An Analysis of Political Party Allegiance As Motivation for the Current State of State and Federal Marijuana Legalization

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Marijuana is a schedule one restricted substance, which means there is no federally recognized safe medical usage for it and it is labeled as carrying a high potential for abuse (Mead, 2017). Despite this federally recognized ban thirty-six states have legalized marijuana for medical usage. (Garcia, Hanson, 2021) This is frankly unprecedented as federal law takes precedence over state law. However, this has been the way legislation in this area has continued through multiple administrations and policy shifts. Which of course gives rise to the question of why this has come to be. Many feel that political party is the driving factor in how legislators respond to legalization efforts and that this may be partially to blame for the current state of legalization. This paper looks at the question: Is party allegiance a significant factor in the decision by lawmakers to legalize marijuana and if so can that explain why legalization has been led by the states? This research seeks to prove whether or not there is a strong connection between political party and how the citizens and state legislators have acted in regard to legalization laws and whether this may be used to predict the actions of the federal legislature and perhaps understand the reason they have not passed legislation on the legalization issue at this time. The main investigative method used in this research was data collection and analysis. Each state which has legalized marijuana for medical or recreational use had data collected on the political party make-up of the citizens and state legislators as well as the voting record on the laws in question to try and find a correlation between the two. The data collected shows that the most likely answer appears to be that while political party does play a role in voting behavior it is not as strong an indicator as initially predicted. People are not strictly divided along party lines on this issue and there is more room for debate to perhaps change people's minds than was initially expected.

Marijuana law in the United States is a study in contradictions. Marijuana is classified as a schedule 1 drug by the federal government. (Mead, 2017) Which is the class of substances that has the highest level of restriction and is considered to have no safe or approved medical usage, and yet, 36 states so far have legalized the sale and usage for medical or recreational purposes. (Garcia, Hanson, 2021) Marijuana is being prescribed by doctors as part of medical marijuana legalization laws, but cannot be regulated by the FDA or any other federal agency (Mead, 2017) due to the fact that it remains illegal. In our governmental system the laws of the federal government take precedence over the laws of the states and in cases where the two contradict the federal law is the one followed. (Carnevale et al., 2017) However, in this particular case state legalization has proceeded unimpeded by the federal government through five different presidential administrations. (DISA, 2022) These are the only law of this kind that have been allowed to do so. State laws are changing rapidly, but the federal government has yet to pass any laws on the subject despite more than 50% of Americans supporting legalization in a recent poll. (Davenport, Caulkins, 2016)

This country is rapidly approaching a point where the federal government cannot keep avoiding the issue of marijuana legalization. More than half the country's states have legalized in some capacity and more and more of the population is in support of legalization. At some point the federal government cannot ignore the states acting against its laws and a decision on the issue has to be made.

This is an incredibly unique set of circumstances around this subset of the law that does not show up for any other issues. This makes this subject extremely interesting and finding the reasoning for why the legalities of this issue have played out the way they have would be very informative about how the United States Government functions and the driving forces behind legislation on contentious issues as a whole.

So then narrowing the scope of reasoning purpose of this research is to find out whether there is significant evidence to suggest that party allegiance specifically is the reason for the legalization legislative patterns that have emerged as these laws have progressed and the contradiction that remains.

RESEARCH QUESTION

The main question then is: Is party allegiance a significant factor in the decision by lawmakers to legalize marijuana and if so can that explain why legalization has been led by the states? This is an important consideration, because if it is simply down to party allegiance to determine how the votes will fall and who will support legalization then the current debate is missing the point.

If it is down to party lines then all the discussion of public health concerns and criminal justice are drawing focus away from the actual deciding factor. Focus in the ongoing debate over legalization on both sides of the issue should then address the root of the issue. On the other hand, if the data shows that political party is not the deciding factor then focusing on the political aspects of the debate as many have is not a productive tactic for either side of the issue.

Determining whether or not this is a major factor would show what drives the internal workings of the United States legislature and whether this issue is one that could evolve over time as new arguments are addressed or one that has essentially already been decided and only elections which change the balance of parties in congress could affect legalization.

ARGUMENT

The theory here is that party allegiance is in fact the main factor in deciding whether or not to support legalization. This country is increasingly divided along party lines and those parties are increasingly entrenched on the issues that divide them. Marijuana legalization is one of the major issues that has split the parties and the country at this time.

While there are arguments that are frequently made on both sides of the legalization issue debating the effects of the law and the overall ramifications of action versus non-action, many feel that in the end it comes down to party loyalty

(Denham, 2019) rather than any actual stance on the issues. This research would look specifically at correlations between party and the actions taken in passing legalization legislation to attempt to prove that political party is in fact the main reason for the majority of legislative action on this issue.

States then may be able to pass legislation on this issue not in spite of but because of this polarization. In theory states may be more easily able to pass legislation due to the fact that while the federal government is more evenly split between Republican and Democrat lawmakers' states may be more significantly partisan and could have legislatures which have a majority which are Democrat or Republican. This then would give whichever party held that advantage more leverage to be able to pass legislation which could explain why laws have passed more easily in the states than in the federal government. This would explain the difference in state and federal action on this issue as well as further show the connection between party and their stance on legalization.

LITERATURE REVIEW

Marijuana laws are an interesting contradiction in this country. While marijuana is classified as a highly dangerous Schedule I drug on par with heroin, meaning that it is considered to have a high potential for abuse, and no accepted medical use, (Mead, 2017) 36 states have passed laws to legalize marijuana for medical use and several of those have also passed laws allowing recreational use as well. (Garcia, Hanson, 2021) This means that 36 states have passed laws directly contradicting federal laws and at this time no action is being taken to stop the enforcement of these state laws over the federal one, despite the fact that legally the federal law has supremacy. Federal policy has allowed this contradiction to continue without an official resolution through three administrations. When polled more than 50% of Americans support legalization (Davenport, Caulkins, 2016) and while the debate is ongoing more and more states are passing laws to legalize. This state of legal limbo has been left to play itself out and is an interesting peculiarity of politics and law.

Practicalities
FDA Approval and Legal Marijuana Products

One of the more interesting intricacies of the issue of marijuana legalization is that cannabidiol and hemp products are legal in many states that still outlaw marijuana for medical or recreational purposes. (Mead, 2017) Additionally, if these things are in fact legal then they are subject to legal regulation and there is a move to have them regulated by the FDA. This is also a concern with states that have legalized medical marijuana. If this is going to be classified as a legal medical treatment then many argue that it should be regulated as such. (Mead, 2017) Part of the issue is that marijuana is classified as a schedule I drug which means that it has no accepted medical use. (Mead, 2017) This classification means that there is very little actual research that has been done on the medical effects of marijuana and the associated cannabidiol or CBD products due to the difficulty getting approval. (Mead, 2017) Without research there cannot be accurate regulation on the growing market for medical marijuana. Some progress has been made in CBD with some products granted FDA approval though they were sourced from hemp plants with very low THC content rather than the kind grown for medical or recreational marijuana use. (Andres, 2019)

Existing Frameworks
In writing these new laws most suggest pulling from other similar areas to create a framework for regulation and limits. (Shrover, Humphreys, 2019) The most commonly suggested frameworks were those used for alcohol laws and tobacco and gambling regulations. (Hickenlooper, 2014) It makes sense in many ways as these areas face similar challenges as the new marijuana laws would likely deal with. For example, creating certain kinds of licenses for dispensaries similar to a liquor license to cut down on unregulated gray markets, and some overlap in regulation on use in public with restricted smoking areas. However, these existing laws are an incomplete guide. Part of the issue is practical. While laws for drunk driving can be clear in that it is testable if a person is under the influence by BAC, marijuana

stays in the system long after the effects have cleared up so it is harder to determine reliably if a person is under the influence making that part of regulation uncharted territory. (Carnevale et al., 2017) So far there has been no uniform method in how the new laws respond to these challenges. It has been suggested that some kind of standardized framework should be created for state legalization so that each state that passes medical and recreational marijuana bills will not start from scratch in creating regulation and formalizing the legalities. (Chemerinsky, 2015) This would likely need to be a federal issued framework though, and there is quite a way to go before that is likely to be discussed seriously.

Businesses

Something important to remember is that the conflict of the laws does not exist in a theoretical space and there seems to be a consensus that a lot of push for a better balance between state and federal laws comes from business owners. The most well discussed issue is that the banks refuse to offer accounts to dispensary businesses. This is because under the Controlled Substances Act banks can be held accountable as aiding and abetting if they know the money is from selling drugs that are federally illegal. (Mallinson et al., 2020) This means that the businesses are forced to operate entirely in cash. This has led to some interesting difficulties as taxes are also payed in cash different from every other kind of businesses. Mallinson et al., 2020) Taxes being another consideration in these new kinds of laws. Each state taxes these businesses in a different way and because these businesses are illegal on a federal level they have to eat the cost of any business expenses and cannot write them off on their taxes which leads to much higher tax rates than were probably intended. (Ward et al., 2019) This has led to a push to either state clearly how far the federal government will allow states to decide and where the line is that they will step in for so that banks and tax paperwork can function as they do for normal businesses, or to reschedule marijuana as a schedule III or lower drug for the same reasons. (Ward et al., 2019) As a schedule I drug the restrictions are the highest possible

because it is considered highly dangerous and said to have no medical application. (Mead, 2017) Essentially the classification is that there is no safe use for this substance. So, for any commercial or officially recognized use to be allowed they would have to reschedule the classification. (Ward et al., 2019) Something that is being pushed for more as medical marijuana bills are getting passed and lawmakers and medical officials are looking to get regulations set up for marijuana use in medical cases. Despite all of this, it has been noted that some businesses are reluctant to push for more leeway in this as it would open the door for big pharmaceutical companies to step into the playing field, likely wiping out what has so far been a market dominated by small businesses. (Ward et al., 2019)

Support and Public Opinion

The main arguments come from economics and criminal justice and public health. (McGinty et al., 2017) Those arguing against legalization tend to focus on public health concerns. Citing increased usage in states that pass the laws as well as the unknown long-term health impacts, the risks of other addictions, potential secondary impacts such as an increase in DUI accidents, and legalization is framed as removing protections in this way. (McGinty et al., 2017) Part of the reason for these concerns is that there has been very little research done into the public health effects of marijuana. It is most likely that legalization would lead to an increase in use, (Davenport, Caulkins, 2016) however that does not show what effects that increase in use will have. Those arguing for legalization tend to focus on economic benefits, and criminal justice angles. Legalization would increase tax revenue, create jobs, reduce overcrowding in prisons, reduce some of the racialized disparities in the arrests, and eliminate the increased penalties for possession and distribution of marijuana coming out of the war on drugs. (McGinty et al., 2017) "Public Perceptions of Arguments Supporting and Opposing Recreational Marijuana Legalization." By Emma McGinty et al. suggests that of these arguments the economic arguments tend to be the strongest and that highlighting increased

tax revenue in particular was the most effective strategy, followed by creation of industry, and reducing prison crowding. (McGinty et al., 2017) They also found that the most effective argument against legalization focused on the conflicts with the federal law. This last point is also reflected in "State and National Contexts in Evaluating Cannabis Laws: A Case Study of Washington State." Christopher Cambron et al. which noted that when the DOJ released the Ogden memorandum which promised the federal government would not step in to prosecute over the state legalization efforts provided individuals were within state laws there was an increase in participation in the new medical marijuana system. (Cambron et al., 2016) Showing that when the pressure of the federal and state legal conflict is lessened people are more in favor of, and more likely to participate in the process of legalization

The other thing to understand about the debate is that many people's opinions on the subject are less likely to be based on their personal ideology these days than on their political party allegiance. (Denham, 2019) So, while the different arguments on each side have their merits and are more or less effective in different contexts, for some people these arguments are less likely to be a determining factor than is usually assumed when discussing this.

Legal Factors

Differences Between State Laws

Something many reports have mentioned as a difficulty in discussing the new laws and how they interact with existing laws and frameworks, is that they are all different. 36 states have legalized marijuana. (Garcia, Hanson, 2021) However, each of those states have done so in different ways. Each state has an entirely different law that legalizes marijuana and so regulation is different in every state. (Mallinson et al., 2020) This is part of the reason for a push for some kind of federal response. The arguments for each side are hard to evaluate when in each state the debate is taking place on different grounds.

This has caused some sources to suggest that the federal government should at least set forth a framework for state legalization. So that even if the federal government is not going to step in on this issue and is leaving it up to the states they are saying how much they are leaving the states to decide and what exactly state legalization means for the laws and how they will be impacted by federal law. (Chemerinsky, 2015) The uncertainty of the current set up is a problem on multiple levels and the disparity of the different state laws has led to a lot of confusion and inconsistent research into the practicalities and effects of legalization. (Cambron et al., 2016)

Federal and State Interaction

One of the other issues with no clear federal response on the issue beyond the current noninterference is that due to some states legalizing and some states not there has been an increase in spill over from the states that have legalized to the states that have not making it a federal issue directly. (Sweeny, 2018) (Caulkins et al., 2012) The federal government has declared it illegal for that kind of spillover to occur however that has done little to stop it and it is not something that might actually be possible to stop completely. (Sweeny, 2018)

Legally it is very clear that the federal laws supersede the state laws and even "legal" marijuana use, and distribution is still illegal and the federal government can make arrests on those grounds. (Carnevale et al., 2017) The Supreme court has said that state medical marijuana laws are illegal under the Controlled Substances Act and that the federal government can prohibit growing even for personal use by authorized individuals under state laws. (Cambron, 2016) It is very clearly illegal. That said the reason much of this has been allowed, and why we currently exist in a kind of grey space legally, is due to the 2009 Ogden memo by the DOJ. (Sweeny, 2018) This basically said that federal attorneys will not prosecute those who are acting within state laws. (Cambron, 2016) This was later followed by the Cole memorandums one of which outlined the contexts in which federal law enforcement would step in on the marijuana issue. (Carnevale et al., 2017) They stated they would intervene in

order to prevent distribution to minors, prevent revenue going to gangs and cartels, prevent the diversion of marijuana to states where it is illegal, prevent use as a cover for other crimes, prevent violence and firearm use in the business, prevent DUI and public health concerns, prevent growing on public land, and prevent possession on public property. (Carnevale et al., 2017) These guidelines once in place have been the basis for federal policy on the issue since their creation. It has been theorized that these policies are responsible for the current legalization movement, and that even if they were overturned now, things would continue. (Carnevale et al., 2017) This is because when they were issued, there was an increase in legal dispensaries and authorized users in states with legalization laws and it is believed that they provided the momentum to start the current move towards federal legalization. (Cambron, 2016)

That said these memorandums are policy not law and can be changed by any administration. As was seen in 2018 when another memorandum went out from the Trump Administration's DOJ that essentially rescinded the Obama era Cole Memorandums. (Gostin et al., 2018) This did not stop states from continuing to pass medical and recreational marijuana bills, (Garcia, Hanson, 2021) though the conflict once more became much less clear cut in the absence of an official federal stance on the issue.

It has also been suggested that one of the reasons the federal government has not stepped in on this issue despite having the legal authority to do so, is that many of the states which have led the charge in legalization are swing states. (Schwartz, 2014) The DOJ which would most likely spearhead any efforts to crack down on state legalization operates under the president, and each administration has a vested interest in these states. If the president went ahead to undermine the marijuana laws in these states, many of which are passed by popular vote, that could result in political backlash in the next campaign cycle. (Schwartz, 2014)

Which all brings things to the current state of affairs. Support for legalization is on the rise and more and more states are passing bills to legalize marijuana. At the same time the federal government has remained reluctant to pass legislation validating these state laws and legally these laws remain invalid. Due to federal policy however, the state laws have been allowed to continue and be enforced through five administrations. While policy has shifted in that time no major legal action has been taken to stop the enforcement of these state laws. The general attitude of the federal government has largely been to ignore the issue for the last few years, and allow the states to decide, however it is rapidly approaching a point where that will no longer be an option as state laws diverge making enforcement difficult and the growing market for marijuana demands regulation and business protections. This topic is extremely broad with a large variety of issues all stemming from the main consideration of legalization. This research looks at political party loyalty as the main reason for the current state of legalization and through that whether that is the core reason for all these various issues.

METHODOLOGY

Data collected

This analysis collected laws from every state that has legalized marijuana for either medical or recreational usage so far. Specifically, this looked at the most recent legislation with the highest level of permissibility. For example, if both recreational and medical marijuana usage were legalized in the same state with different laws then the law legalizing recreational usage was the one whose data was considered. States that had legalized only cannabidiol or CBD were not included in the dataset and were grouped with states where all cannabis products were still illegal. This was due to the non-psychotropic nature of CBD which set it apart from other forms of marijuana so that many of the usual arguments for or against legalization did not apply to it as the discussion surrounding that kind of legalization is rather different.

For each law where the data was available the data was organized according to which state the law was passed in. Then the year it was passed

(DISA, 2022), the level of legalization, that is whether it was medical or recreational legalization (DISA, 2022), whether the laws was passed as a legislative bill through the state houses (LegiScan, 2022) or as a ballot measure by the population (Ballotpedia, 2022), the voting record on the bill and what margin it passed by as well as the percentage of the legislators who voted to pass it who were Democrat or Republican, and finally the population of the state at the time of passing which was Democrat or Republican (Gallup, 2022), were all collected. (Full data collected listed in the appendix)

Laws passed through ballots had their data publicly available and the percent of the population which passed these laws could be found relatively easily as this information was already collected (Ballotpedia, 2022). Legislative bills however were more difficult to collect data on especially as this research was looking to pull more information on these laws than on laws passed through a ballot. The name of the bill as it was when it was passed by the state house or senate had to be found before any other information could be obtained. From there the individual state usually kept the voting record of each bill. This provided the number of votes which passed the bill in each house and in most cases the names of the legislators and how they voted. Once the identity of those who voted for or against each law was known their self-identified political party allegiance could be found (Williams, 2022). This was what then allowed the voting patterns of each political party in state legislatures to be calculated.

Terms and definitions

While this paper does refer to the houses of the state legislatures as the house and the senate some states do not have a state house of representatives, but instead call their second body the state assembly. For the purposes of this paper these legislative bodies were grouped with the state house of representatives of other states and are sometimes referred to as such. Medical marijuana legalization in this paper refers to laws passed which allowed medical care professionals to prescribe marijuana as treatment for medical conditions and allowed those with a prescription to buy, possess and use marijuana. Recreational legalization refers to laws which allow any adult over the age specified to buy, possess and use marijuana.

For states where there were no medical or recreational marijuana legalization laws passed, data for the population of the state which was Democrat or Republican was taken from data for the year 2022 when this research was conducted (Pew Research, 2022). This data was all compiled into a table so that comparisons could be made so that any patterns in the data could be identified, and graphs showing trends could be generated

As for the broader statistics, it was found that there were 18 states which had fully legalized marijuana, 19 states that had only legalized medical marijuana, and 13 states where it was either fully illegal or they had legalized cannabidiol (CBD) only. 19 of the laws passed legalized through ballot measures while 17 were passed as legislative bills. The earliest law which legalized medical marijuana which was found was passed in 1996 (DISA, 2022). Recreational marijuana on the other hand was not legalized in any state until 2012 (DISA, 2022).

Complications

While ballot measures were rather simple to find data on the problem with collecting data on legislative bills is that each state has different standards for record keeping and how the record of each bill was kept, as well as where that data was recorded was different in each state. Additionally, there were some states which held voice votes on the bills which meant that while there was a record of what the vote was there was no record of which legislators voted to legalize which was vital to the analysis.

Of the laws analyzed there were only three states where no data on their bills could not be found, those being Connecticut, Hawaii, and Rhode Island. And one state, Vermont, where there was only for the house vote as in the state's senate the bill was passed with a voice vote (LegiScan, 2022). Additionally, the population measures of Democrat or Republican leaning were not available for every state in every year

that legislation was passed. So, while other data was collected for those states that particular measurement had 11 states missing from the final data.

Another consideration was Washington D.C., while not a state there was a ballot measure passed in 2014 among residents which legalized marijuana (DISA, 2022). Data was collected on this ballot measure however it was not included in the overall analysis due to the fact that it was not considered a state and so the data was not thought to have enough in common with the rest of the data set to be a good contribution.

For the states which had passed their laws through a ballot measure which was voted on by the general population of the state, the percentage of the population which voted to pass the bill was then collected to be compared to the percentage of the population which was Democrat leaning versus Republican leaning. One state, south Dakota had their ballot measure struck down despite having been passed, due to the fact that there were two ballot measures to legalize on the same ballot and both passed and it was ruled that this was against their state constitution (Ballotpedia, 2022). The data was collected for these bills, but not included due to the bills having been struck down.

New Jersey passed their law using a referendum which had been voted on by both the two houses of the legislature as well as the general population (LegiScan, 2022). Data from all three votes was collected and used in analysis.

Failed measures were surprisingly hard to find data on, even in comparison to the other bills. Most states when a vote failed did not keep data on the bill and frequently when they did the data was for only one house of state congress since it had never advanced to the other house. More often these bills would fail in committee which meant that there was no voting record at all. This made it impossible to find enough data on failed legislative bills to make any meaningful comparisons to the bills which passed in the areas this research was focused on.

This research was as comprehensive as was possible with the resources available, though it should be remembered when reviewing the findings here that the sample size was small by its nature. There are only 36 states in the United States which have legalized and so any trends that were found are limited in their applicability and how verifiable they are.

RESULTS

With all the data that was collected there were several factors which were then analyzed to draw conclusions about the connections between party allegiance and voting on legalization. Various measures were considered and then compared together to create an overall picture of the issue as it to determine the support for these bills from Democrat versus Republican lawmakers.

Party allegiance

Prior to beginning this research, it was theorized that among Democrat lawmakers there would be strong support for legalization and among Republican lawmakers there would be strong opposition, and that this would manifest with almost unanimous support from Democrat lawmakers and almost unanimous opposition from Republican lawmakers. It was also theorized that this trend would hold true for the average citizen as well, if not more so. Due to these it was thought that perhaps this was what necessitated state legalization over federal legalization as states might have an easier time pulling together either a Democrat or Republican majority and that majority would be the deciding factor in legalization. So, to test this assumption the Democrat and Republican legislators for each state were separated and the votes for legalization from party members were calculated as a percentage of the number of legislators from that party in that state. These were compared against other lawmakers from the same party from other states giving an idea of the general trends in Republican versus Democrat voting on this issue. If the theory held true then the Democrat lawmakers would have very high percentages of votes passing the laws while the Republicans would have very low percentages.

Interestingly when looking at the voting trends for Democrat versus Republican legislators which are displayed in figure 1, there is only consistent

voting patterns among the Democrat lawmakers. While true to the theory very high percentages of Democrat lawmakers voted to legalize across the board, support from Republican lawmakers varied from state to state and were not all very low percentages of support. This meant that while it appears from the data that party allegiance is a good indicator of how Democrat lawmakers will vote on marijuana legislation Republican lawmakers are much more variable and perhaps not as tied to their position on legalization by party membership.

There were four states where there were no Republican lawmakers in support for legalization at all, however there were also instances of up to 86% Republican support.

Meanwhile Democrat legislators had consistent voting patterns ranging mostly between 80 and 100% support for legalization, and no states with less than 60% Democrat support. A total of 90% of Democrat state lawmakers in states examined were in support of legalization, and 40% of all Republican state lawmakers, (see table 1) in states that legalized voted in support of the legalization bills. So, while it is unlikely that a fully Republican legislature would pass legalization legislation the party is not as uniformly against it as assumed going in.

Figure 1: Graph of the votes of democrat state legislators plotted against the votes of republican legislator's color coded by whether the vote was in the House or Senate of the State Legislature
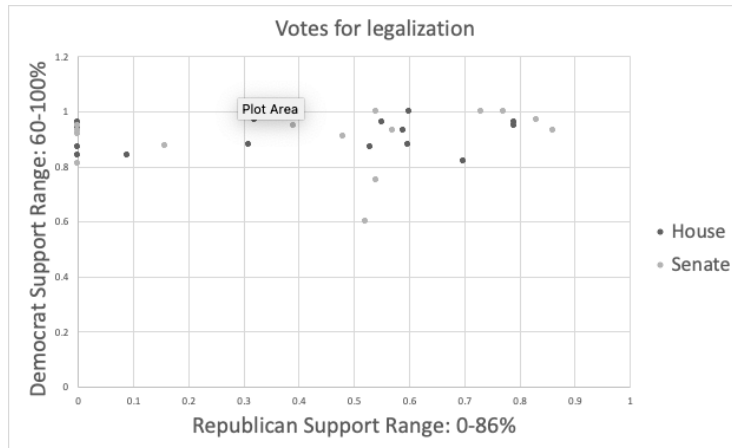

Table 1: The Average Percent of Legislators Who Voted to Pass Legalization Legislation in States that Legalized

	State House Average	State Senate Average
Democrats who voted to legalize	90%	90%
Republicans who voted to legalize	37%	43%
Overall votes to legalize	67%	65%

The initial theory that party allegiance is the main factor in deciding legislative support for legalization appears to only hold true for Democrat lawmakers which could have interesting implications for the debates over the pros and cons of legalization legislation.

One thing to consider from this however is that this data does not include votes from states which did not pass legalization measures. As many states did not keep records of failed state legislature votes that data was not collected however should future research find data on this voting it might be interesting if it shows the same variation in Democrat legislative behavior in states that voted down legalization as has been shown in Republican legislative behavior in states which passed this legislation.

Democrat vs Republican population

The second measure which was analyzed was the population composition of each state that identified as Democrat or Republican leaning. This was collected for both states that had passed legalization laws and states that had not. Additionally, the Democrat and Republican composition of the legislatures of states which had passed legalization laws was also collected. This data was then compared to the overall composition of the United States and the United States congress.

As was discussed previously if voting behavior was mostly determined by political party affiliation then a strong majority for the Democrat party would be expected in states that have legalized marijuana. If the Republican lawmakers and the Republican population could be reliably assumed to vote against legalization then legalization would only be possible in majority Democrat states since that's what would give them the leverage to get the legislation passed. Without that it would not be possible for any legalization legislation to move forward.

As can be seen in table 2 however, the data showed that there is, on average, a fairly even split in population between Democrat and Republican leaning citizens in states that have passed legalization legislation. There might be a minor Democrat advantage, but it is certainly not the overwhelming majority that was theorized would be needed to pass this legislation. In fact, in the average Democrat and Republican make-up of the state legislatures it is almost exactly even split. Neither party has any significant advantage which could be used to explain the legislative behavior.

This is then reflected both in the overall division federally, as well as in the federally elected legislature which at the moment also has a 50% split, with 51% of the house of representatives being made up of Democrats and 49% Republicans, and the senate with 50% Republicans and 48% Democrats with 2% belonging to independent parties but caucusing with the Democrats on most voting matters (Metzger, 2022).

This while a departure from the original theory makes sense in light of the previously observed Republican voting pattern. If it is not solely reliant on the support of Democrats to pass legalization laws, then it makes sense that it does not require a significant Democrat advantage to pass. If it is

Table 2: Average Percent That is Democrat or Republican

	Democrat leaning	Republican leaning
House in states that passed	51.7%	47.8%
Senate in states that passed	50%	49.8%
Average population states that legalized	49.6%	45.3%
Average population states that did not legalize	37.3%	44.6%
US population overall	29%	26%
US House	51%	49%
US Senate	50%	50%

likely that a portion of Republicans voting will support legalization then there does not need to be a significant Democrat majority and even with only around a 50% Democrat population these states can achieve a simple majority.

This is also reflected in the ballot measures which passed legalization on the support of the general population. This research found that these laws were passed with an average of 58.3% of the vote even with only an average of 49.6% of the population of states which passed these laws being Democrat. While not suggesting an overwhelming amount of Republican it does show that it is not the minimal amount initially expected, and with the knowledge that not 100% of the Democrat population will support legalization that increases the amount of the Republican population that would have needed to support these laws for that level of support to be present in the overall population.

It should be noted though that while there was not a significant Democrat majority in states that legalized marijuana laws there was a greater average percentage of the population which was Republican leaning than Democrat in states which did not pass legalization legislation. There was an average of 37.3% of the population which was Democrat leaning and an average of 44.6% (see table 2) of the population which was Republican leaning. While neither party was shown to hold an overall majority of the population in these states, Republicans do hold a 7-point advantage overall in these states. So, while a Democrat majority is not shown to be necessary to pass these laws it may be that a Republican majority is part of the reason some states have not passed these laws.

This even split also has some interesting implications due to the fact that it is also seen in the make-up of the overall country. This suggests that since the overall country has a similar percentage of Democrat and Republican citizens and a similar percentage of Democrat and Republican lawmakers as states which have legalized marijuana, there is a chance that legalization could very well pass the federal government. However, one factor which may contribute to the difference in how legalization has progressed with the states and the lack of

legislation from the federal government is that in most states a simple majority by both houses is enough to pass these laws while in the federal government there is another threshold that needs to be met. To pass a law both houses still have to reach a simple majority, but also in the senate there needs to be a 60% majority vote in order to close debate and bring the law to a vote in the first place (Reynolds, 2020). So, if a party has more than 40% of the senate they can filibuster a bill and keep it from being brought to vote. This higher threshold of support may be part of the reason states have passed legalization legislation where the federal government hasn't. On the other hand, the average percent of state legislators that voted to pass legalization bills overall was 67% in the state houses of representatives, and 65% with the state senate's (see table 1) both of which would have carried the vote through regardless. So, while that might make it more difficult for federal legislation to pass it remains possible.

Party division and Republican voting pattern

The next part which was looked at was the percentage of each house of the state legislature which was Democrat versus Republican and then comparing that with the voting record of the Republican portion of the legislature. This was done to determine whether or not there was a correlation between the two which might suggest that the variation in Republican voting patterns was changing with the percentage of the legislature which was Democrat, and if that might be an explanation for the variation.

While the Republican voting pattern is extremely variable there appears to be a slight correlation between the percentage of Republicans who vote to legalize and the percentage of the legislature which is made up of Democrat lawmakers as can be seen in figures 2 and 3. There is not enough data to prove this conclusively, however the data there is has a slight trend towards higher Republican approval in states with fewer Democrat lawmakers.

This may simply be due to the fact that in states with fewer Democrats more Republican approval is needed to pass the legislation, or potentially

Figure 2: Graph showing the percentage of each State House made up of Democrat Legislators plotted against the percentage of State House Republicans who voted to legalize
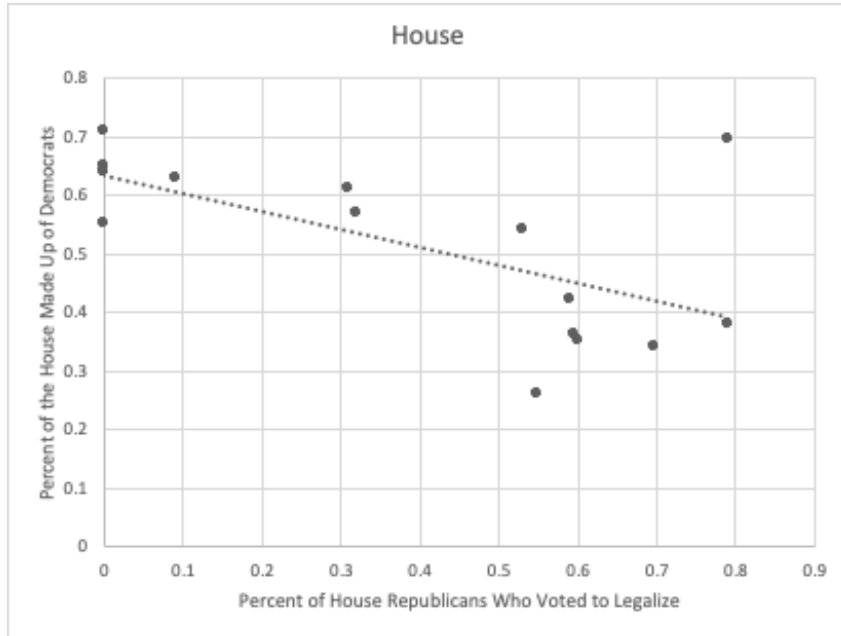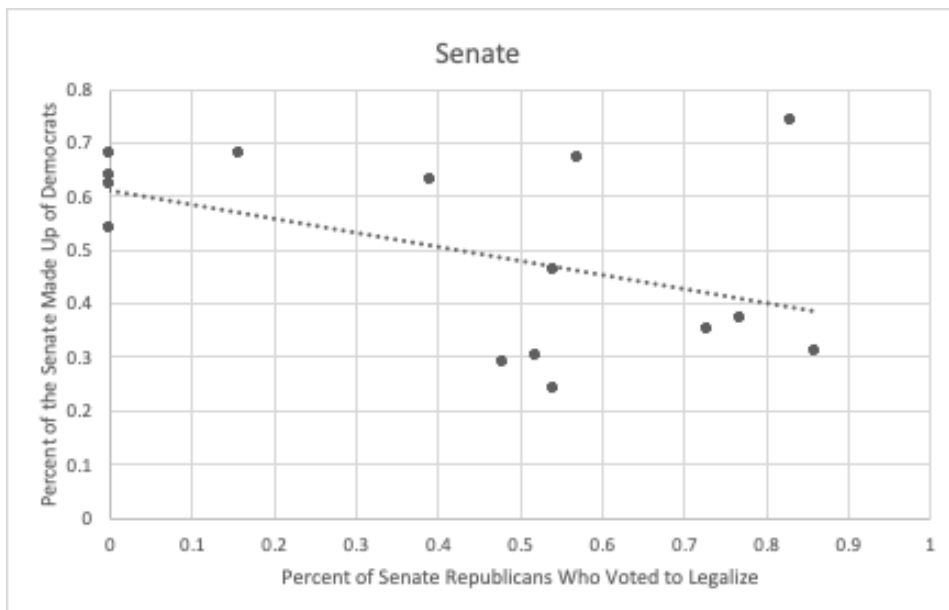

Figure 3: Graph showing the percentage of each State Senate made up of Democrat Legislators plotted against the percentage of State Senate Republicans who voted to legalize

in states with fewer Republican lawmakers they feel the need to hold together on partisan issues more strongly. More data would be needed to understand the reasoning clearly.

This though would imply that even states with a Republican majority may pass legalization laws as the simple majority needed may not be reliant on Democrat support if Republican support can increase with a decrease in Democrat presence. It would be interesting if in future research it could be determined if this behavior might also be seen in the Republican party on legalization bills in states which have not legalized.

Party allegiance and ballot voting

After that the percentage of the general population of each state which was Democrat leaning was compared with the percentage of votes from each state which had moved to pass legalization legislation in states that had legalized. There was no real correlation to be found between the party allegiance of the general population and the percentage of overall support ballot legislation received among states that passed this legislation.

Both data sets when plotted against each other in a scatter plot show no real correlation or trend that could predict the pattern the data creates as seen in figure 4 and figure 5. One bill which passed with 53% of the vote passed in a state with 28% of the population leaning Democrat while another state passed a law with 54% of the vote

Figure 4: Graph of the percentage of each state's population that was Democrat leaning plotted against the percent of that state's population that voted to pass legalization
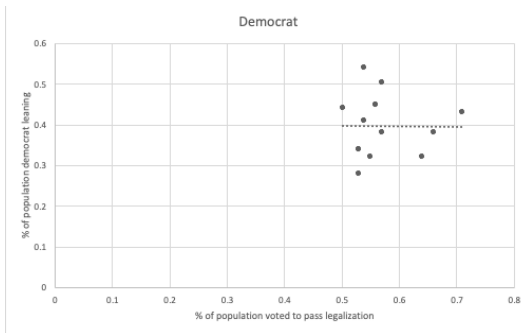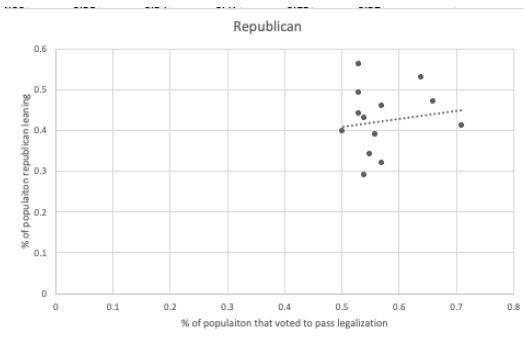

Figure 5: Graph of the percentage of each state's population that was Republican leaning plotted against the percent of that state's population that voted to pass legalization

and 54% of the population leaning Democrat. That's almost twice as much of the percentage of the population leaning Democrat but only a one-point difference in overall support.

This again shows a disconnect between political party as a predictor of voting in legalization of marijuana laws.

If political party was the deciding factor then one might expect that the percent of the population which supported legalization and voted to pass laws to that extent would closely follow the percent of the population that was Democrat. That would show that the Democrat population were the ones passing the laws and the Republican population was not voting to pass legalization. On the other hand, the fact that it does not show that kind of trend implies that there are other factors which are affecting the decision on how the population votes and that the variation in Republican support is not solely among legislators and elected representatives, but extends to the general population as well.

This alongside the other data goes a long way towards suggesting that party is not the deciding factor in legalization support.

Threshold behavior and pace of legalization

Another factor which was looked at was the year which the legislation was passed in. There is sometimes a pattern in trends of legalization that a particular issue will gain steam overtime and that more states will be likely to pass laws on an issue if they see that other states are doing the same. To that end the year each law was passed was collected and organized to determine if this trend held. For this part of the analysis if a state had passed both medical and recreational legalization laws then the year for both laws was collected as the trends for medical legalization legislation was analyzed separately from recreational legalization legislation.

In terms of medical marijuana legalization, depicted in figure 6, there are 36 states that have legalized medical marijuana over the years beginning as early as 1996 (DISA, 2022) with a number of states legalizing in 1998. There was

Figure 6: Histogram of the number of states that passed laws legalizing medical marijuana usage by year the law was passed
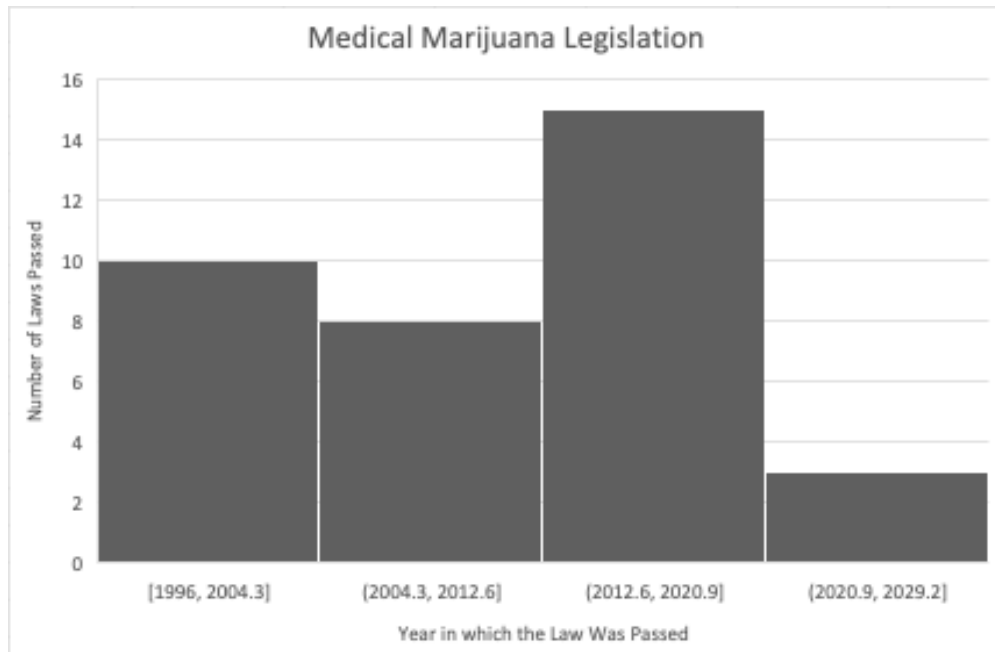
a slight decline in the rate of legalization in the early 2000's. You can see from the histogram there was an overall rise over time for the amount of states legalizing not just collectively but each year reaching something of a peak in 2012-2017.

Similarly, this is the same time period where recreational legalization, depicted in figure 7, began starting in 2012 (DISA, 2022). This seems to have been part of a second wave of legalization which led to the time period with the most legislation passed overall as seen in figure 8.

The graph shows a bit of a drop off in the most recent years, but that's not quite accurate as that section of the graph is likely to change soon as several states are intending to bring their own legalization legislation this year, and based off the observed behavior several others are likely to as well in the coming years. Additionally, legislation has been proposed in the federal legislature as well suggesting that perhaps the increasing number of states legalizing had an effect on federal legislation as well as state legislation.

This trend suggests that as more states began to pass laws legalizing marijuana other states became

Figure 7: Histogram of the number of states that passed laws legalizing recreational marijuana usage by year the law was passed
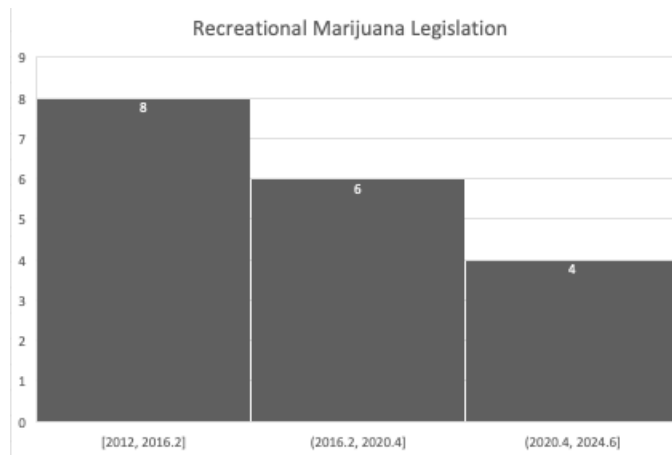
Figure 8: Histogram of the number of states that passed laws legalizing marijuana usage on some level by year the law was passed
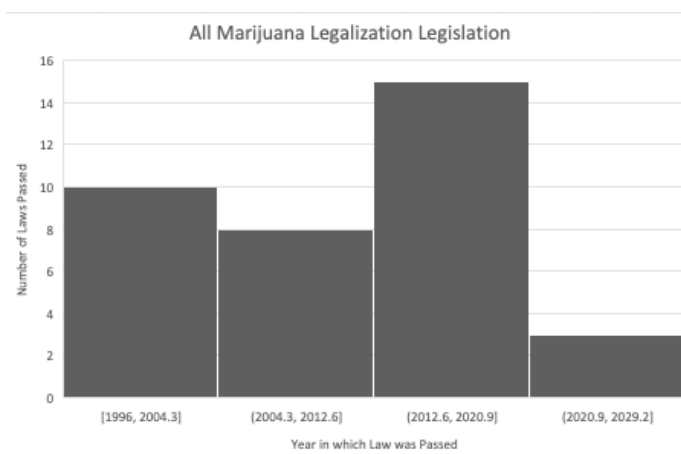
more likely to pass their own legislation on the issue. This could perhaps be because no federal action was taken against the states that passed their laws in violation of federal law, showing that state legalization was at least tolerated. It could be merely due to the increased prominence of the issue in the political landscape as more and more states legalized which made the issue more likely to be addressed by state legislatures.

Internal consistency

Another factor which was considered as a part of the data collected was a comparison of voting patterns between the houses of state government, both within each party and overall as seen in figure 9. This was to see if there was a correlation between the voting patterns of one house and those of the other, to determine if the voting pattern of one might be able to be used to predict the voting pattern of the other.

While Republican support is extremely variable it is remarkably internally consistent. State to state it might vary between 0% support and 80% support, but within the two separate houses of the same state legislature the percentage of Republican lawmakers who support legalization is usually close. To the point where how lawmakers in one house vote is usually a good indicator of

Figure 9. Graph of the percentage of the State Legislators in the State Senate who voted to pass legalization legislation plotted against the percentage of State Legislators in the State House that voted to pass legalization legislation, color coded by Democrat lawmakers, Republican lawmakers, and all lawmakers for that state.
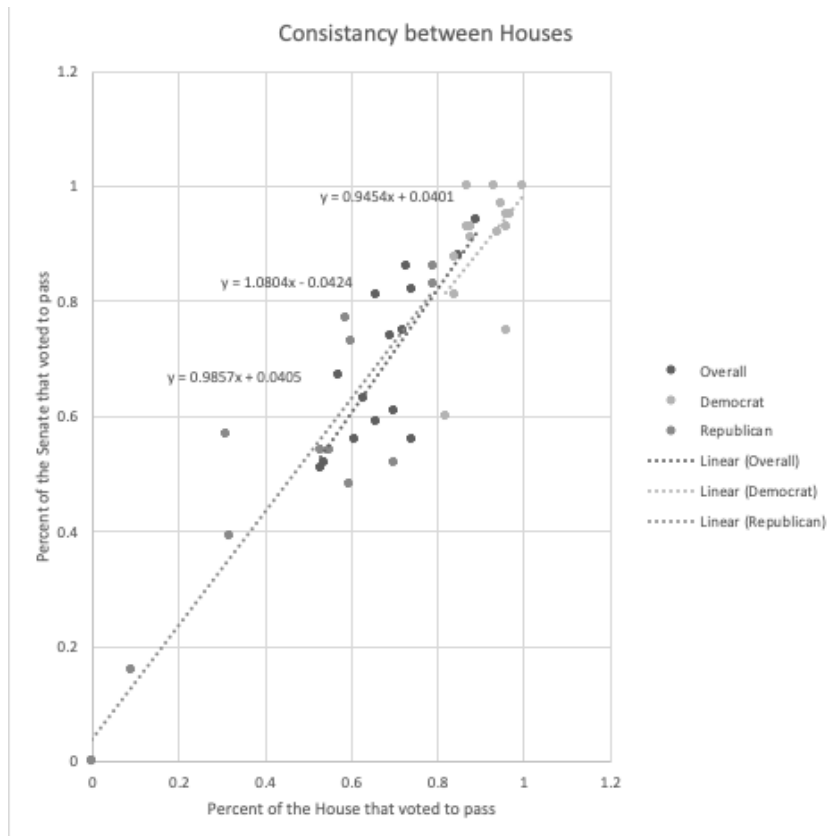
how the other house will vote.

This is true for lawmakers of both parties as well as the houses overall regardless of political allegiance.

The trend line for the average relationship for Republican support in the house compared to the senate is represented by the equation $y = 0.9857x + 0.0405$, where the y variable represents the percent of the senate that voted to legalize and the x variable is the percent of the house that voted to legalize. This equation can then be used to approximate the support Republicans in the senate will provide for legalization based on the votes of the Republicans in the house. This becomes important when attempting to predict future legislative action. The equation for the correlation between the overall votes is $y = 1.0804x + 0.0424$. Once again, the y variable represents the percent of support in the senate and the x variable represents the percent of support from the house of representative. The equation found for Democrat legislators was $y = 0.9454x + 0.0401$. As before the y variable indicating the data from the senate and the x variable indicating the data from the house. These numbers show that the house and the senate votes are almost exactly the same. If they were precisely the same the equation would be written as $y = 1x + 0$. Since the numbers used are so close to those which would appear in a perfect equation it indicates that it is very close and they are a good general predictor of each other.

All together this data crates a picture which can help answer the leading question of this research: Is party allegiance a significant factor in the decision by lawmakers to legalize marijuana and if so can that explain why legalization has been led by the states? In terms of party allegiance's effect on lawmaker's decision the evidence has shown that party is a determining factor especially for Democrat lawmakers, however it is not as big of a factor as initially theorized. Additionally, the theory for why this may have been the reason legalization has been led by the states has been fairly disproven overall and the Democrat majority which was theorized would be needed was not in evidence from the data.

2022 federal legislation

While there has not been any federal legislation to legalize that has passed thus far, as of April first 2022 there is a bill currently being considered in the federal legislature. (Shabad, 2022) This bill currently known as the Marijuana opportunity reinvestment and expungement act, would not only legalize marijuana, but it would provide opportunity for expungement of marijuana related convictions and establish a federal tax on sales. (Shabad, 2022)

This bill has already passed through the house of representatives and has been sent to the senate for consideration where a new version of the bill is being worked on to be brought to the senate floor. The bill passed the house with 52% approval and had support from 98% of Democrat representatives and 1.4% of Republican representatives (Metzger, 2022) and now faces the senate. While a simple majority would be enough to pass the law, the senate would need a 60% majority to meet the senate cloture rule and cut off debate on the issue to even bring it to a vote. (Reynolds, 2020) Thus, setting a higher threshold of support that needs to be cleared for this bill to pass the senate.

This makes the previously discussed idea that the behavior of one house might be predicted from the other rather important as it might allow prediction of whether this bill will pass the senate and become federal law. If we plug 1.4% into the function generated by the trend line in the data, $y = 0.9857x + 0.0405$, we find that the predicted amount of Republican support is 1.42%. Similarly, the bill was passed in the house with 52% approval so plugging that number into the trend line for overall support, $y = 1.0804x + 0.0424$, we find that the predicted amount of support from the senate would be 60.3%. The prediction based on general voting patterns suggests there might be just enough support to pass, however the amount of Republican support which would be needed to bring this issue to a vote is quite a bit higher than the predicted percentage. Now whether or not this prediction is followed through by reality will have to be seen. However, this means that while it is in no way significantly likely that the senate will pass this bill it remains well within the

realm of possibility. With a perfectly even 50/50 split and overwhelming Democrat support for this bill in the house there doesn't need to be a lot of Republican support to get this bill passed, and the prediction that there could be any at all is a sign that it could very well manage to get passed.

Additionally, as was touched on previously the overall average percentage of Democrat leaning lawmakers in states which passed legalization legislation was 51% and there are currently 50 out of 100 Democrat leaning lawmakers in the United States Senate. (Metzger, 2022) This is very close to the average make up of bodies which have managed to pass legalization legislation, which does suggest that it is possible for the U.S. Senate to move forwards with this legislation.

CONCLUSION

Marijuana legalization is a very controversial issue with a lot of factors involved. The effects of any legislation on the matter and the current conflicting legislation has resulted in a lot of issues. Businesses not being able to go to banks for loans and conducting business though cash. (Mallinson et al., 2020) interstate issues with different standards of legalization and a lack thereof between states, (Mallinson et al., 2020) no clear plan for legalization and how it should move forward (Cambron et al., 2016), and a lack of federal oversight and regulation in a rapidly growing market. (Mead, 2017) It is not a state of affairs that can continue indefinitely and finding out why the federal government has not been either willing or able to act or pass legislation on this issue is vitally important as more and more states continue to legalize marijuana. While there are many arguments for and against legalization political allegiance is one of the factors that many felt was significant and is the one this research sought to examine.

The initial theory was that political party was the biggest motivator for legislative position on marijuana legalization, with Democrats voting for legalization and Republicans voting against legalization. That because of this, states were more likely to pass legalization legislation than federal legislators. Since if political party was the main reason legislators voted the way they did then it would take a majority Democrat population and state legislature to pass legalization laws and the federal government was less likely to have a significant advantage for either party for long enough for this legislation to go through.

The data found contradicts this initial theory. At least to an extent.

Political party was found to be a strong indicator but not as absolute of a factor as previously theorized with room for debate still. 90% of Democrat lawmakers were found to have voted to pass marijuana laws in states that legalized compared to only 40% of Republican lawmakers voting to pass these laws. This does show a connection between political party and legislative action, however with Republican lawmakers at least that connection as a lot more variable than though going in. This is also reflected in the fact that the research was unable to find any real correlation between the percent of the population that was Democrat or Republican and the percent of the population that voted to pass legalization laws. If party was the driving factor in how people voted then likely those numbers would have a strong correlation with an increased percent of Democrats indicating a higher percent of support in the votes. Because there's not it indicates that there's not as strong a connection as theorized. It seems unlikely that political party is the sole determining factor in how people vote on legalization, though it may still play a role.

Additionally, the initial theory that a Democrat majority would be needed to pass legislation to legalize was disproven in the fact that the average population of states that legalized was almost evenly split between political parties. In fact, the legislative bodies were split 51% Democrat and 49% Republican. This reflects the new understanding of political party as a determining factor since with some Republican support present there is less need for Democrats to make up the population of the state in order to achieve a majority vote.

Future research may wish to focus on some of the interesting points in the data that while not part of this research may have interesting causes. For one, while it was found that an average of 66% of legislators in states which passed these

laws voted to pass them only an average of 58% of the population voted to pass these laws. It might well be worth looking into whether this shows a difference of overall support in these states or if it suggests something about the overall voting habits of citizens versus elected officials.

Another avenue that would be interesting to explore in the future would be looking at if the variation in Republican responses was only present in states that legalized and if so if perhaps that is part of the reason legalization was passed. Also, along the same lines looking to see if there is corresponding Democrat variation in states where it did not pass and see if the lack of variation was the reason the laws were passed in these states

It might also be useful if future research looked at pulling polling information from states that passed legalization in the years they legalized and compared it to current polling data from states that have not to see if there might be a certain level of public support that pushes states

to legalize and whether that level of support is the same for states that legalized through the ballot and states that passed legislation through the state legislators.

Political party is not as strong a factor in how legalization of marijuana is progressing. The data does not show that it is the factor that has led to the current state of affairs and it is not the driving force behind all action on this issue. Based on the trends in the data found political party still has its role it just has less of a stranglehold on the reasoning than originally suspected. While no federal laws have been passed on the subject more than half of the states have legalized and legalization legislation is in congress for the second time in recent years. The federal government may not legalize at this time but with political party not being as big of a factor and a balanced population and congress it may well do so in the near future, and this strange pocket of legality will be resolved.

APPENDIX

Full numerical data collected in the course of this research.

State	Legislative bill or ballot measure	Percent of legislators in House for	Percent of legislators in Senate for	House Democrats	House Republicans
Alabama	bill	0.66	0.59	27	76
Alaska	ballot				
Arizona	ballot				
Arkansas	ballot				
California	ballot				
Colorado	ballot				
Connecticut	bill				
Delaware	bill	0.66	0.81	25	16
DC	ballot				
Florida	ballot				
Georgia	N/A				
Hawaii	bill	0.588	0.6		
Idaho	N/A				
Illinois	bill	0.57	0.67	74	44
Indiana	N/A				
Iowa	N/A				
Kansas	N/A				
Kentucky	N/A				
Louisiana	bill	0.701	0.61	35	67
Maine	ballot				
Maryland	bill	0.89	0.94	96	42
Massachusetts	ballot				
Michigan	ballot				
Minnesota	bill	0.69	0.74	73	56
Mississippi	bill	0.85	0.88	46	76
Missouri	ballot				
Montana	ballot				
Nebraska	N/A				
Nevada	ballot				
New Hampshire	bill	0.72	0.75	216	181
new jersey	referendum	0.61	0.56	52	28
New Mexico	bill	0.54	0.52	45	25
New York	bill	0.63	0.63	107	43
North Carolina	N/A				
North Dakota	ballot				

Ohio	bill	0.74	0.56	33	63
Oklahoma	ballot				
Oregon	ballot				
Pennsylvania	bill	0.73	0.86	85	118
Rhode Island	bill				
South Carolina	N/A				
South Dakota	ballot				
Tennessee	N/A				
Texas	N/A				
Utah	ballot				
Vermont	bill	0.54		90	53
Virginia	bill	0.53	0.51	55	45
Washington	ballot				
West Virginia	bill	0.74	0.82	35	65
Wisconsin	N/A				
Wyoming	N/A				
USA	bill	0.52		221	209

State	Percent of the House that's Democrat	Percent of the House that's republican	Senate Democrats	Senate Republicans	Percent of the Senate that's Democrat	Percent of the Senate that's Republican
Alabama	0.26	0.74	8	26	0.24	0.76
Alaska						
Arizona						
Arkansas						
California						
Colorado						
Connecticut						
Delaware	0.61	0.39	14	7	0.67	0.33
DC						
Florida						
Georgia						
Hawaii						
Idaho						
Illinois	0.63	0.37	40	19	0.68	0.32
Indiana						
Iowa						
Kansas						
Kentucky						
Louisiana	0.34	0.64	11	27	0.29	0.71
Maine						
Maryland	0.696	0.304	35	12	0.74	0.26
Massachusetts						
Michigan						
Minnesota	0.57	0.43	38	23	0.61	0.37
Mississippi	0.37	0.62	16	36	0.31	0.69
Missouri						
Montana						
Nebraska						
Nevada						
New Hampshire	0.54	0.46	11	13	0.46	0.54
new jersey	0.65	0.35	25	15	0.62	0.38
New Mexico	0.64	0.36	27	15	0.64	0.36
New York	0.71	0.29	43	20	0.68	0.32
North Carolina						
North Dakota						
Ohio	0.34	0.66	10	23	0.303	0.697

Oklahoma						
Oregon						
Pennsylvania	0.42	0.58	18	31	0.37	0.63
Rhode Island						
South Carolina						
South Dakota						
Tennessee						
Texas						
Utah						
Vermont	0.6	0.35				
Virginia	0.55	0.45	21	18	0.54	0.46
Washington						
West Virginia	0.35	0.65	12	22	0.35	0.65
Wisconsin						
Wyoming						
USA	0.51	0.49	48	50	0.48	0.5

43

State	Percent of House Democrats for	Percent of House Republicans for	Number of House Democrats for	Number of House Republicans for	Percent of Senate Democrats for	Percent of senate Republicans for
Alabama	0.96	0.55	26	42	0.75	0.54
Alaska						
Arizona						
Arkansas						
California						
Colorado						
Connecticut						
Delaware	0.88	0.31	22	5	0.93	0.57
DC						
Florida						
Georgia						
Hawaii						
Idaho						
Illinois	0.84	0.09	62	4	0.875	0.158
Indiana						
Iowa						
Kansas						
Kentucky						
Louisiana	0.88	0.597	31	40	0.91	0.48
Maine						
Maryland	0.95	0.79	91	33	0.97	0.83
Massachusetts						
Michigan						
Minnesota	0.97	0.32	71	18	0.95	0.39
Mississippi	0.96	0.79	44	60	0.93	0.86
Missouri						
Montana						
Nebraska						
Nevada						
New Hampshire	0.87	0.53	188	96	1	0.54
new jersey	0.94	0	49	0	0.92	0
New Mexico	0.84	0	38	0	0.81	0
New York	0.87	0	94	0	0.93	0
North Carolina						
North Dakota						
Ohio	0.82	0.698	27	44	0.6	0.52
Oklahoma						

44

Oregon						
Pennsylvania	0.93	0.59	79	70	1	0.77
Rhode Island						
South Carolina						
South Dakota						
Tennessee						
Texas						
Utah						
Vermont	0.8	0.09	72	5		
Virginia	0.96	0	53	0	0.95	0
Washington						
West Virginia	1	0.6	35	39	1	0.73
Wisconsin						
Wyoming						
USA	0.98	0.014	217	3		

45

State	Number of Senate Democrats for	Number of Senate Republicans for	Ballot percent of population for	Ballot percent of population against	Ballot margin passed
Alabama	6	14			
Alaska			0.53	0.47	0.06
Arizona			0.6003	0.3997	0.2006
Arkansas			0.53	0.47	0.06
California			0.57	0.43	0.14
Colorado			0.55	0.45	0.1
Connecticut					
Delaware	13	3			
DC			0.7006	0.2994	0.4012
Florida			0.71	0.29	0.42
Georgia					
Hawaii					
Idaho					
Illinois	35	3			
Indiana					
Iowa					
Kansas					
Kentucky					
Louisiana	10	13			
Maine			0.502	0.497	0.005
Maryland	34	10			
Massachusetts			0.54	0.46	0.08
Michigan			0.56	0.44	0.12
Minnesota	36	9			
Mississippi	15	31			
Missouri			0.66	0.34	0.32
Montana			0.57	0.43	0.14
Nebraska					
Nevada			0.54	0.46	0.08
New Hampshire	11	7			
new jersey	23	0	0.67	0.33	0.34
New Mexico	22	0			
New York	40	0			
North Carolina					
North Dakota			0.64	0.36	0.28
Ohio	6	12			
Oklahoma			0.57	0.43	0.14
Oregon			0.56	0.44	0.12

Pennsylvania	18	24			
Rhode Island					
South Carolina					
South Dakota			0.54,.699	0.46,.301	
Tennessee					
Texas					
Utah			0.53	0.47	0.06
Vermont					
Virginia	20	0			
Washington			0.56	0.44	0.12
West Virginia	12	16			
Wisconsin					
Wyoming					
USA					

State	Percent of the population Democrat that year	Percent of the population Republican that year	Legal status	Year
Alabama			medical	2021
Alaska	0.34	0.44	full	2014
Arizona			full	2020
Arkansas	0.34	0.49	medical	2016
California	0.503	0.32	full	2016
Colorado	0.32	0.34	full	2012
Connecticut	0.37	0.204	full	2021
Delaware	0.499	0.35	medical	2011
DC			full	2014
Florida	0.43	0.41	medical	2016
Georgia	0.41	0.41	cbd	
Hawaii			medical	2000
Idaho	0.32	0.49	illegal	
Illinois			full	2019
Indiana	0.37	0.42	cbd	
Iowa	0.4	0.41	cbd	
Kansas	0.31	0.46	illegal	
Kentucky	0.43	0.44	cbd	
Louisiana	0.403	0.33	medical	2021
Maine	0.44	0.397	full	2016
Maryland	0.53	0.32	medical	2014
Massachusetts	0.54	0.29	full	2016
Michigan	0.45	0.39	full	2018
Minnesota	0.44	0.39	medical	2014
Mississippi			medical	2022
Missouri	0.38	0.47	medical	2018
Montana			full	2020
Nebraska	0.36	0.47	illegal	
Nevada	0.41	0.43	full	2016
New Hampshire	0.41	0.45	medical	2013
new jersey			full	2020
New Mexico	0.45	0.31	full	2021
New York	0.504	0.22	full	2021
North Carolina	0.43	0.41	illegal	
North Dakota	0.32	0.53	medical	2016
Ohio	0.404	0.46	medical	2016
Oklahoma	0.38	0.46	medical	2018
Oregon	0.45	0.39	full	2014
Pennsylvania	0.45	0.43	medical	2016

Rhode Island			medical	2006
South Carolina	0.39	0.43	illegal	
South Dakota			medical	2020
Tennessee	0.36	0.48	cbd	
Texas	0.4	0.39	cbd	
Utah	0.28	0.56	medical	2018
Vermont	0.55	0.3	full	2018
Virginia			full	2021
Washington			full	2012
West Virginia	0.4	0.44	medical	2017
Wisconsin	0.42	0.42	cbd	
Wyoming	0.25	0.57	illegal	
USA	0.29	0.26	illegal	2022

49

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