simple Marijuana Possession

(Photo by Carmen Mandato/Getty Images)

[GRETCHEN CLAYSON](#) REPORTER

November 21, 2022 7:20 PM ET

FONT SIZE:

Democratic Oregon Gov. Kate Brown issued a pardon Monday for those in her state who have been charged with simple possession of marijuana.

“No one deserves to be forever saddled with the impacts of a conviction for simple possession of marijuana — a crime that is no longer on the books in Oregon,” Brown [announced](#) in a press release. “Oregonians should never face housing insecurity, employment barriers, and educational obstacles as a result of doing something that is now completely legal, and has been for years. My pardon will remove these hardships.” The move will eliminate over 47,000 convictions from criminal records impacting about 45,000 people.

Calling the criminal justice system in Oregon “flawed, inequitable, and outdated,” Brown further added that “Black and Latina/o/x people have been arrested, prosecuted, and convicted at disproportionate rates.”

The announcement comes after President Joe Biden [pardoned](#) all prior federal offenses of simple marijuana possession last month and encouraged governors to do likewise at the state level.

“Just as no one should be in a Federal prison solely due to the possession of marijuana, no one should be in a local jail or state prison for that reason,” he [stated](#) in a press release.

Biden also asked for the Attorney General and Secretary of Health and Human Services to review how marijuana is classified under federal law, arguing that the current Schedule I classification is meant for the most dangerous substances, such as heroin and LSD, according to the press release.

“Pardoning simple possession in Oregon is absolutely necessary to repair the damage done by the failed War on Drugs,” Democratic Oregon Sen. Ron Wyden stated, [according to](#) The Oregonian.

Wyden further expressed his hope that “every governor and state legislature” would follow Brown’s example, even calling on Congress to make changes at the federal level.

“The American people have consistently shown overwhelming support for expungement and reform of our marijuana laws. It is time for Congress to step up and begin to right these wrongs at the federal level. As we approach the end of this Congress, I will continue to push for meaningful cannabis reform, and will fight to get as much done as we possibly can,” he stated, according to the outlet.

# ***'Public Deserves Answers': Watchdogs Light Up Dem Gov Over Potential Conflict Surrounding His Pot Industry Investments***

Mandel NGAN/AFP via Getty Images

[TREVOR SCHAKOHL](#) LEGAL REPORTER - May 12, 2023 9:00 AM ET

FONT SIZE:

Democratic Maryland Gov. Wes Moore should fully disclose his ties to the cannabis industry given recent actions he has taken as governor to benefit recreational cannabis businesses, experts told the Daily Caller News Foundation.

Possessing 1.5 ounces of cannabis for recreational use will become legal in Maryland in July, and Moore has signed a [law](#) creating a recreational cannabis business licensing framework and [released](#) \$40 million in previously-withheld funding for the Maryland Commerce Department's Cannabis Business Assistance Fund. On May 1, Moore announced a blind trust for his investments, including \$1.17 million of stock in the Chicago-based cannabis company Green Thumb Industries, the Associated Press [reported](#), and now oversight experts are calling for Moore to fully disclose any potential conflict of interests he might have in the industry.

“While the full details are not yet known, the public deserves answers on whether there is a conflict of interest between the governor's official actions and his investments into the cannabis industry,” Peter McGinnis, communications director for Functional Government Initiative, a watchdog group, told the DCNF. “If elected officials could be using their offices to enrich themselves, it should always raise concern, especially if there is an appearance of conflict.”

Maryland [made](#) possessing under 10 grams of marijuana a civil offense in 2014, and its [legal](#) medical cannabis industry saw estimated revenue decline from more than \$560 million in 2021 to roughly \$517 million in 2022, [according](#) to The Baltimore Sun. The state's voters [approved](#) a ballot

measure in November 2022 to [legalize](#) possessing 1.5 ounces of cannabis for recreational use [starting on July 1](#).

Elected in November, Moore [campaigned](#) on cannabis legalization, pledging to expunge all simple possession convictions in Maryland and “prioritize equitable access to this emerging industry.” His blind trust, managed by the Brown Investment Advisory & Trust Company, prohibits buying financial securities that would lead to a specific industry accounting for more than 30% of the trust’s total value when those assets present a conflict of interest, according to the AP.

Marijuana is seen at the Sneaker Headz cannabis store April 15, 2022, in Washington, DC. Photo by BRENDAN SMIALOWSKI/AFP via Getty Images

“This blind trust is a continued effort on behalf of Governor Moore to serve Maryland in the most transparent way possible,” Moore’s press secretary Carter Elliot said in a statement provided to the DCNF. “This will ensure the governor is removed from even the appearance of potential conflicts of interest that could arise as a result of his duties as governor and further demonstrates his commitment to serving the people of Maryland to the best of his ability ethically, transparently, and effectively.”

Moore’s \$1.17 million stock ownership in Green Thumb Industries would account for more than 45% of the trust’s starting assets, and he sat on the company’s board of directors from 2018 to March 2022, the AP reported. Legal cannabis spending totaled around \$32 billion worldwide in 2022, with U.S. sales forecasted to rise by about 14% this year, [according](#) to the cannabis data company BDSA.

“Americans deserve full transparency from elected officials,” Tom Jones of the [American Accountability Foundation](#), a conservative government oversight organization, told the DCNF. “If everything thing here is on the level, Gov. [Moore](#) should have no problem being open with the public.”

Capital Research Center President Scott Walter told the DCNF that questions need to be answered whenever elected officials appear to enrich themselves using taxpayer money and laws.

“Americans are rightly concerned that our ruling class governs for private benefit not the public good,” Walter said.

# WHITLEY: Can Democrats Trick Young Americans Into Selling Their Birthright For A Mess of Pot?

(Photo by ANGELA WEISS/AFP via Getty Images)

JARED WHITLEY CONTRIBUTOR

April 10, 2024 12:32 PM ET

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In a sign that there *might* be hope for hopeless blue parts of the country, Oregon [recriminalized possessing small amounts of hard drugs](#) in early April. Oregonians had decriminalized small amounts of heroin and meth in 2020, hoping to — [as NBC wrote](#) — “quell a deepening addiction and overdose crisis.”

Strangely enough ... letting people have more drugs leads to drugs problems!

This is the reason I’m generally against decriminalization of drugs when Democrats suggest it. Republicans are capable of drawing a line and saying, “This far, but no further” — like when then-President Donald Trump [talked about this issue](#) — whereas so-called progressives are not. The nascent Peter Pan-ism of the post-Clintonian left has led to policies informed less by the question “what is best for our country?” than the question “what can we get away with today?”

Indeed, the Democratic Party has long since abandoned serious leadership because they all want to be Amy Poehler’s [“Cool Mom” in Mean Girls](#).

So it came as no surprise when President Joe Biden announced in his [State of the Union](#) last month, that he was “directing [his] Cabinet to review the federal classification of marijuana, and expunging thousands of convictions for mere possession, because no one should be jailed for using or possessing marijuana!”

This is the kind of thing that the libertarian wing of the GOP is happy to agree to, but the rest of us are skeptical. On the one hand, it seems baleful to send someone to jail for marijuana. On the other hand, as Oregonians proved with their disastrous 2020 law, legalization of minor drugs seems to be the gateway for legalizing horrible drugs.

Following the SOTU, Republican Utah Sen. Mitt Romney (whom we mostly [aren't fans of](#)) and other Republicans [urged the Biden Administration](#) that “Any effort to reschedule marijuana must be based on proven facts and scientific evidence—not the favored policy of a particular administration—and account for our treaty obligations.” That is to say, the Senators want to know if the Administration consulted key counterdrug partners on shared commitments regarding drug enforcement.

One imagines that the goal is to avoid another [Brittney Griner-type situation](#), or conflicts with a country like Singapore, where police are empowered to perform [extra-judicial executions](#) if someone brings drugs into the crime-free Lion City. Western liberals love to [cluck their tongues](#) at Singapore's criminal justice policies; Singaporeans cluck back how crime- and car accident-free their island is.

Mass acceptance of marijuana use is leading to predictable outcomes here at home. In Canada, it's been found that driving while stoned can be [even more dangerous than driving drunk](#). Documented marijuana-related traffic accidents that required ER visits rose almost 500% in the True North from 2010 to 2021.

So rather than sending marijuana smokers to jail, Canada is sending innocent accident victims to the hospital. Got it.

The fact that the Biden Administration waited until *now* to announce their decriminalization plan shows it's clearly an election-year ploy. They're trying to trick Millennials and Zoomers into voting for four more years of ruinous policies by dangling marijuana in front of them: Democrats want young Americans to sell their birthright for a [mess of pot](#).

If we're to use betting markets to try to predict the future, it is more likely than not that Democrats will reclassify marijuana.



That's according to the prediction markets at Polymarket, which gives [reclassification](#) about a 52 percent chance. The site uses blockchain-based technology to get immediate feedback on candidates and issues by offering betting lines and allowing traders to generate odds. Basically, it's like sports betting on March Madness, but with the future of America. (When Biden made his SOTU announcement, Polymarket traders put the likelihood as high as 80 percent).

Whether it happens this year or another, legalization seems likely to happen eventually. Only about [11% of Americans](#) think all marijuana should be illegal, even medicinal. But this bodes ill for the future. Again, on the one hand, while it can be seen as excessive to send someone to jail for something as minor as marijuana, increasing public acceptance for indulgence is a sign of social decay. As Sir John Glubb wrote in [his prophetic Fate of Empires](#) [50](#) years ago:

“A community of selfish and idle people declines, internal quarrels develop in the division of its dwindling wealth, and pessimism follows, which some of them endeavour to drown in sensuality or frivolity.”

“Let us eat, drink and be merry, for tomorrow we die.”

Being a traditionalist means you have to say things that are unpopular now but get to say “I told you so” later. Just so it's on record: letting people have more drugs leads to the problems associated with drugs.

*Jared Whitley is an award-winning columnist and D.C. politico, having worked in the U.S. Senate, White House and defense industry. He has an MBA from Hult Business School in Dubai.*

*The views and opinions expressed in this commentary are those of the author and do not reflect the official position of the Daily Caller.*

# ***PURNELL: Ending The War On Drugs Is Key To Long-Term Police Reform***

Scott Olson/Getty Images

[SPENCE PURNELL](#) CONTRIBUTOR

June 12, 2020 4:44 PM ET

FONT SIZE:

*Editor's note: We endeavor to bring you the top voices on current events representing a range of perspectives. Below is a column arguing that police departments in the United States need long-term reforms to overcome systemic racism, especially an end to the War on Drugs. You can find a counterpoint [here](#), where Paris Dennard, Senior Communications Advisor for Black Media Affairs at the Republican National Committee, argues that defunding the police will destabilize urban communities that want more, not less, policing.*

The Black Lives Matter protests after the killing of George Floyd reflect the public's justified anger with police violence that is enabled, in part, by [qualified immunity](#), police [militarization](#), [police unions](#) that protect bad cops and the lack of a proper [insurance](#) market that would increase accountability of law enforcement. Yet, there is another decades-old policy still looming over the country that police use as a pretense to arrest and abuse Americans, especially African Americans—the war on drugs.

Fortunately for Americans, cell phone cameras are now providing videos that vividly demonstrate what decades of data have long shown—that abusive police using military-like tactics and the ongoing drug war have played a role in the systemic racism of the criminal justice system that has decimated many [black](#) families and communities.

The infamous 2016 revelation of former President Richard Nixon aide John Ehrlichman made the purpose of the war on drugs clear: “We knew we couldn't make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin. And then criminalizing both heavily, we could disrupt those communities,” Ehrlichman

said. “We could arrest their leaders, raid their homes, break up their meetings and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did.”

And that drug war lives on today. In 2018, there were 1.65 million drug-related arrests, including 663,000 arrests for marijuana-related offenses in the US, according to Pew Research. “In 2018, 92% of marijuana arrests were for possession and 8% were for selling or manufacturing,” Pew reports.

“Black people are consistently arrested, charged and convicted of drug crimes including possession, distribution and conspiracy at far higher rates than white people. This, despite research showing that both races use and sell drugs at about the same rate,” [writes Radley Balko](#), author of the *Rise of the Warrior Cop: The Militarization of America’s Police Forces* and an opinion writer at *The Washington Post*.

“Despite roughly equal usage rates, Blacks are 3.73 times more likely than whites to be arrested for marijuana,” the [American Civil Liberties Union found](#).

In most states, even some that have legalized medical marijuana, simple marijuana possession of less than an ounce can still be a [felony](#) offense. If someone also happens to be expressing their Second Amendment [right](#) by carrying a weapon while in possession of any amount of a federally illegal drug, including medical marijuana, it triggers an automatic felony charge.

A felony conviction can permanently alter the course of someone’s life, making it difficult to find employment, reducing financing options for people seeking home or business loans, and even taking away voting rights. Mounting a legal defense against a felony charge often costs around \$10,000. Those trials often come down to the word of the defendant against the word of the state, which has far too often been a near-certain loss for defendants in the past.

“In 2018, more than a third of young adults aged 18 to 25 (34.8 percent) were past-year users of marijuana,” [according to](#) the Substance Abuse and Mental Health Services Administration (SAMHSA). So it is easy to see how the war on drugs continues to be used by law enforcement as a means to target and harass people, particularly African Americans. The police are often brazen about stopping, searching, and harassing people. If they were wrong about stopping someone, they can just let them go and never document it. If they

make a more serious mistake, the blue code of protecting bad cops kicks in or they get qualified immunity.

“Qualified immunity protects police and other officials from consequences even for horrific rights abuses,” said Rep. Justin Amash (L-Mich.) [said](#) when he and Rep. Ayanna Pressley (D-Mass.) introduced the Ending Qualified Immunity Act. “It prevents accountability for the ‘bad apples’ and undermines the public’s faith in law enforcement. It’s at odds with the text of the law and the intent of Congress, and it ultimately leaves Americans’ rights without appropriate protection.”

One needs to look no further than the current protests to feel the immense and overwhelming pain that has been unjustly inflicted on African Americans. It is well past time to end the drug war, to legalize most simple drug possession — especially marijuana — and end practices like qualified immunity so that police are stripped of the protections unique to their industry.

*Spencer Purnell is a policy analyst at Reason Foundation.*