

LOOKING AHEAD: LEGALIZATION IN 2020

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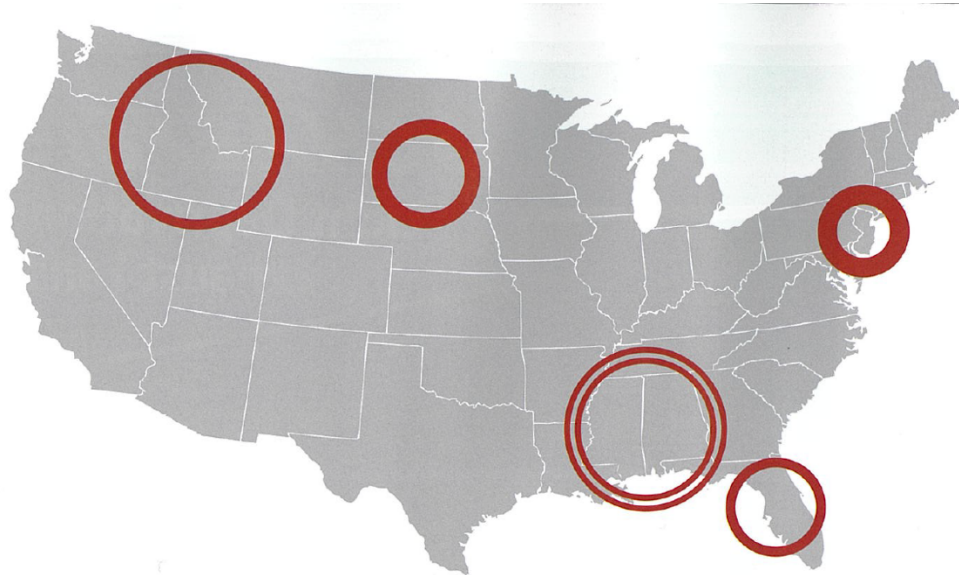
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Target 2020

The Next States

The coming year could be a tipping point for cannabis legalization in the United States

BY GARRETT RUDOLPH

Every weekend, Russ Belville packs a couple days' worth of supplies into his car, leaves his home in Oregon to pick up his 77-year-old father in Idaho and then drives around that vast state, from one city to the next.

Belville's goal is to hit nearly every corner of the state — the 14th largest in the U.S. by area — but his mission is to put an initiative on the 2020 ballot to legalize medical marijuana in Idaho. He started gathering signatures on the second weekend of November 2019 and within the first month, he'd put more than 5,000 miles on his car and covered 36 of the state's 44 counties. Aside from a police officer in the small town of Orofino who tried to intimidate the petitioners, Belville says he and his father have

been getting a great response.

"The people of Idaho are more than ready for this," he says.

Until recently, the idea of legalizing cannabis in Idaho, even for medical use, seemed beyond the realm of possibility. But the entire nation has seen a groundswell of support for legalization over the past decade.

"I remember when medical marijuana was still very controversial," says Bill Caruso, a partner at the New Jersey-based firm Archer Law. "Now it polls better than clean air."

Even in the most conservative states, like Idaho, it only seems a matter of time before the façade of prohibition gets torn down.

Yet, Belville says it's particularly difficult in Idaho to place a ballot initiative; in addition to needing more than 55,000 sig-

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natures statewide, the initiative has to clear a signature threshold in 18 of 35 legislative districts before the May 1 deadline. As of mid-December, the Idaho Cannabis Coalition had collected 13,000 notarized signatures, with about 5,000 more collected by volunteer groups. Logistically, Belville believes the organization needs at least 80,000 total signatures to ensure the petition is signed by enough registered Idaho voters.

While they're out gathering signatures, Belville and his father wear bright yellow shirts that read "Idaho Medical Marijuana Act 2020." When they stop to eat in restaurants across the state, people will see their T-shirts and approach their table, wanting to sign the petition.

In addition to being a longtime activist, Belville is the co-owner of several cannabis-related companies: the Coughie Pot dispensary and the cannabis-friendly Delta 9 Cabins in Oregon; and Boise Hemp World, a shop in Idaho that sells CBD products and hemp clothing and accessories. But as one of the driving forces behind the petition, his mission is personal.

"I could be really selfish and say it's just to save my dad's life," Belville says.

Belville's father, John, is the chief petitioner of the ballot initiative. John Belville has been living in severe pain for nearly 20 years, due to chronic neuropathy and other health conditions. He's been prescribed Vicodin, oxycontin and other painkillers that cause terrible side effects, including severe kidney damage.

During a visit to Oregon, he tried a cannabis tincture with a 1:1 THC-to-CBD ratio.

"It took some convincing, but it was miraculous," Russ Belville says. "Once he realized this medicine could help him, he couldn't abide by the idea of not having it. But I was like, 'Dad, you live in Idaho, where it's still a felony. I love you, but I don't want to visit you in prison.'"

That conversation kickstarted the petition and turned John Belville into a vocal proponent of medical marijuana. Russ Belville estimates that well over 100,000 Idahoans already use cannabis on a monthly basis, and many patients, like his father, could have a better quality of life with legal access, inspiring the grassroots campaign to overhaul the state's marijuana laws.

Supporting the Cause

For cannabis advocates across the country, the best way to support legalization measures is to get involved, whether it's for national organizations like Marijuana Policy Project, Drug Policy Alliance and NORML or grassroots groups like the Idaho Cannabis Coalition.

Karen O'Keefe, of the Marijuana Policy Project, says it's particularly important to call, email and write your lawmakers — and equally important to focus on effectively communicating your views, even when a lawmaker takes an opposing viewpoint.

"Don't be hostile," she says. "I've talked with legislators that have opposed bills just because people were so rude."

She says even slight shifts in peoples' attitudes can be beneficial; it's better to have somebody neutral on an issue than to have somebody weakly opposed, and better to have somebody weakly opposed than strongly opposed.

She also suggests writing letters to the editor, sharing news of petitions on social media and donating to pro-legalization organizations.

In the case of Marijuana Policy Project, she says the organization would ideally have a team of lobbyists and supporters in every state moving closer to legalization, "but at this point, there are more opportunities than resources."

While many of the legalization campaigns are being funded by big cannabis businesses looking to shape legislation in their favor, grassroots campaigns can still be particularly effective.

Idaho Cannabis Coalition spokesman Russ Belville says the organization is looking to bring on paid signature gatherers in 2020, so financial donations are one of the best ways to help the cause.

More information about the Idaho petition can be found online at IdahoCann.co.

"It's not the deadly, gateway-drug, sky-is-falling scenario our opponents paint," Belville says. "You'd think after 20 years, if there was something terrible about it, one of these states would have repealed it by now ... but no, more and more states are passing it."

The 2020 election could be a major turning point for cannabis (and, more importantly, for democracy).

Activists may face an uphill battle in Idaho, but several other states appear likely to move from medical-only into the adult-use arena, either through the election or by legislative action, in 2020.

Among those states is New Jersey, as state lawmakers in December approved a resolution to put a constitutional amendment on the November ballot.

The ballot question will be fairly vague, says Caruso, who leads the cannabis practice at Archer Law. It doesn't set a tax rate or finalize details about the regulatory structure of the industry. If voters approve the constitutional amendment, it will still require a vote by the state Legislature to enact the law, followed by a lengthy period in which regulations will be adopted. New Jersey has had a relatively limited medical program in place for years, but expanding it and bringing about recreational cannabis were platforms of Governor Phil Murphy's 2018 campaign.

"Now there's a date on the calendar that legalization is likely," Caruso says, adding that neighboring states like Connecticut, Delaware, New York and Pennsylvania are also on a path toward legalization, though some may take an extra year or two.

Caruso says the tax-and-regulate aspect of legalization appeals to many New

Jersey voters, but the vague details of the bill may push some potential supporters to oppose it.

“There are a lot of open-ended questions that I think if opponents want to poke holes at, they’ll have room to do so,” he says.

Caruso has been tangentially involved in cannabis policy throughout his career, starting in 1997, about the same time the nation’s first medical marijuana laws were being implemented. Having helped write New Jersey’s first medical marijuana law, signed by the governor in 2010, Caruso is seeing his career come full circle with the possibility of full-scale legalization in New Jersey.

In some ways, he says, it’s bittersweet. But there’s also a lot of work left to do.

“At a national level,” he says, “this is no longer a question of ‘if,’ it’s now a question of ‘when?’”

He believes one of the profound changes on the horizon will be greater acceptance of medical marijuana by public and private insurance companies.

“There’s always a question of whether medical can exist alongside an adult-use market,” he says. “I tend to be one of the believers who thinks it can.”

Karen O’Keefe, Marijuana Policy Project’s director of state policies, says there are six states in play for legislative action

in 2020, aside from New Jersey: Vermont, New York, Connecticut, Delaware, New Mexico and Rhode Island.

Vermont already legalized recreational marijuana legislatively, but only for cultivation and possession.

“We’re optimistic that the Legislature will add sales,” O’Keefe says.

There are a number of other states that are making progress, but O’Keefe thinks they’re more likely for 2021 and beyond. On the medical side, she sees Alabama and Mississippi as two dark horse candidates that could bring expanded access to the Deep South. Alabama’s Senate passed a full medical bill last year, while Mississippi

voters will likely have a chance to weigh in on a measure this fall. South Carolina and Kentucky could also see movement, she says, but may be another year or two away from passage.

At this point, it’s almost easier to name the states that won’t have a legalization measure on the ballot or an effort in their legislature for cannabis reform. There have been notable efforts made in Arizona, Florida, Hawaii, North Dakota, South Dakota and Virginia, among other states.

O’Keefe, who has been working on cannabis for about 15 years, has witnessed the sea change in attitudes toward cannabis, particularly since 2012, when Colorado and Washington became the first states to pass measures allowing recreational use. The jokes and puns that were included in every article about legalization are far less prevalent. News coverage now reflects the changing public perception. She says among elected officials and political candidates, there were almost no Democrats supporting legalization in 2012.

For example, John Hickenlooper, then governor of Colorado, opposed legalization in 2012 “and now he’s making it sound like it was his idea or something,” O’Keefe says.

“We’ve almost gotten to the point where politicians are embarrassed if they’ve never used marijuana, or if they don’t support legalization they’re seen as out-of-touch,” she says. (Editor’s note: Joe

AT A NATIONAL LEVEL, THIS IS NO LONGER A QUESTION OF ‘IF,’ IT’S NOW A QUESTION OF ‘WHEN?’

Biden, we’re looking at you.)

Despite the increasingly polarized political society in the United States, cannabis is moving slowly toward bipartisan support.

“Where Democrats were in 2012 is where most Republicans are today, as far as elected officials,” O’Keefe says. “It’s trending in the right way.”

For Belville, the biggest evidence of changing times came with the 2018 election, when Utah — another beacon of conservatism in the U.S. — passed its medical marijuana initiative.

“Anything that’s legal in Utah ought to be legal nationwide,” Belville says. “If Utah can handle it, what are we worried about?”