



MEMORANDUM

TO: Marc Morial, President & CEO
Jerika Richardson, Senior Vice President for Equitable Justice & Strategic Initiatives
FROM: Alex Rias, Senior Director for Equitable Justice
SUBJECT: Position Statement and Policy Guidance on Equitable Marijuana Legalization
DATE: September 1, 2021

Preview: This memorandum is to serve as a policy guidance document for the National Urban League Affiliate, its Urban League affiliate network, Guild, and Young Professionals network.

Section I: National Urban League’s position statement on marijuana legalization. Page 1
Section II: Outlines an equitable path toward legalization and business development. Page 2
Section III: Provides background research and data in support of equitable legalization. Page 9
Section IV: Provides a state and local legalization primer. Page 11
Section V: Provides an index for charts referred to throughout this document. Page 19

I. Position statement:

The National Urban League endorses the marijuana legalization effort to lift constraints that have criminalized Black and Brown people disproportionately and to lift barriers that have blocked opportunity and social parity for our community. The impact of marijuana enforcement has caused generational harms that must be addressed nationally and locally, and members of the community who have been harmed by disproportionate treatment should receive priority treatment from the legalized marketplace.

Since 1910, the National Urban League has worked to lift barriers to freedom and equality for African Americans and People of Color. Marijuana enforcement, the criminalization that has resulted, and economic opportunity that has been lost stand in the way of the League executing its mission. Legalization is a pivotal social and equitable justice issue that, when approached justly, can lift the weight of disproportionate injustice for millions of people in our communities.

Every jurisdiction in our nation has an opportunity and obligation to find solutions to the ongoing intersectional harms associated with marijuana enforcement. Policymakers and advocates in this space must address the overlapping issues of social equity, community reinvestment, criminal justice, public health, product safety and quality control. The legalization effort also requires public education relating to health and wellness concerns associated with marijuana use, including dependence issues and the health effects of smoking.

The League has identified five key areas necessary to ensure equitable legalization policy below.

II. The Equitable Path Forward: 5 Core Attributes of Equitable Legalization

The effect of cannabis legalization will be far-reaching and positive, all things considered. We have an opportunity to learn from jurisdictions who have legalized marijuana already and who are considering legalization currently. Each of the 5 sections below considers measures to ensure legalization occurs in an equitable and just way.

1. Develop Social Equity Programs to Ensure Fair and Safe Industry Development:

- a. Codify Equity Programs: Where marijuana is legalized, social equity programs must be written into the authorizing statute and be made mandatory as a matter of law.
- b. Codify Equity Oversight: An oversight agency, board or body should be created with an established Chief Cannabis/Marijuana Justice/Equity Officer position and staff dedicated to developing social equity plans with public input. Implementation of an equity plan should be determined by the equity Chief and board.
- c. Equitably Distribute Licenses:
 - i. Licensing provisions must be made as part of the Social Equity program and must be implemented according to the Chief Equity Officer's equity plan for the state.
 - ii. Licensing types will include on-site consumption, distribution and delivery, farming or nursery, cultivation, testing, processing, and manufacturing, microbusiness, etc.
 - iii. At least 50% of licensing provisions should be earmarked for priority license applicants.
- d. Public Benefits Discrimination and Access:
 - i. Automatic expungement and other necessary provisions must be established to prevent the exclusion of individuals from receiving public benefits, such as public housing, employment, financial support, government student loans, federal or state employment security clearance, and more based upon past marijuana possession, use, arrest, conviction, or juvenile adjudication.
- e. Priority Applicants Definition:
 - i. Priority applicants are those who have been directly impacted by marijuana enforcement or who come from communities historically targeted by marijuana enforcement.
 - ii. This includes persons who have been convicted of a marijuana crime and persons who are directly related to a person who was convicted of a marijuana crime.
 - iii. Minority owned business owners, veterans, and distressed farmers should also have priority standing.

2. Address Criminal Justice Reform Issues Associated with Equitable Legalization:

- a. End Marijuana Pretext Stops: Police manuals and memoranda must strictly prohibit officers from using the sight and smell of marijuana as a pretext for street stops.
- b. Automatic Release from Custody: All who are currently held in pretrial detention by cash bail relating to marijuana possession or sale charges as the top charge, and all who are currently serving jail or prison sentences for marijuana possession or sale convictions must be released from custody.

- c. Automatic Expungement: Nonviolent marijuana convictions and criminal records should be automatically expunged. Offices of Court Administration should identify people eligible for expungement and should make reasonable efforts to serve notice of their eligibility. Free resources should be made available to facilitate the process in cases where expungement is not automatic.
- d. Automatically Restore the Right to Vote: Automatically restore the right to vote for anyone whose right to vote has been curtailed by a marijuana conviction, prison sentence, and/or a parole or probation obligation.
- e. Immigration Consequences: Declassify marijuana as a Schedule I controlled substance under the Controlled Substance Act and prevent marijuana from being considered as a controlled substance for the purposes of immigration law enforcement, including removal/deportation and exclusion to access of public benefits
- f. Priority Applicants: People with prior marijuana convictions must be classified as priority applicants in earmarked social equity program plans.

3. Ensuring Economic Equity is Embedded within New Industry Development:

Marijuana legalization for recreational use opens the door for new industry and tax revenues. Licensure and tax revenues generated by a jurisdiction's legalized marijuana industry must be earmarked, in part, for specific causes that relate to social equity, and must be subject to the state's equity plan. However, other hurdles stand in the way, such as cannabis scheduling in the Controlled Substances Act (Section III(3)(a)(i)) and banking concerns (III(3)(a)(ii)).

- a. Legalization Requires Federal Clarity and Resourcing:
 - i. Despite the state and municipal legalization and decriminalization movement across thirty-five states and United States territories, marijuana (cannabis) remains a federally prohibited drug under the Controlled Substances Act under Title 21 of the United States Code.¹
 - ii. Federal regulatory agencies and Congress must act to clarify the cross-jurisdictional conflicts between federal illegality and state and/or municipal legalization to (1) protect legitimate business from physical and economic harm and (2) to protect banks from risks when associating with legitimate marijuana businesses.
 - iii. Federal, state, and municipal small business administration resources should include marijuana-related business development resources.
- b. Mitigating Banking Risks in the Marijuana Industry
 - i. In April 2021, the House of Representatives approved The Safe Banking Act (H.R. 1996)² that clarifies that proceeds from legitimate cannabis businesses would not be considered illegal, and the bill directs federal regulators to establish rules for how to

¹ Controlled Substance Act, Title 21 of the United States Code. <https://www.deadiversion.usdoj.gov/21cfr/21usc/>

² The Safe Banking Act of 2021, HR 1996 (2021-2022). <https://www.congress.gov/bill/117th-congress/house-bill/1996>. See also, Senate Bill 910 (2021-2022) <https://www.congress.gov/bill/117th-congress/senate-bill/910>.

supervise banking under this law.³ The bill is currently in the Senate Committee on Banking, Housing, and Urban Affairs, and its fate is unknown.

- ii. Because marijuana remains illegal under federal law, banks face legal and regulatory risks when they come in contact with money derived from legitimate marijuana businesses.⁴ Banks are encouraged to proceed with caution given the legal barbed wires associated with the marijuana industry.⁵
- iii. At best, this conflict creates a chilling effect for legitimate business development and safe banking in legalized states.
- iv. At worst, the conflict serves as a complete bar to secured banking in burgeoning marijuana industries, relegating some legitimate marijuana businesses to being an unbanked cash business.
- v. Unbanked, cash-reliant marijuana businesses are at high risk of being robbed, employee theft, and have the burden of paying municipal taxes in cash.⁶

c. Licensure Provisions

i. Fifty Percent Earmarks:

1. Fifty percent (50%) adult-use licenses should be earmarked for communities impacted by marijuana enforcement, minority-owned business enterprises, distressed farmers, and veterans.
2. Priority applicants should include individuals with a prior conviction for marijuana, or a family member who was convicted of a marijuana-related offense; or
3. Priority applicant should have personal income below 80% of median income.

ii. Licensing Types: Licensing types may vary by jurisdiction. However, the following typical types must be provisioned equitably according to a statewide equity plan:

1. Farming, cultivation, nursery, and production licenses;
2. Distribution and delivery licenses; and
3. Sale licenses for dispensaries, microbusinesses, and other sale establishments.

d. Taxation & Revenue Provisions

- i. Establish an adequate tax rate on transactions related to the marijuana industry and establish a Revenue Fund to collect taxes from the sale of marijuana products. For example, 40% of all revenues.
- ii. Earmark a portion of taxes for the state and an adequate portion to the municipality where the transaction takes place to ensure equitable distribution.
- iii. Earmark a portion for community development and a portion for workforce and business development.

³ “U.S. House of Representatives approves cannabis banking bill.” Reuters, April 19, 2021.

<https://www.reuters.com/business/us-house-representatives-approves-cannabis-banking-bill-2021-04-19/>

⁴ “Cannabis Banking: Bridging the Gap Between State and Federal Law.” American Bankers Association, April 23, 2019. <https://www.aba.com/advocacy/our-issues/cannabis>

⁵ “Cannabis Banking: Proceed with Caution.” Black, James J., Marc-Alain Galeazzi, American Bar Association, February 6, 2020. https://www.americanbar.org/groups/business_law/publications/blt/2020/02/cannabis-banking/

⁶ “The Challenges of Running a Legitimate Cannabis Business Out of a Duffel Bag Filled with Cash,” Kaufman, Eric. Forbes. October 19, 2020. <https://www.forbes.com/sites/forbesbusinessdevelopmentcouncil/2020/10/19/the-challenges-of-running-a-legitimate-cannabis-business-out-of-a-duffel-bag-filled-with-cash/?sh=3d53ea4a12b4>

- e. Earmarking Community Development from Tax Revenue
 - i. Earmark tax revenues for communities negatively affected by marijuana enforcement by establishing a Community Reinvestment Fund to collect a portion of marijuana industry-related taxes.
 - ii. Earmark at least 40% for community reinvestment capital and programs, 40% to fund public education, and 20% for public safety, health, and wellness programs.
 - iii. Community Reinvestment Grants: Grants should support and expand social service provisioning performed by nonprofit organizations working in areas of education, job training, reentry services, legal aid, mental health and substance use treatment and therapy, food access, housing support services, etc.
 - 1. Grants to be administered by the office of the Chief Justice/Equity Officer.

- f. Earmarking Small Business and Workforce Development from Tax Revenue
 - i. Establish a small business incubator program for related businesses, funded by earmarked tax revenues.
 - ii. Create partnerships with industry leaders and government to develop training and apprenticeship programs where learn skills needed for employment in this industry. Application earmarks should be made for priority applicants discussed above.
 - iii. Small Business Development Grants: Grants should support priority applicants who wish to start small businesses in the marijuana/cannabis industry.

- g. Jobs and Workforce Development
 - i. New marijuana-related industries create tens of thousands of jobs within the industry. Priority applicants discussed above must also have priority in workforce development.

 - ii. Equity in New Industry Business Infrastructure:
 - 1. Financial & Legal Services: Minority-owned industry support businesses must be prioritized in this new industry to avoid additional systemic racism, setting a course for full participation for People of Color. As new marijuana industries open in legalized jurisdictions, the need for attorneys, financial services, marketing, and more will be increasingly necessary.
 - 2. Fair Chance to Compete for Jobs for People with Criminal Records: In addition to automatic record expungement (Section III(2)(c)), expanding the “fair chance” and “ban the box” approach to recruitment and employment⁷, employers should be prohibited from denying employment because of cannabis use, possession, or conviction for a nonviolent cannabis offense, unless marijuana use conflicts with the role or position.
 - 3. Training: Workforce training for all levels of careers within the industry are necessary. Costs associated with trainings should be subsidized for priority applicants.
 - 4. Continuing Education: Similar to workforce training, continuing education and career development subsidies is necessary for priority applicants.

⁷ The “Fair Chance to Compete for Jobs Act of 2019” was signed into law on December 20, 2019, and will take effect on December 20, 2021. The act relates solely to federal agencies and federal civilian and defense contractors, excluding law enforcement positions handling classified or national security information. <https://www.nelp.org/publication/faq-fair-chance-to-compete-for-jobs-act-of-2019/>

4. Addressing the Health Equity Concerns at the Heart of Legalization:

a. Provisions:

- i. Minimum age requirement of 21 years old to purchase and possess marijuana legally, similar to regulations on alcohol and cigarette recreational use.
- ii. Impose limitations on marketing and advertisement that could be directed to children,⁸ similar to regulations for alcohol and cigarette advertisement.
- iii. Legalized marijuana use by smoking in public should be limited to areas where cigarette smoke is also limited, including parks, restaurants, schools, apartment buildings, etc.
- iv. License holders should be prohibited from combining their alcohol licenses with marijuana licenses within the same establishment to limit risks associated with combined use.
 1. Example: A nightclub with an alcohol license may not also have a marijuana sale and distribution license for the same establishment.

b. Marijuana Must Be Declassified from the Controlled Substances Act:

- i. Cannabis use is a prohibited drug under federal law and is listed among the most dangerous drugs in Schedule I of Controlled Substances Act (21 USC §812).
- ii. Schedule I drug classification has the following negative effects:
 1. Federal research capacity is limited and/or restricted and essentially unavailable for the study the benefits and potential harms of cannabis.⁹
 - a. Barriers to research make it difficult to study, validate, and create intoxication testing related to driving or operating machinery.
 2. States are not uniform in their marijuana possession and use laws, leading to confusion and potential criminal liability for recreational users who travel.
 3. Conflicting federal and state laws on marijuana (a) make it difficult for banks to protect money generated by legitimate businesses and (b) legitimate business owners are at risk in the industry. See Sections III(3)(a) and (b).
 - a. As of July 2021, adult use marijuana is legal in 18 states and U.S. Territories, and medical use is legal in 37 states and U.S. Territories. As more jurisdictions legalize use, cross-jurisdictional conflicts of law subject lawful users to criminalization.
- iii. Marijuana/cannabis must be declassified to meet contemporary science and understanding about the benefits and harms of its use.
- iv. Schedule I drugs are scheduled for having “high potential for abuse,” having “no currently accepted medical use in treatment,” and having “a lack of accepted safety for use of the drug ... under medical supervision.”¹⁰
 1. Substances within Schedules II, III, IV, and V have “currently accepted medical use in treatment in the United States,” within Schedules II, III, IV, or V.¹¹

⁸ Thinking Carefully About Marijuana Legalization: Public Health Considerations for State Policy Makers. Robertson, Ph.D., M.P.H., Allison G., Marvin S. Swartz, M.D. Psychiatry Online. May 6, 2019. <https://doi.org/10.1176/appi.ps.201900124>

⁹ Cannabis research stalled by federal inaction. Erickson, Britt E. June 29, 2020. <https://cen.acs.org/biological-chemistry/natural-products/Cannabis-research-stalled-federal-inaction/98/i25>

¹⁰ 21 USC 812(b)(1). Schedule I Drugs. <https://www.deadiversion.usdoj.gov/21cfr/21usc/812.htm>

¹¹ Schedule II, III, IV, and V Drugs. <https://www.deadiversion.usdoj.gov/21cfr/21usc/812.htm>

- v. Current proposals in the House¹² and Senate¹³ would remove marijuana/cannabis and tetrahydrocannabinol (THC) from all schedules.
- vi. Provisions to authorize medical professionals to give medical marijuana opinion and recommendations within government facilities may be appropriate.

c. Public Health Impact

- i. Public health officials' capacity to track and study the health effects must be supported expand in real time and be ongoing because conclusive science and research on long term positive and/or negative health effects of marijuana use is limited.
- ii. Earmarked funding for public health research infrastructure must be established to study the challenges and advantages associated with increased access to recreational-use marijuana on an ongoing basis. This will aid public health and public policy response to legalization into the future.
- iii. Funding marijuana research can contribute in the following ways:
 - 1. Increase the capacity for public health officials to research the effect of tetrahydrocannabinol (THC) dosage on treatment and addiction exposure.¹⁴
 - 2. Increase the capacity to monitor mental health outcomes for marijuana users, the capacity to understand where the greatest need for support resources is by zip code and have the capacity to deploy mental health care for users.
 - 3. Public health officials can track whether marijuana is increasingly found in the blood stream of people who involved in motor vehicle accidents and/or whether marijuana is found to have contributed to a collision.
- iv. Earmark tax revenues to fund community development, including funding to ensure the availability of addiction prevention services and support. See III(3)(d)-(e).
- v. Recognize the effect of quality control, safety, and testing on public health outcomes. See III (5) below.

5. Ensuring Product Safety and Quality Control:

- a. As recreational consumption increases, it is important that communities have equitable access to products that are of safe and predictable quality.
- b. Invest in and develop reliable standards for quality and safety testing to aid public health officials and researchers to track the positive or negative health effects of certain additives, mixtures, and ingredients.
- c. Testing:
 - i. Require regular, periodic product testing to ensure product safety and quality control to promote safe product sale and consumption.
 - ii. Require protective packaging to prevent consumption by small children.
 - iii. Regulate or standardize acceptable levels in products based on research of impact of higher concentration on addiction and impairment levels.
- d. Nutrition and Risk Exposure Labeling:
 - i. Require nutrition labeling, including THC level, ingredients, additives, and mixtures to display known or expected exposure from ingestion.

¹² The MORE Act of 2020 was reintroduced in in the House of Representatives in June 2021, <https://www.congress.gov/bill/116th-congress/house-bill/3884>

¹³ The Cannabis Administration and Opportunity Act was released in discussion draft form by Senate Democrats in July 2021, <https://www.democrats.senate.gov/imo/media/doc/CAOA%20Detailed%20Summary%20-.pdf>

¹⁴ The Public Health Effects of Legalizing Marijuana. Anderson, D. Mark, Daniel I. Rees. National Bureau of Economic Research. April 2021. <http://www.nber.org/papers/w28647>

- ii. Require labeling that displays known health and addiction risks of consumption, including physical and cognitive risks of marijuana consumption, like changes in concentration and coordination.
- iii. Require warning-styled labeling that acknowledges the risk of combining marijuana with other intoxicating substances, such as alcohol and controlled substances.
- iv. Require labeling that displays health risks of consumption by children and animals, especially for edible products like gummies, candies, baked goods, or infused products.

III. Background Primer: Marijuana Enforcement Is More Harmful Than Marijuana Itself

Black and Latinx people have been disproportionately targeted by marijuana possession enforcement and the War on Drugs. Arrests, convictions, and incarceration results in time away from family, school, career, business, and more. This has generational consequences. Equity planning is essential to just legalization policy and communities who have been affected most by marijuana enforcement must be made a priority in any social equity plan.

1. Relationships Between Marijuana Stops, Arrests, Convictions, and Unemployment

- a. In 2018, a Pew Research study of the FBI's Uniform Crime Reporting Program found that 40% of US drug arrests in 2018 were for possession, sale, or manufacture of marijuana.¹⁵ Ninety-two percent (92%) of those marijuana arrests were for possession.
- b. In July 2017, the Drug Policy Alliance & Marijuana Arrest Research Project, found that Black and Latinx people accounted for 86% (52,730) of all marijuana arrests, while Whites and others stopped accounted for just 14% (8,260) of marijuana arrests.¹⁶
- c. In 2018, the Prison Policy Institute found that 27% of formerly incarcerated people across all races were unemployed after release, compared with 5.2% unemployment for the rest of American society.¹⁷ Rates of unemployment following incarceration for Black women (43.6%) and men (35.2%) were much higher than their white counterparts.

2. Unjustified Street Stops by Police and Racial Disparities

Most street stops fail to uncover evidence of any crime. Despite research showing that White, Black, and Latinx marijuana use occurs at similar rates¹⁸, Black and Latinx communities bear the burden of street stops. It is clear, then, that police departments target certain communities for marijuana enforcement unjustifiably.

- a. At the height of the stop-and-frisk era in New York City in 2011, nearly 686,000 stops were recorded. Fifty-three percent (53%) of stops were of Black people, 34% were on Latinx people, 9% on White people, and nearly 90% of all people stopped were innocent of any crime.¹⁹
- b. Between 2016 to 2019, yearly street stops dropped dramatically to between 11,000 and 13,500. However, racial disparities remained troublingly high – 50-60% Black, nearly 30% Latinx, and 8-10% White. Still, between 65% and 76% of police street stops in that period were on people who were completely innocent of any crime.²⁰

¹⁵ “Four-in-ten U.S. drug arrests in 2018 were for marijuana offenses – mostly possession.” John Gramlich, January 22, 2020. Pew Research Center Fact Tank. <https://www.pewresearch.org/fact-tank/2020/01/22/four-in-ten-u-s-drug-arrests-in-2018-were-for-marijuana-offenses-mostly-possession/>.

¹⁶ Drug Policy Alliance & Marijuana Arrest Research Project, New York City, July 2017. Harry Levine, Queens College. https://drugpolicy.org/sites/default/files/Marijuana-Arrests-NYC--Unjust-Unconstitutional--July2017_2.pdf.

¹⁷ “Out of Prison & Out of Work: Unemployment among formerly incarcerated people.” Couloute, Lucius and Daniel Kopt. July 2018. <https://www.prisonpolicy.org/reports/outofwork.html>.

¹⁸ Drug Policy Alliance & Marijuana Arrest Research Project, New York City, July 2017. Page 2. https://drugpolicy.org/sites/default/files/Marijuana-Arrests-NYC--Unjust-Unconstitutional--July2017_2.pdf

¹⁹ New York Civil Liberties Union (NYCLU). Stop and frisk data. 2019. <https://www.nyclu.org/en/stop-and-frisk-data>.

²⁰ NYCLU. Stop and frisk data. 2019. <https://www.nyclu.org/en/stop-and-frisk-data>.

3. Data Shows that Marijuana Enforcement Is More Dangerous Than Marijuana Use

Police departments often legitimize its marijuana enforcement policies as necessary for stopping the spread of illegal weapons and violent crime. Police use the sight or smell of marijuana as pretext for a stop-and-frisk or arrest in hopes of finding other, more serious drugs or weapons. However, as explained in Section II (2), research delegitimizes the effectiveness of that approach, undercutting the flawed logic that increased marijuana enforcement will necessarily lead to more serious crime prevention. Still, police departments extend this “logic” for pretextual street stops to find pretext for forcible home entry.

- a. A 2014 ACLU study of 800 SWAT deployments found that 62% were related to drug searches. Forty percent (40%) of deployments were on Black people, and 68% of deployments on Black and Latinx people were related to drugs.²¹ Of the 800 deployments, 36% found no contraband at all, only one third found drugs, and only 7% of total deployments were for serious and dangerous events, like hostage, barricade, or active shooter scenarios.²²
- b. In 2017, a Washington Post analysis of New York Times data found that, since 2010, 85 SWAT raids resulted in a death. Nearly 72% (61 of 85) of the raids were in search of drugs, including marijuana, and 24% (20 of 85) of the deadly raids were related strictly to marijuana.²³

4. Conclusions to Draw: The War on Drugs of the 70s, 80s, and 90s served as a catalyst for militarizing local law enforcement and spurred a reliance on street enforcement. The “war” also proliferated the use of no-knock warrants and SWAT raids to find drugs. Marijuana use is safer than alcohol²⁴ and not deadly²⁵, but prohibition enforcement is deadly, especially for Black and Latinx people.

²¹ “War Comes Home: The Excessive Militarization of American Policing.” ACLU Foundation, June 2014. <https://www.aclu.org/sites/default/files/assets/jus14-warcomeshome-report-web-rel1.pdf>.

²² “New ACLU report takes a snapshot of police militarization in the United States.” Radley Balko, June 24, 2014. Washington Post. <https://www.washingtonpost.com/news/the-watch/wp/2014/06/24/new-aclu-report-takes-a-snapshot-of-police-militarization-in-the-united-states/>.

²³ “Marijuana raids are more deadly than the drug itself.” Christopher Ingraham, March 20, 2017. Washington Post.

²⁴ “Marijuana is Safer Than Alcohol: It’s Time to Treat it That Way.” Marijuana Policy Project. <https://www.mpp.org/special/marijuana-is-safer/>

²⁵ “Here’s how much marijuana it would take to kill you.” Melia Robinson, November 5, 2016. Business Insider. <https://www.businessinsider.com/can-marijuana-kill-you-2016-11>

IV. State and Local Legalization Primer

Summary: Marijuana is currently fully legal for adult-use in 18 states, 3 U.S. territories²⁶, and the District of Columbia.²⁷ It is legal for medicinal use in 37 states²⁸ and 6 states allow limited use of CBD oils and low-THC products as supplements. Marijuana/cannabis is illegal for both medical and adult recreational use in 7 states.²⁹ States and municipalities often vary by location on legalization status and decriminalization of small quantity possession.³⁰ Select states are highlighted below for their methods of adult-use legalization, common institutional structures established to administer legalization, approaches to social justice and equity, lessons learned and open questions. The samples below are curated to help illustrate the national legalization movement with a local lens and opportunities for greater understanding.

1. The Latest

- a. On July 1, 2021, adult use marijuana laws took effect in Virginia and Connecticut.³¹
- b. On July 1, 2021, a Constitutional Amendment legalizing medical marijuana took effect in South Dakota.³²
- c. On April 12, 2021, adult use marijuana laws were signed into law in New Mexico.³³
- d. On March 31, 2021, adult use marijuana laws were enacted in New York State.³⁴
- e. On February 22, 2021, adult-use marijuana laws were signed into law in New Jersey.³⁵

2. Brief Chronology of 18 Fully Legal States (and D.C.)

- a. 2012: Colorado³⁶ and Washington State approved adult-use marijuana.
- b. 2014: Alaska, Oregon, and the District of Columbia approved adult-use marijuana.
- c. 2016: California, Maine, Massachusetts, and Nevada approved adult-use marijuana.
- d. 2018: Michigan and Vermont approved adult-use marijuana.
- e. 2019: Illinois approved adult-use marijuana.
- f. 2020: Montana and Arizona approved adult-use marijuana.
- g. 2021: New Jersey, Virginia, Connecticut, New Mexico, New York State approved adult-use marijuana.

²⁶ Northern Mariana Islands (MP), Puerto Rico (PR), and U.S. Virgin Islands (VI).

²⁷ National Conference of State Legislatures (NCSL): Cannabis Overview. Hartman, Michael. July 6, 2021. <https://www.ncsl.org/research/civil-and-criminal-justice/marijuana-overview.aspx> Last viewed: July 22, 2021.

²⁸ DISA Marijuana Legality by State. Last Updated: June 2021. <https://disa.com/map-of-marijuana-legality-by-state>

²⁹ Ibid. Fully illegal states include Idaho, Kansas, Nebraska, North Carolina, South Carolina, Tennessee, and Wyoming.

³⁰ 27 states and the District of Columbia have decriminalized possession of small amounts of marijuana.

<https://www.ncsl.org/research/civil-and-criminal-justice/marijuana-overview.aspx#3>

³¹ Activists see momentum as three new states legalize marijuana. The Hill. Wilson, Reid. July 1, 2021.

<https://thehill.com/homenews/state-watch/561136-3-new-states-legalize-marijuana>

³² Ibid. “South Dakota voters approved ballot initiatives to legalize both medical and recreational marijuana, but only the medical regime will take effect ... after a state judge struck down the recreational measure on constitutional grounds.”

³³ Legalization law goes into effect; sales to begin no later than April 2022. Marijuana Policy Project. Last Updated: June 30, 2021. <https://www.mpp.org/states/new-mexico/>

³⁴ Marijuana Regulation and Taxation Act. New York State Office of Cannabis Management.

<https://cannabis.ny.gov/laws-regulations>

³⁵ Governor Murphy Signs Historic Adult-Use Cannabis Reform Bills into Law. State of New Jersey. February 22, 2021.

<https://www.nj.gov/governor/news/news/562021/20210222a.shtml>

³⁶ Colorado State Ballot Measure. June 3, 2011.

<https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/filings/2011-2012/30Final.pdf>

3. **State Legalization Spotlight**

a. **Methods of Legalization:**

1. Historically, two methods have been used to approve or reject the legalization of marijuana for adult-use and medicinal-use – voter-approved ballot initiatives or via state legislative action and presentment to the governor for signature.
2. Direct voter-approved ballot initiatives³⁷ are provisions that the voting public casts votes in favor of or against implementation of a new policy.
 - a. Indirect ballot initiatives are provisions approved by the legislature before the public casts its votes.
3. The following states have approved legalization via ballot initiative: Colorado, Washington State, Alaska, Oregon, District of Columbia, California, Maine, Massachusetts, Nevada, Michigan.

b. **Common Marijuana Legalization Provisions**

1. **Marijuana/Cannabis Management Offices and Control Boards:** New legalization regimes require administrative procedures be established to implement marijuana laws. Administrative needs include establishing and managing the regulatory framework, establishing and implementing a taxation framework, administering guidance for law enforcement, conducting research and evaluation, and more.
 - a. Common names for these offices include Office of Cannabis Management (NY) Bureau of Cannabis Control (CA), etc.
2. **Taxation:** Taxation often resides with a State Comptroller or equivalent state official, requires amendments to business and corporate law to allow legal business activity, criminal code to protect legal activity, food, and drug codes to allow product testing, sales, and tracing, etc. Taxation provisions often will earmark revenues for certain types of public projects, to certain communities, or to other public needs.
3. **Substance Definitions and Program Offices:** States who have approved a fully legalized framework that includes adult recreational use marijuana, decriminalized possession, and a medical marijuana program will make clear distinctions in administration.
 - a. For example, legalization regimes will separate (1) adult-use marijuana provisions from (2) hemp product provisions from (3) medical marijuana/cannabis program implementation provisions.
4. **Criminal Justice Implications:** Legalization regimes by necessity include decriminalization language within the statute and/or regulations to ensure criminal laws match the corporation, taxation, health, education, etc. provisions of the law.

³⁷ Ballot Initiative definition by Ballotpedia. Last viewed: July 22, 2021. https://ballotpedia.org/Ballot_initiative

c. Ballot Initiative Sample: Colorado³⁸

1. Method of Passage: The State of Colorado legalized marijuana for adult-use through a ballot measure approved by voters to amend the state constitution in 2012.³⁹ A subsequent statutory measure to tax the sale of marijuana was approved by the state legislature in 2013.⁴⁰
2. Stated Purposes:
 - a. Amendment 64 had the following stated objectives for legalization: (1) efficient use of law enforcement resources, (2) generating tax revenue, (3) individual freedom to use, and (4) to address public health interests by regulating marijuana similarly to alcohol.
 - b. Proposition AA was a legislative measure approved by the state legislature to: (1) impose excise and sales taxes and (2) to direct tax revenues to public schools.
3. Gaps in Coverage: Public ballot measures typically allow the state to implement or repeal a policy initiative for the public or amends the state constitution to open the law to a new policy. Ballot measures often outline a law change that requires government administration and legislative action to execute the measure over time.
 - a. Social Justice and Equity: The Colorado measure did not establish an explicit social justice or equity program regime. Over time, Colorado ultimately established a social equity priority within its Marijuana Enforcement Division⁴¹ to include an Accelerator Program, priority licensees and applicants, social equity tools, etc.
 - b. Employee Protections: Legalization effort in Colorado (and other states) allow employers to continue to restrict possession and use of marijuana by its employees, even during off-hours. This provision remains the law of the land.⁴²
 - i. State and Federal Conflicts of Law: Following legalization efforts, conflicts of state and federal law on marijuana repeatedly cause confusion. In many cases, state high courts have ruled in favor of employers who terminate employees for marijuana use after-hours, whether for recreational use or medical use, in states where the substance is legalized.⁴³

d. Equity Scores: Measuring Equity Policies State-by-State

1. Leafly's "Seeds of Change Report"⁴⁴ ranks states cannabis equity policies according to an "equity score," incorporating core provisions endorsed by the National Urban League. States like Colorado, California, Illinois, New York, and New Jersey ranked in the top 5, while Nevada, Alaska, Maine, Montana, and South Dakota rank at the bottom. (See, Index Section V (1)).

³⁸ Colorado State Ballot Measure. June 3, 2011.

<https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/filings/2011-2012/30Final.pdf>

³⁹ Colorado Marijuana Legalization Initiative, Amendment 64 (2012). Last accessed: July 26, 2021.

[https://ballotpedia.org/Colorado_Marijuana_Legalization_Initiative,_Amendment_64_\(2012\)](https://ballotpedia.org/Colorado_Marijuana_Legalization_Initiative,_Amendment_64_(2012))

⁴⁰ Colorado Proposition AA, Taxes on the Sale of Marijuana (2013). Last accessed: July 26, 2021.

[https://ballotpedia.org/Colorado_Proposition_AA,_Taxes_on_the_Sale_of_Marijuana_\(2013\)](https://ballotpedia.org/Colorado_Proposition_AA,_Taxes_on_the_Sale_of_Marijuana_(2013))

⁴¹ Colorado Department of Revenue, Specialized Business Group, Social Equity. Last accessed: July 23, 2021.

<https://sbg.colorado.gov/social-equity>

⁴² Colorado won't stop employers from firing workers for using weed off the clock. The Denver Post. Ricciardi, Tiney. February 19, 2020. <https://www.denverpost.com/2020/02/19/colorado-legislature-marijuana-employees-fired-2/>

⁴³ Even in Colorado Medical Marijuana Can Still Get You Fired. Time Magazine (online). Barcott, Bruce. June 15, 2015.

<https://time.com/3921738/coats-colorado-dish-medical-marijuana-work-law/>

⁴⁴ "Seeds of Change: Strategies to create an equitable cannabis industry." Janessa Bailey, June 24, 2021. Leafly.

<https://www.leafly.com/news/politics/leafly-seeds-of-change-2021-report-rates-states-on-marijuana-equity>

e. Social Equity Provisions Sample: New York State

1. Codifying Social Equity: New York State’s Marijuana Regulation and Taxation Act⁴⁵ codified its social equity program via by establishing equity leadership with decision-making power, codifying priority applicant requirements, establishing tax provisions and earmarks for equity, and codifying criminal justice equity provisions.
2. Key Provisions of New York’s MRTA⁴⁶:
 - a. Chief Equity Officer: Establishes a “Chief Equity Officer” to assist with the development of the Cannabis Control Board and Office of Cannabis Management to implement and ensure compliance with the social and economic equity plan.
 - b. Social Equity Plan: MRTA codifies the development of a “Social and Economic Equity Plan” by the Chief Equity Officer and the Board to promote diversity in commerce, ownership and employment, and opportunities within the cannabis industry.
 - i. Equity in Licensing: The Plan includes a 50% earmark of adult-use cannabis licenses for “social and economic equity applicants,” including minority owned business and applicants with an income below 80% national median income.
 - ii. Public Education and Business Development: MRTA’s equity plan includes a public education program for communities historically harmed by marijuana prohibition and enforcement to improve access to licensing, support and resources provided by the office, developing a business incubator program and access to low or zero-interest loans.
 - c. Priority Applicants: Codifies “social and economic equity applicants” as “individuals from communities disproportionately impacted by prohibition enforcement,” minority and women owned businesses, distressed farmers, and disabled veterans.
 - d. Priority Recipients of Resources: Codifies priority for “communities disproportionately impacted by the enforcement of cannabis prohibition.”
 - e. Employment Equity: Codifies a “social responsibility framework agreement” to foster racial, ethnic, and gender diversity within licensee businesses.
 - f. Codifies Economic Equity via Tax Revenue Provisions:
 - i. Establishes the “New York State Cannabis Revenue Fund” to be funded by tax revenues at 45% of revenues.
 - ii. Codifies earmarks for “Community Grants Reinvestment Fund” at 40% of the Cannabis Revenue Fund.
 - iii. Codifies earmarks for “Drug Treatment and Public Education Fund” at 20% of the Cannabis Revenue Fund.
 - g. Criminal Justice Provisions: Codifies expungement provisions for those facing nonviolent marijuana charges, those with existing convictions and sentences related to nonviolent marijuana charges, and other related provisions, including provisions requiring courts to notify persons who are eligible for expungement.
 - h. Cannabis Research: Codifies licensure and administrative needs to promote cannabis research and evaluations, relating to public health, product safety, etc.

⁴⁵ New York State Marijuana Regulation and Taxation Act (MRTA). <https://cannabis.ny.gov/laws-regulations>

⁴⁶ New York MRTA Section 87 <https://legislation.nysenate.gov/pdf/bills/2021/s854a>

- f. Social Equity Public Education, Grant Solicitation, Local Ordinance Sample: California’s Bureau of Cannabis Control (BCC)⁴⁷**
1. Public Education and Solicitation: California’s BCC social equity program includes public education regime to inform and engage communities, including sharing access to “equity grants,”⁴⁸ equity licensee workshops,⁴⁹ and more.
 2. Social Equity Ordinances: California’s Business and Profession’s Code⁵⁰ provides for the Bureau of Cannabis Control share municipal ordinances for social equity that have been enacted and model local equity ordinances on its website.
 - a. Model Local Cannabis Equity Ordinances: California BCC’s website for Social Equity Information hosts Minority Cannabis Business Association’s (MCBA) “Ten Model Municipal Social Equity Ordinances” in addition to a running list of municipal ordinances and resolutions enacted around the state.⁵¹
- g. Lessons Learned: Public Safety Impact Study: Colorado**
1. Public Safety Report Summary: In July 2021, the Colorado Department of Public Safety, Division of Criminal Justice released its “Impacts of Marijuana Legalization in Colorado” report.⁵² This report is mandated by state laws in Colorado. Below are highlights from Colorado.
 2. Statistical Highlights:
 - a. Total Arrests: Marijuana possession arrests dropped by 71%. Marijuana sale arrests decreased by 56%. Marijuana production arrests increased by 3%.
 - b. Arrest Demographics: Arrests decreased across the board. Arrests of white people Decreased by 72%, Black people by 63%, and Latinx/Hispanic by 55%.
 - i. Disparity: However, the Black arrest rate (160 per 100,000 people) is more than double that of white arrests (76 per 100,000). “This disparity has not changed in any meaningful way since legalization.”
 - c. Violent Crimes: A study by the CATO Institute found significant increase nor decrease of violent crimes relating to legalization efforts nationally.⁵³
 - d. Court Filings: Marijuana-related court filing declined by 55% from 2012 and 2019. However, organized crime court filings have increased. These filings relate to violations of manufacturing laws.

⁴⁷ California Bureau of Cannabis Control Social Equity Information.

https://bcc.ca.gov/licensees/social_equity_information.html

⁴⁸ California Bureau of Cannabis Control (BCC) Equity Grant Solicitation Press Release. December 16, 2020.

https://bcc.ca.gov/about_us/documents/media_20201216.pdf

⁴⁹ California BCC Equity Workshop PowerPoint. Last accessed: July 23, 2021.

https://bcc.ca.gov/licensees/socequity_workshop.pdf

⁵⁰ California Business and Professions Code Section 25246(b)

https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=BPC&division=10.&title=&part=&chapter=23.&article=

⁵¹ Minority Cannabis Business Association (MCBA) Ten Model Municipal Social Equity Ordinance. July 1, 2019.

<https://minoritycannabis.org/wp-content/uploads/2019/07/July-1-2019-MCBA-s-Ten-Model-Municipal-Social-Equity-Ordinances.pdf>

⁵² Report on Impacts of Marijuana Legalization in Colorado. Colorado Department of Public Safety, Division of Criminal Justice. July 2021. https://cdpsdocs.state.co.us/ors/docs/reports/2021-SB13-283_Rpt.pdf

⁵³ The Effect of State Marijuana Legalizations: 2021 Updates. February 2, 2021. https://www.cato.org/policy-analysis/effect-state-marijuana-legalizations-2021-update?utm_source=npr_newsletter&utm_medium=email&utm_content=20210311&utm_term=5237211&utm_campaign=money&utm_id=7043805&orgid=305&utm_att1=money

- e. Traffic Safety: Summonses issued for driving while under the influence (DUI) relating to marijuana increased by 120% between 2014 and 2020, mostly in combined alcohol and marijuana intoxication.
 - i. Fatalities: Traffic fatalities where cannabinoid or cannabinoid-in-combination was present increased by 140% between 2013 and 2019. However, the National Bureau of Economic Research found that the causal effect of marijuana legalization on traffic fatalities in Colorado was not significant.⁵⁴
- f. Public Health:
 - i. Adult Use Rates: Reported adult-use has increased between 2014 and 2019 across all age groups.
 - 1. Consumption Trends: Reported marijuana flower use by smoking decreased to 76.1%. Increases in consumption include eating/drinking (43%), vaping (32%), and “dabbing” high-potency concentrates (19.6%).⁵⁵
- g. Youth Impact:
 - i. Juvenile Use Rates: Reports do not indicate significant changes in marijuana use for middle and high school students (20.6% of students reported use in 2019, compared with 19.7% in 2013), though usage rates increase by grade level.
 - ii. Juvenile Arrests: Juvenile arrests decreased by 37% from 2012 to 2019. However, Black youth (727 per 100,000) are arrested at high rates than white (667 per 100,000) and Latinx/Hispanic youth (489 per 100,000).
 - iii. School Suspension/Expulsions: Drug suspension and expulsion rates generally have fluctuated. Marijuana-related infractions accounted for 30% of expulsions in 2019-20 and 34% of all law enforcement referrals in Colorado public schools. Drug expulsion rates have fluctuated from 65 to 91 to 23 per 100,000 students between 2008 and 2020.
 - 1. “Zero Tolerance” Reform: State legislative action to reform zero tolerance laws have resulted in decreased expulsions, suspensions, and referrals to law enforcement overall.
- h. Trends Relating to Taxes, Licenses, and Medical Marijuana Cardholders:
 - i. Revenues from Taxes, Licenses, Fees: Revenues increased by 473% from \$67 million in 2014 to \$387 million in 2020. Tax revenues transferred to the school capital construction fund and public-school fund increased 264%, from \$33 million in 2015 to \$120 million in 2020.
 - ii. Growing Job Market: Study’s show that the legal marijuana industry currently supports 321,000 jobs and added 77,000 new jobs in 2020 (32% growth).⁵⁶
 - iii. Licensed marijuana businesses: 2,709 businesses in June 2020

⁵⁴ Early Evidence on Recreational Marijuana Legalization and Traffic Fatalities. National Bureau of Economic Research. March 2018.

https://www.nber.org/papers/w24417?utm_source=npr_newsletter&utm_medium=email&utm_content=20210311&utm_term=5237211&utm_campaign=money&utm_id=7043805&orgid=305&utm_att1=money

⁵⁵ “Dabs are concentrated doses of cannabis that are made by extracting THC and other cannabinoids ... resulting in sticky oils” that are heated and smoked. <https://www.leafly.com/news/cannabis-101/what-are-cannabis-dabs-and-benefits-of-dabbing-marijuana>

⁵⁶ Legal marijuana jobs booming, study finds. The Hill. Wilson, Reid. February 17, 2021.

https://thehill.com/homenews/state-watch/539242-legal-marijuana-jobs-booming-study-finds?rl=1&utm_source=npr_newsletter&utm_medium=email&utm_content=20210311&utm_term=5237211&utm_campaign=money&utm_id=7043805&orgid=305&utm_att1=money

- iv. Medical marijuana cardholders: Cardholder registrations reached nearly 86,000 cardholders by December 2020, reporting conditions such as severe pain (90%), muscle spasm (36%), and severe nausea (20%).

4. Opportunities for Greater Understanding Post-Legalization

- a. Social Equity: Early legalization states did not implement social equity programs right away. Some implemented them after the fact (see, Colorado). Recently, states have codified social equity programs (see, New York State). Nearly 10 years since the first state legalization laws were enacted, we must study the impact of a lack of social equity programs and the successes of such programs.
- b. Public Health Research and Equity: Without declassifying marijuana/cannabis, it remains on a list of substances that cannot be studied fully using federal resources. The public health and health equity effects of lagging research puts communities at risk and will stand in the way of medical and scientific breakthrough. Federal research will improve our understanding of potential harms, benefits, and alternative uses for cannabis.
- c. Public Safety Impact: States who have administered marijuana/cannabis legalization laws are now studying public safety effects in their jurisdictions. As more states legalize, similar public safety studies, often mandated by state law, will be conducted to better understand how marijuana/cannabis-use harms, or helps communities across the country.
- d. State Law Conflicts with Federal Law:
 - 1. Federalism Conflicts: Many states are now publicly and formally seeking Congress to act to clarify its position on marijuana legality under the Federal Controlled Substances Act.⁵⁷ State legalization efforts create conflicts with federal laws prohibiting marijuana use that call into question states' powers to legalize the substance. Conflicts of laws on marijuana cause confusion for people, the banking and business community, and government administrators tasked with executing the law.
 - a. Common Conflicts of Law: Areas of common conflicts of law include banking and business laws, criminal laws, employment law and employee rights, and access to research and education, among others.
 - 2. State Claims of Unconstitutionality: South Dakota's governor has opposed the ballot initiative to legalize marijuana in the state. Arguments against constitutionality in the state include (1) legalization would elevate the taxation agency (Department Revenue) to a fourth branch of government and (2) the measure violates the rule that constitutional amendments must only address one subject.⁵⁸
 - 3. States to Watch: Several states continue to consider legalizing marijuana through ballot initiatives or legislative action. Thirteen states are considering medical marijuana bills.⁵⁹

⁵⁷ National Conference for State Legislatures (NCSL) Cannabis Overview, Federalism lists Michigan, California, Alaska, Georgia, Iowa, Massachusetts, New Jersey, and Pennsylvania as states who have formally sought Congress to weigh in on federal legalization. Last Accessed: July 26, 2021. <https://www.ncsl.org/research/civil-and-criminal-justice/marijuana-overview.aspx#2>

⁵⁸ South Dakota Supreme Court wights pot legalization battle. Groves, Stephen. Associate Press. April 28, 2021. <https://apnews.com/article/constitutions-medical-marijuana-south-dakota-marijuana-kristi-noem-3888b3480448a4ca7bf71f7d6e455733>

⁵⁹ 2021 Marijuana Policy Reform Legislation. Last updated: June 22, 2021. <https://www.mpp.org/issues/legislation/key-marijuana-policy-reform/>

- a. North Carolina: A medical marijuana bill is moving through the legislature with support in the Senate.⁶⁰
- b. Rhode Island: An adult-use measure is moving through the state legislature with support in the Assembly and the Senate.⁶¹
- c. Missouri: A ballot initiative is likely to go before voters in 2022.⁶²
- d. Idaho: A ballot initiative is likely to go before voters in 2022.⁶³
- e. Florida: Florida lifted a ban on medical marijuana use in 2019 and bipartisan legalization bill was introduced in 2021.⁶⁴
- f. Nebraska: The Nebraska state legislature did not approve a medical marijuana bill in 2020, and advocates look to a ballot initiative in 2022.⁶⁵
- g. North Dakota: Medical marijuana bills failed to pass in the legislature and advocates look to a 2022 ballot initiative.⁶⁶
- h. Mississippi: Mississippi Supreme Court struck down a voter-approved constitutional amendment allowing medical marijuana.⁶⁷ A replacement bill is likely.

⁶⁰ North Carolina Senators Approve Medical Marijuana Bill in Committee. Marijuana Moment. Jaeger, Kyle. June 30, 2021. <https://www.marijuanamoment.net/north-carolina-senators-approve-medical-marijuana-bill-in-committee/>

⁶¹ Rhode Island Marijuana Policy Project. Last updated: July 7, 2021. <https://www.mpp.org/states/rhode-island/>

⁶² Missouri Marijuana Policy Project. Last updated: March 8, 2021. <https://www.mpp.org/states/missouri/?state=MO>

⁶³ Idaho Marijuana Policy Project. Last updated: June 1, 2021. <https://www.mpp.org/states/idaho/?state=ID>

⁶⁴ Bi-partisan legalization legislation proposed. Florida Marijuana Policy Project. Last updated: March 29, 2021. <https://www.mpp.org/states/florida/?state=FL>

⁶⁵ Nebraska Marijuana Policy Project. Last updated: May 17, 2021. <https://www.mpp.org/states/nebraska/?state=NE>

⁶⁶ North Dakota Marijuana Policy Project. Last updated: April 15, 2021. <https://www.mpp.org/states/north-dakota/?state=ND>

⁶⁷ Mississippi Marijuana Policy Project. Last updated: May 17, 2021. <https://www.mpp.org/states/mississippi/?state=MS>

V. Index

1.

Cannabis equity score by state

		Expungement (+4)	Licensing (+4)	Medical access (+3)	Equity investing (+3)	Yes to homegrow (+2)	Quality data (+2)	Proactive education (+1)	Career pipeline (+1)	Total (of 20)	Equity score	
1	Colorado	CO	4	4	3	3	2	1	1	1	19	95
2	California	CA	4	4	3	3	2	1	1	0	18	90
3	Illinois	IL	4	4	3	3	2	0	0	1	17	85
4	New York	NY	4	4	3	3	2	1	0	0	17	85
5	New Jersey	NJ	4	4	3	3	0	0	0	0	14	75
6	New Mexico	NM	4	4	3	0	2	0	0	1	14	75
7	Washington	WA	2	4	3	3	0	1	0	0	13	65
8	Massachusetts	MA	1	4	3	0	2	2	0	0	12	60
9	Virginia	VA	0	4	3	1	2	1	0	0	11	55
10	Arizona	AZ	2	3	3	0	1	1	0	0	10	50
11	Vermont	VT	4	0	3	0	2	0	0	0	9	45
12	Oregon	OR	2	0	3	0	2	1	0	0	8	40
13	District of Columbia	DC	2	0	3	0	2	1	0	0	8	40
14	Michigan	MI	1	0	3	0	2	1	0	1	8	40
15	Nevada	NV	1	0	3	0	2	1	0	0	7	35
16	Alaska	AK	0	0	3	0	2	1	0	0	6	30
17	Maine	ME	0	0	3	0	2	1	0	0	6	30
18	Montana	MT	0	0	3	0	2	1	0	0	6	30
19	South Dakota	SD	0	0	3	0	2	1	0	0	6	30

Last Updated: August 16, 2021