



October 4, 2022

WHAT YOU NEED TO KNOW ABOUT

State Cannabis Legalization Efforts in 2022

PRO POINTS

- **A decade into America's legal weed experiment,** the focus has shifted to more conservative states: Adult-use legalization is on the ballot in Arkansas, Missouri, Maryland, North Dakota and South Dakota.
- **Court challenges were successful in tossing** marijuana questions from the ballot last election cycle. They've been notably less successful this year, with courts in two states granting marijuana questions a spot on the November ballot.
- **Maryland is taking a page out of New Jersey's** playbook. For years, the Legislature failed to pass a comprehensive legalization bill. Lawmakers referred a legalization question to the ballot instead, where it's very likely to pass.
- **The increasing influence of cannabis companies on** marijuana advocacy is shifting the debate at the state level. Both pro- and anti-legalization advocates are coming out forcefully against industry-backed campaigns in Missouri and Arkansas.

HOW WE GOT HERE

The marijuana legalization movement has come a long way in the past decade. Voters in Colorado and Washington were the first to approve recreational legalization initiatives in 2012. Since then, 17 other states have legalized adult-use weed, and 37 have adopted comprehensive medical marijuana programs. Some conservative states have legalized limited, low-THC medical programs. While state-level reforms have been driven by voters at the ballot box, legislatures are increasingly taking up the issue.

With legal weed already on the books across much of the liberal strongholds of the West and Northeast, cannabis advocates are turning to ballot initiatives in conservative states. Legalization petitions have made the November ballot in Arkansas, Missouri, North Dakota and South Dakota. Voters in Maryland will also weigh in on a legalization question referred by the Legislature.

Voters actually approved a recreational legalization amendment in South Dakota in 2020, only for the state Supreme Court to strike it down last year. After an unsuccessful effort to persuade lawmakers to legalize, weed advocates collected enough signatures this year to make the ballot a second time.

While similar legal challenges have successfully tossed marijuana questions in conservative states, advocates behind an adult-use legalization amendment in Missouri ward off a court challenge that would've blocked them from the ballot. A Missouri voter, backed by anti-legalization advocacy group Smart Approaches to Marijuana, sued the Secretary of State's office, alleging that the constitutional amendment was improperly certified.

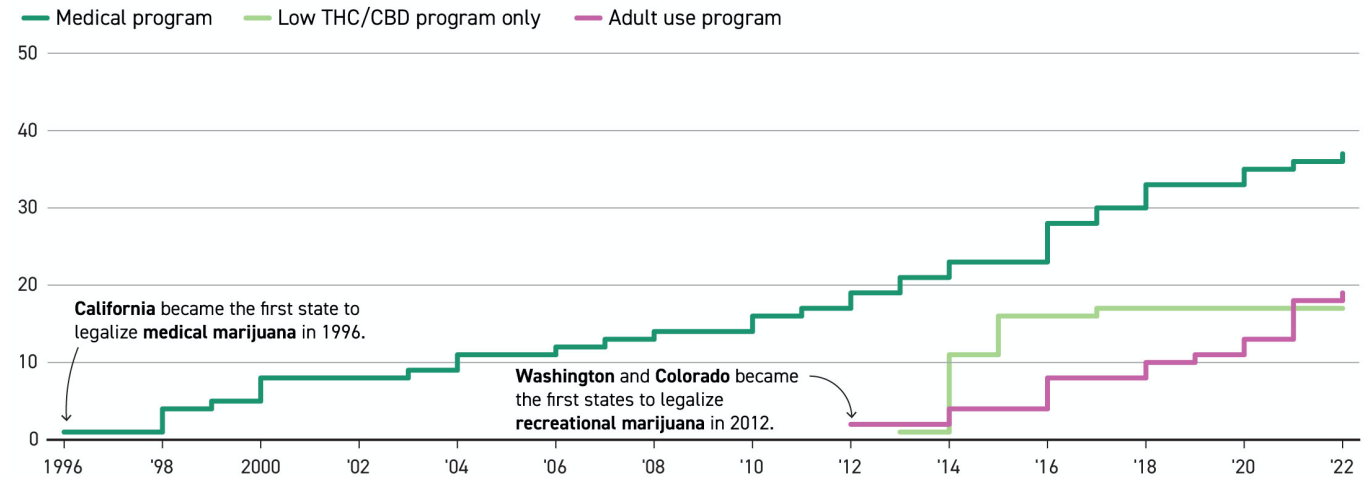
Advocates behind the ballot question to legalize marijuana in Arkansas mounted their own court battle to make it before voters. Despite that, the campaign collected enough signatures, the state Board of Election Commissioners declined to certify the petition over concerns that the ballot title was misleading. Ultimately, the legalization campaign prevailed before the state Supreme Court.



Advocates behind a medical marijuana legalization effort in Nebraska struggled to meet geographic signature requirements — prompting them to sue the state over the constitutionality of the requirements. But the courts ultimately ruled against the campaign. Advocates have requested a rehearing.

37 states have legal medical or recreational marijuana

Number of states with medical or recreational marijuana programs, by year of program legalization



Source: National Conference of State Legislatures

WHAT'S NEXT

With court cases over ballot questions pretty much settled, legalization campaigns are turning to their final challenge: convincing voters to actually approve the questions. That should be an easy lift given consistent polling that shows broad public support for legalization across the country. Still, that doesn't mean these campaigns aren't facing their own unique challenges.

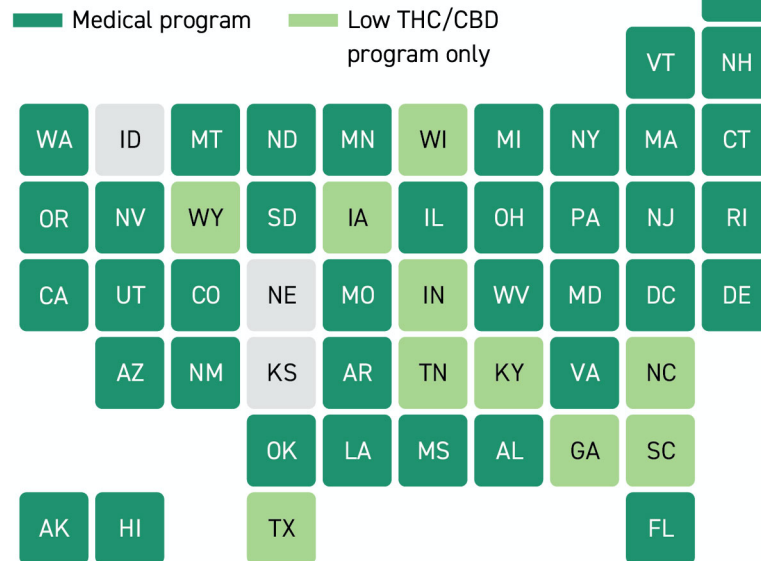
In Missouri, the campaign backing the legalization amendment is encountering opposition from some unlikely sources — other pro-legalization advocates from both the left and right at odds with the lack of social equity provisions and wanting a more free-market approach.

These debates, which will play out in the lead-up to Nov. 8, show that the discussion around marijuana legalization in the U.S. is evolving beyond whether to legalize to how to legalize. If all the legalization initiatives succeed, nearly half of all U.S. states will have approved adult-use marijuana, which will only exacerbate federal-state conflicts in cannabis laws.

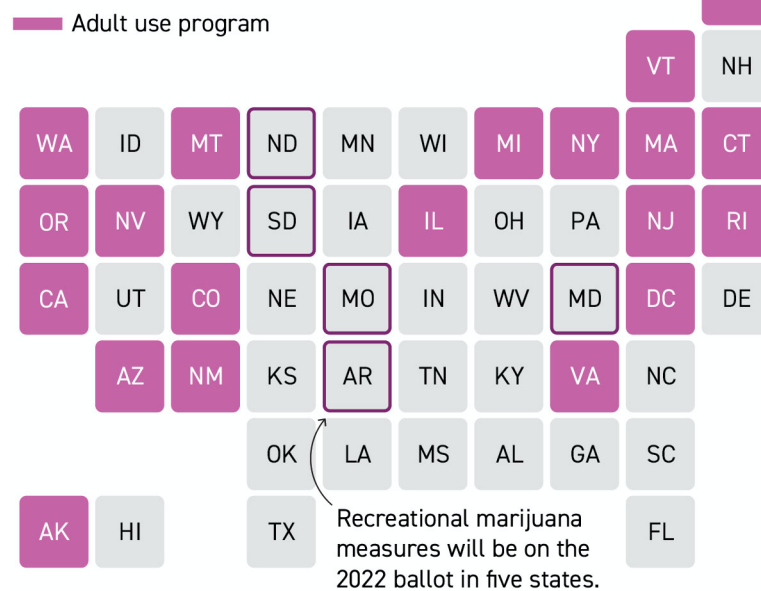


How states regulate recreational and medical cannabis

Medical marijuana



Recreational marijuana



Source: National Conference of State Legislatures



POWER PLAYERS

- **Marijuana Policy Project:** The pro-legalization advocacy organization has played a central role in many prior legalization campaigns, and the 2022 election cycle is no different. Its staff is closely involved in the Maryland, North Dakota and South Dakota campaigns.
- **ResponsibleGrowth Arkansas:** Responsible Growth Arkansas is the committee behind the adult-use legalization amendment that made the ballot after a court challenge. The group is chaired by Eddie Armstrong, the former Democratic leader in the Arkansas House, and is funded by the state's medical marijuana industry.
- **New Approach PAC:** New Approach is the organization behind most of the successful marijuana ballot initiatives in the U.S. This year, the PAC is providing financial and strategic support to North Dakota, South Dakota, Missouri and Oklahoma, though voters in the Sooner state won't weigh in on weed until a later date.
- **Legal MO 2022:** Legal MO is the ballot committee behind the adult-use legalization initiative on the November ballot. Legal MO is largely funded by the state's existing medical marijuana industry, but also has backing from New Approach and marijuana advocacy group NORML.
- **Impactful Canna Reform Coalition:** The coalition was founded by Missouri Democratic Rep. Ashley Bland Manlove, the chair of the state's Legislative Black Caucus. The coalition is leading efforts among pro-legalization advocates who are against the Amendment 3 initiative, arguing that the question will codify worrisome marijuana regulations in the state Constitution.
- **Smart Approaches to Marijuana:** The most prominent anti-legalization advocacy group is leading efforts to oppose marijuana legalization campaigns. The group backed a court challenge against Missouri's legalization campaign, and is working with some pro-legalization advocates who are similarly against the industry-backed effort.