

Status of State Marijuana Legalization

This brief presents the status of state marijuana laws in the United States as of May 2020. Although marijuana remains illegal at the federal level, 33 states and the District of Columbia have legalized medical marijuana, with twelve (12) of those jurisdictions also legalizing recreational marijuana use.

FIGURE 1. STATUS OF STATE MARIJUANA LEGALIZATION

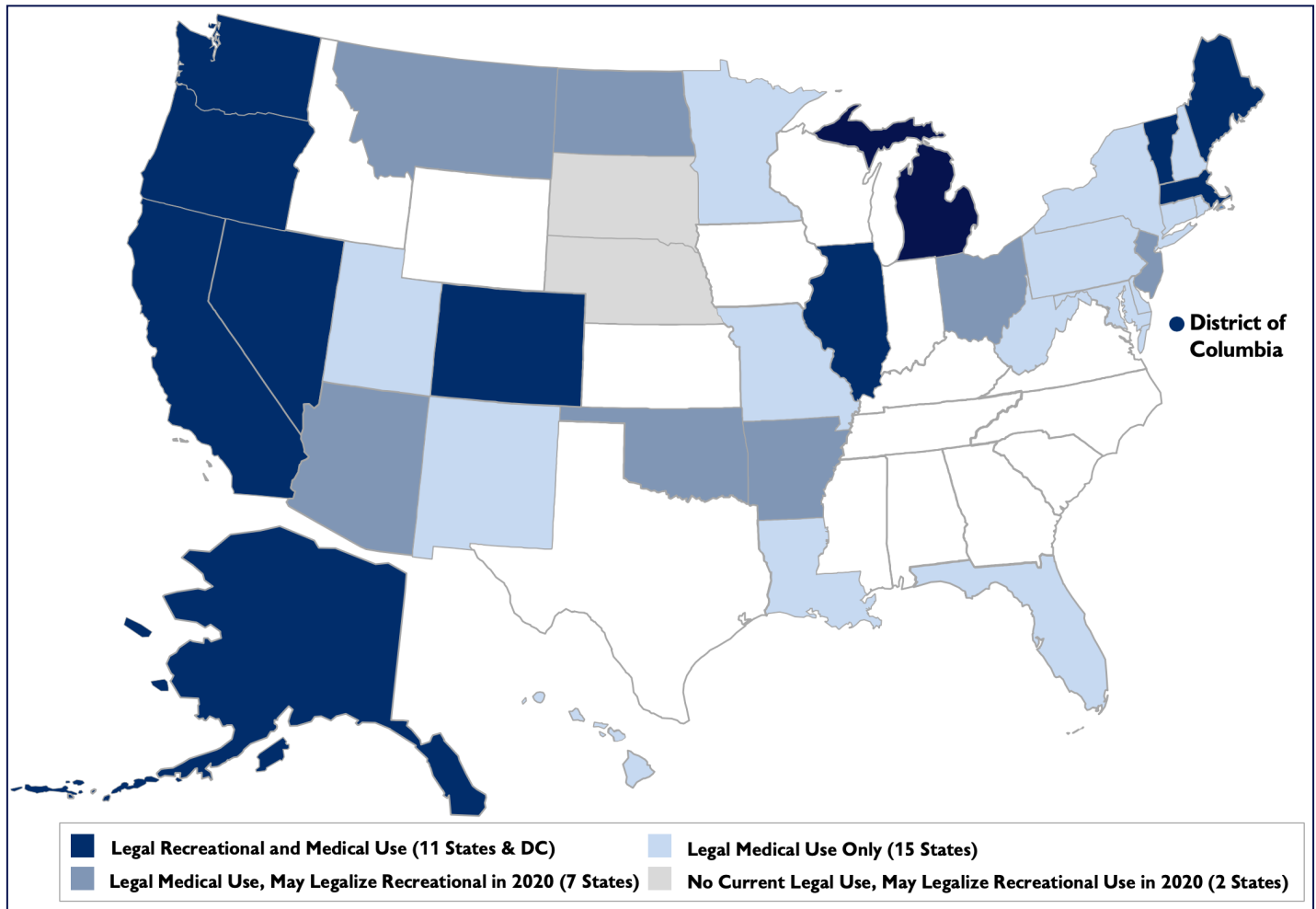


Figure 1 shows the current status of state marijuana laws and the potential changes that may occur in 2020. Overall, nearly 68% of U.S. residents live in a state with legalized medical or recreational marijuana use, and roughly 28% of residents live in one of the 12 jurisdictions that permit recreational use. Efforts are currently underway to add ballot initiatives during the November 2020 election that would potentially legalize recreational use in

another nine (9) states. Though the fate of those initiatives remains uncertain, if all were adopted and approved, recreational use would expand to another 12% of residents, for a total of 40% of the US population spanning 21 jurisdictions.

There are a few evident trends in state legalization efforts, though it is too early to know if they will prove predictive in 2020. So far, every state

that has legalized recreational use has legalized medical use first, with an average of 13 years from the enactment of medical use to the enactment of recreational use. But that trend could change in 2020. Nebraska and South Dakota both have ballot initiative efforts underway to legalize recreational use, but have yet to legalize medical use. Meanwhile, among the other seven (7) states with potential ballot initiatives for

recreational use, an average of only seven years has passed since enacting medical use laws – nearly half the historical lag time. Together, Figures 2 and 3 depict the length of time between state-specific legislation

enactments, the temporal relationship between the states and their enactment dates, and the total population in each relevant legislation status.

Despite the uncertainties of the 2020 election, public opinion polling also shows ever-growing support for marijuana legalization. From September 2016 to September 2019, support for recreational legalization

FIGURE 2. ENACTMENT DATES AND POPULATION OF STATES WITH LEGALIZED USE¹

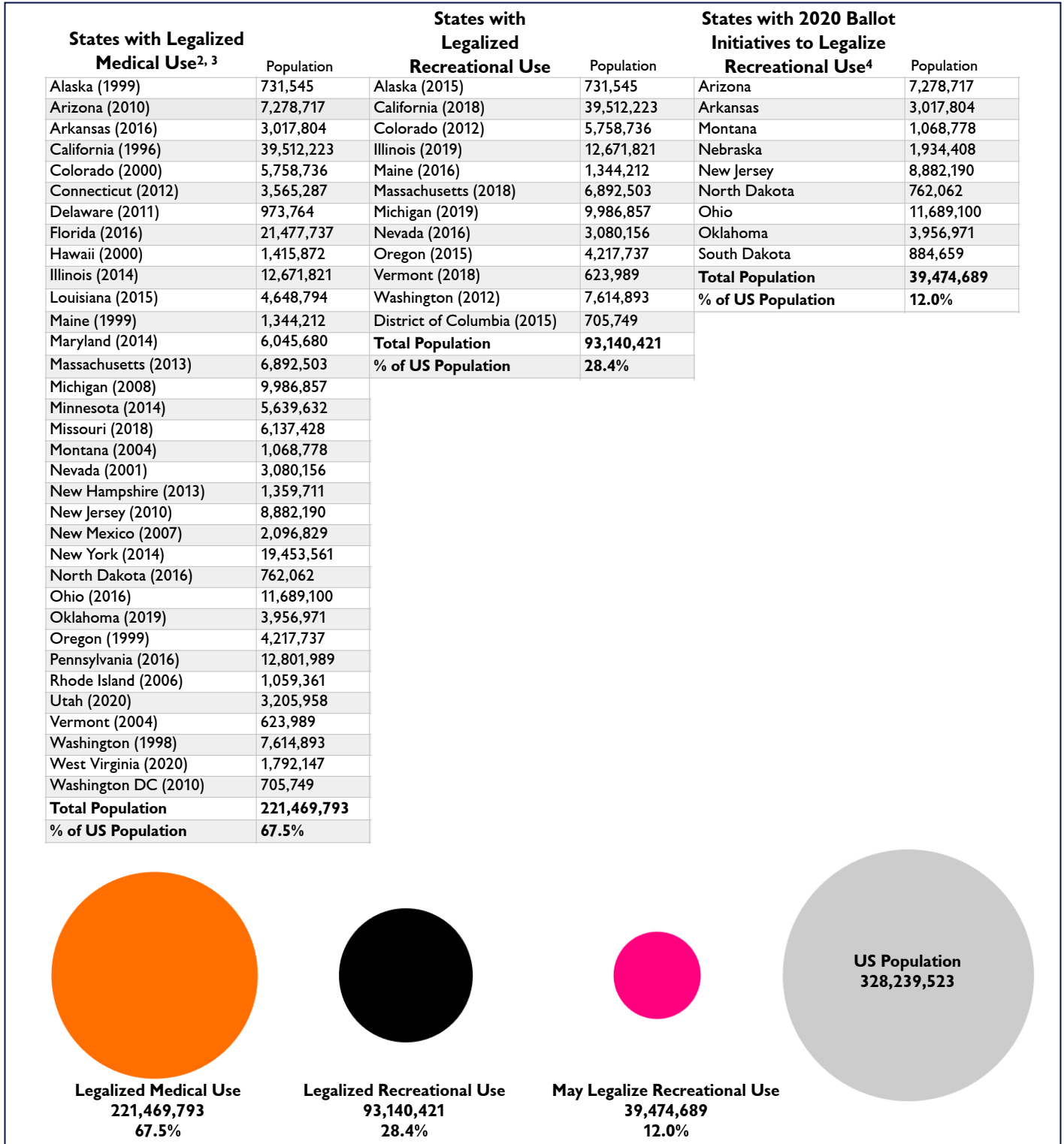
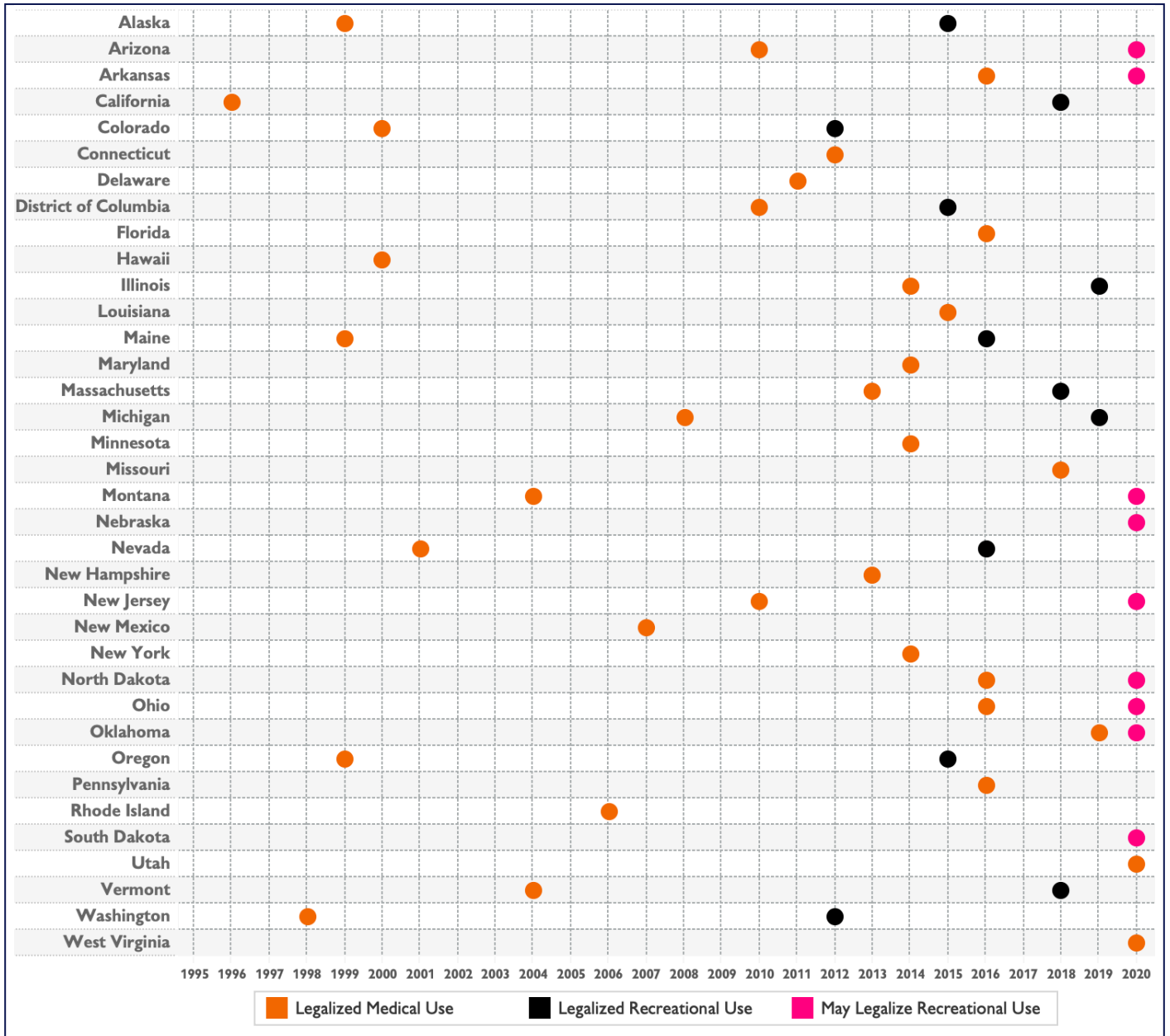


FIGURE 3. LEGALIZATION ENACTMENT DATES BY STATE



among US adults rose from 49% to 59%, whereas support for continued criminalization declined from 15% to 8%. Regardless of the wisdom of legalization, the ballot initiatives and polls indicate that recreational legalization is likely to continue. Marijuana stakeholders should be equipped with the information and tools they need to ensure that states can best optimize their approaches to protect public health and safety.

NOTES:

- 1 Population figures were obtained from the US Census Annual Estimates of the Resident Population: April 1, 2010 to July 1, 2019. Estimates are for 2019.
- 2 Dates show the year medical or recreational marijuana laws were enacted rather than their original approval date.
- 3 All states with legalized recreational use previously legalized medical use. There was an average wait of 13 years between the legalization of medical use and the legalization of recreational use.
- 4 The New Jersey and South Dakota initiatives have obtained ballot access. Initiatives in all other states are still pending access. It is unknown whether exceptions to signature gathering requirements will be granted in all states due to COVID-19.

⁵ Pew Research Center (2019). American Trends Panel Wave 53 September: Final Topline.



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