



Written by [Raven Clabough](#) on September 15, 2014

## Pot Advocates Seek to Expand Legalization in November

Pro-marijuana advocates are looking to bring about significant change in the United States this November, hoping to capitalize on the recent successes in Colorado and Washington. In Florida, voters will be casting ballots on a measure that would approve medical marijuana.

In November 2012, voters in Colorado and Washington approved constitutional amendments permitting adults 21 and older the right to use marijuana for recreational purposes.



Proponents of recreational marijuana were hopeful Colorado and Washington would serve as the experiments for other states to observe before they institute such laws. “We can regulate the sale of alcohol in a responsible manner, and there’s no reason we can’t regulate the sale of something objectively less harmful — marijuana,” said Mason Tvert, spokesman for the Marijuana Policy Project.

It appears that may be true, as other states are now considering legalization. Fox News writes, “The legalization question is coming before voters in very different areas of the country, both politically and geographically — Alaska, Oregon and the District of Columbia.”

Measure 2 in Alaska would permit adults 21 and over to possess up to an ounce of marijuana and six plants, while Oregon’s Measure 91 would allow adults 21 and older to possess up to eight ounces and four plants per household. In Oregon, the Oregon Liquor Control Commission would regulate the commerce of marijuana.

In D.C., Measure 71 would permit adults 21 and over to possess up to two ounces of marijuana and six plants.

The latest polls show that legalization has a chance of passing in Alaska, while strong support for the measures is seen in Oregon and D.C.

A recent *Washington Post* poll found that 63 percent of Washingtonians favor legalization. Likewise, both top mayoral candidates — independent David Catania and Democrat Muriel Bowser — have said they support legalization.

Mason Tvert believes the measures will pass in all three states: “Public support for ending marijuana prohibition is at an all-time high, and people can sense that change is inevitable.”

Not everyone agrees, however. Opponents of the measures assert that arguments in favor of marijuana prohibition are gaining power. “I think voters are going to be very skeptical with these initiatives,” said Kevin Sabet, co-founder of Smart Approaches to Marijuana (SAM) — an organization that opposes legalization. “I don’t think it’s going to be the walk in the park [advocates] thought it would be initially.”

According to critics, advocates have misled the public on the success of legalization in Colorado and Washington, pointing to discrepancies in tax revenues versus what was projected. “I think it’s all leaving a bitter taste in people’s mouths,” Sabet asserts. “Legalization in theory is a lot more pretty



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than legalization in practice.” The *Washington Post* explains:

One of the challenges facing Colorado’s legal marijuana market has been the slower-than-expected shift from medical to recreational sales....

But recreational marijuana is taxed at a much higher rate than medical weed, [making it considerably more expensive](#). Many users opted to stick with the medical market, and still more have continued to buy marijuana [through black market channels](#) where its even less expensive.

As the Brookings Institution’s John Hudak noted, “For years it has been an open secret in Colorado that some people were using medical marijuana without a legitimate medical condition. One goal of creating the retail market was to draw those gray-market users away from medical and toward recreational.”

Revenue from marijuana taxes, licenses, and fees reached \$7 million in June, the *Washington Post* reports, a figure that some believe will continue to increase as more retail outlets enter the market.

Further, July revealed that Denver County represented less than half of the total marijuana sales, revealing that the marijuana market is statewide.

Proponents of marijuana legalization point to the latest statistics as evidential, noting, however, that they do not necessarily mean that the black market is dead. “I don’t think the increase in sales necessarily reflects a decrease in the black market, although it may,” Hudak said.

Hudak believes the trend could mark a cultural shift. “It might reflect a relaxation of state residents where people are coming around and saying ‘Ok, this is real, this is legit and I’m not going to get arrested for it.’”

A recent NBC/Marist poll may support this theory, as 55 percent of adults in Colorado say they support the legal status of marijuana in their state. That figure represents 27 percent of adults who actively support the law and 28 percent who say they support the law, but do not actively support it. Among registered voters, 26 percent actively support the law, while another 26 percent favor the law but do not actively support it.

“This is just the latest of several polls that reflect the successful implementation of Amendment 64,” said Tvert. “Hopefully the folks fighting to maintain prohibition will stop using bogus talking points about Coloradans having buyer’s remorse. Nobody knows more about how Coloradans feel than Coloradans themselves [sic], and clearly most of them are quite content with the direction in which things are headed.”

The results mirrored those of similar polls regarding retail marijuana. A February Quinnipiac poll found that 58 percent of state voters supported marijuana legalization, and a March Public Policy Polling showed 57 percent of Colorado voters favored legalization.

Still, there remain issues that require action.

According to U.S. Senator Jeff Sessions (R-Ala.), citizens of Colorado and Washington are using welfare to purchase marijuana. Health and Human Services Secretary Sylvia Burwell revealed the details of this loophole in a letter addressed to Sessions, in which she wrote, “I am aware of the media reports related to individuals withdrawing cash at Automated Teller Machines (ATMs) located in establishments selling marijuana in Colorado, which has legalized the use of this substance. I agree that any inappropriate expenditure of public funds is a cause for concern and should be addressed immediately.”

The loophole results from 2011 laws passed by Congress that prohibit the use of benefits received as



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part of the Temporary Assistance for Needy Families (TANF) at “vice institutions,” which itemize examples but do not list marijuana dispensaries as one. Burwell notes that each state has the right to decide at which types of businesses welfare benefits can be redeemed.

Sessions is planning to draft legislation that will close the loophole. Whether this will have a bearing on the results of November’s elections remains to be seen.



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