

Practice Update

Cannabis Industry Celebrates 2018 Election Results as Green Wave Continues to Sweep U.S.

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While the two major political parties continue to assess their mixed results from the 2018 mid-term elections, the cannabis industry is in a decidedly celebratory mood as the map continues to turn green. Three states continued the expansion of legalized marijuana as others elected cannabis-friendly governors:

- Michigan passed a ballot measure making adult-use (recreational) marijuana legal in that state. Michigan is now the first state in the Midwest and the tenth state nationwide to allow adult use;
- Meanwhile, Utah and Missouri each passed ballot measures allowing for access to medical marijuana bringing the total to 33 states;
- Other states elected governors who made marijuana reform a prominent part of their platform, including Colorado, which elected Jared Polis, California, which elected Gavin Newsom, and Illinois, which elected J.B. Pritzker.

The cannabis industry is also celebrating the change in control of the House of Representatives to Democrats, many of whom made marijuana reform a part of their campaigns. One notable congressional race resulted in Colin Allred's defeat of Congressman Pete Sessions, the powerful chair of

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the Rules Committee. Pete Sessions has been a staunch opponent of marijuana who refused to allow marijuana bills to advance in the House.

Finally, the resignation of Attorney General Jeff Sessions the day after the election was cause for further celebration in the cannabis industry. Attorney General Sessions, a longtime foe of marijuana legalization famously said “good people don’t smoke marijuana” before rescinding the Obama-era “Cole Memorandum,” which provided guidance to U.S. attorneys about limited federal law enforcement priorities.

It remains impossible to project what changes will take place in the next two years. Two notable developments to keep an eye on include the passage of the 2018 Farm Bill, which will expand legalization of hemp and the popular derivative compound CBD (cannabidiol), and possible passage of the STATES Act, which would allow states to regulate themselves and remove many of the roadblocks to banking for the industry.

Disclaimer

Possessing, using, distributing, and/or selling marijuana or marijuana-based products is illegal under federal law, regardless of any state law that may decriminalize such activity under certain circumstances. Although federal enforcement policy may at times defer to states’ laws and not enforce conflicting federal laws, interested businesses and individuals should be aware that compliance with state law in no way assures compliance with federal law, and there is a risk that conflicting federal laws may be enforced in the future. No legal advice we give is intended to provide any guidance or assistance in violating federal law.