In less than a decade’s time, national public opinion on marijuana legalization has changed dramatically, with the rate of people in support of such a change jumping from 32 percent in 2006 to 53 percent today. Will this shift lead to changes in state laws in the Midwest?

Thus far, the answer has been a clear-cut “no.” Legalization bills have not come close to passing in any of the region’s 11 state legislatures, and this November, Ohio voters rejected by a wide margin a plan to legalize marijuana via a constitutional amendment.

But state legislatures in this region continue to re-examine their laws on marijuana, as evidenced by laws and legislative proposals in this region to decriminalize possession or allow the use of cannabis for medical purposes.

**The decriminalization option**

According to NORML (a pro-legalization organization), Minnesota, Nebraska and Ohio are among the 19 U.S. states that have decriminalized certain types of marijuana possession — classifying it as a criminal misdemeanor that does not carry the threat of jail time.

The decriminalization of marijuana has also received support from Illinois’ governor and legislature. Under HB 218, passed by the General Assembly in August, individuals possessing 15 grams or less of marijuana would no longer face jail time, but instead be issued a “uniform cannabis ticket” with fines up to $125. This civil offense would also be automatically expunged in order to prevent it from being part of an individual’s permanent criminal record.

But Gov. Bruce Rauner issued an amendatory veto to HB 218, in part because he wanted to decrease possession limits from 15 grams to 10 grams and increase the fine to $200. The legislature did not act in time to override his veto.

**The medical marijuana option**

Illinois, Michigan and Minnesota are among the 23 U.S. states that allow residents with debilitating medical conditions or diseases to legally purchase and consume marijuana. (While the U.S. Food and Drug Administration has not recognized or approved the marijuana plant as medicine, two FDA-approved drugs contain cannabinoid chemicals in pill form.)

As part of their new laws, these states have established patient registries and/or ID systems as well as developed a list of diseases and conditions for which marijuana can be legally dispensed. But there also are key differences in the three Midwestern states’ medical marijuana statutes. For example:

- Illinois allows for the registration of cultivation centers and dispensing organizations.
- Minnesota directs the commissioner of health to register two in-state manufacturers for the production of all medical cannabis.
- In 2013, the Michigan Supreme Court ruled 4-1 that marijuana dispensaries in the state are illegal. As a result, patients in Michigan must grow their own marijuana or get it from a designated caregiver. That caregiver can have a maximum of five patients who use medical marijuana.
- In Illinois, patients may have 2.5 ounces of usable cannabis during a period of 14 days, while in Michigan, patients...
may possess up to 2.5 ounces of usable cannabis and 12 plants. In Minnesota, in-state manufacturers supply patients with up to a 30-day supply of non-smokable marijuana.

The legalization option

For now, although bills seeking to legalize marijuana were introduced this year in 21 states, state legalization laws remain confined to the American West, with voters in Alaska, Colorado, Oregon and Washington having approved separate initiatives over the past three years.

Ohio’s legalization proposal, Issue 3, was rejected by voters this fall by a nearly two-to-one margin.

Under the proposed constitutional amendment, anyone over the age of 21 would have been allowed to possess up to an ounce of marijuana, and individuals with a physician-certified medical condition would have been authorized to use medical cannabis. With a state license, Ohio residents could have possessed, grown, shared and cultivated up to eight ounces of marijuana and four marijuana plants.

But because of other provisions in Issue 3, many pro-legalization groups expressed ambivalence, if not outright disagreement, with the proposal. As worded, the proposal would have created 10 “marijuana growth, cultivation and extraction facilities” in Ohio. These facilities, pre-selected by Issue 3’s financial backers, would have had exclusive rights to grow plants for commercial use.

Because of this controversial language, proponents say, the recent results in Ohio do not accurately reflect public opinion on legalization itself. Another test of its popularity may come next year in Michigan, where two different groups in support of legalization have launched separate petition drives in advance of next year’s election.

By:

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