



EXPLAINER

CONGRESSIONAL
PROGRESSIVE
CAUCUS CENTER

The MORE Act: Building on State Marijuana Policy Reforms

Last Updated: November 30, 2020

Despite widespread support for drug policy reform, marijuana remains criminalized at the federal level. To date, a majority of states—38 states and Washington, D.C.—have already decriminalized marijuana or authorized its medicinal use.¹ Despite decriminalization in many states, hundreds of thousands of people are arrested and jailed for marijuana possession every year as a result of current federal law.² People of color, particularly Black people, are far more likely to be arrested for marijuana possession than white people as a result of racist drug stereotypes and systemic racism in the criminal legal system. State ballot initiatives to legalize and decriminalize marijuana across the country have successfully passed across the nation with bipartisan support. Congress is considering legislation that could help end the racially unjust war on drugs.

Congressional State of Play

House Judiciary Committee Chairman Jerrold Nadler (D-NY) and Vice President-elect Kamala Harris (then Senator) introduced the Marijuana Opportunity Reinvestment and Expungement Act of 2019 (MORE Act) on July 23, 2019—[H.R. 3884](#) and [S.2227](#). The MORE Act decriminalizes marijuana at the federal level by removing marijuana from the list of scheduled substances under the [Controlled Substances Act \(CSA\)](#) and eliminating all criminal penalties including retroactive charges, arrests, and convictions for anyone who manufactures, distributes, and possesses the drug.

Under the MORE Act, a trust fund will be established to invest in local communities with a measure that would impose a 5 percent tax on cannabis products with the revenue deposited into the fund. Half of the amount in the trust fund would be used to support communities ravaged by the drug war with job training, health education, and legal aid while the other amounts would be used to support various programs and services for individuals and businesses.³ Additionally, the MORE Act would make [Small Business Administration loans](#) and services available to marijuana businesses or service providers.

On November 20, 2019, the House Judiciary Committee [passed](#) the MORE Act by a vote of 24-10. On November 9, 2020, House Majority Leader Steny Hoyer [announced](#) that the House will vote on the MORE Act in December 2020.

The War on Drugs

Criminalization of Marijuana

In 1970, President Richard Nixon signed the CSA into law, which [classified](#) marijuana under Schedule 1—drugs that are considered to be highly addictive and are not accepted for medical use.⁴ In June 1971, President Nixon declared a “War on Drugs,” where he “increased federal funding for drug-control agencies and proposed strict measures, such as mandatory prison

¹ “THE CASE FOR COMPREHENSIVE MARIJUANA REFORM: Policies & Public Opinion.” *Data for Progress, The Justice Collaborative Institute, Fair and Just Prosecution*. August 2020, <https://fairandjustprosecution.org/wp-content/uploads/2020/08/Marijuana-Reform-Polling-Report.pdf>.

² Ibid.

³ “The MORE Act.” *Marijuana Policy Project*. 2020, <https://www.mpp.org/policy/federal/the-more-act/>.

⁴ “THE CASE FOR COMPREHENSIVE MARIJUANA REFORM: Policies & Public Opinion.” *Data for Progress, The Justice Collaborative Institute, Fair and Just Prosecution*. August 2020, <https://fairandjustprosecution.org/wp-content/uploads/2020/08/Marijuana-Reform-Polling-Report.pdf>.

sentencing, for drug crimes.”⁵ He later created the Drug Enforcement Administration (DEA) to target criminalized drug use and smuggling in the U.S., which today has a budget of more than \$2 billion.⁶ The War on Drugs has torn apart communities across the country—particularly Black communities—while failing to reduce substance abuse. From its inception, millions of Black, Brown, and Indigenous people have been targeted by this unjust, racist policy. In 1994, President Nixon’s counsel and assistant for domestic affairs revealed that this was an effort to criminalize entire communities and a means of social control and surveillance on the Black community.⁷

Disproportionate Impact on BIPOC Communities

Black, Brown, and Indigenous communities have been especially criminalized and harmed by the discriminatory and wasteful War on Drugs. For decades communities of color have been targeted with unwarranted arrests and massive prison sentences for possession of marijuana. This has led to a number of collateral consequences including loss voting rights, loss of access to housing, discrimination in employment, and restrictions on federal benefits as well as being separated from family and loved ones.⁸ In 2017, 27 percent of people who were arrested for drug law violations were Black, although Black people make up only 13.4 percent of the U.S. population.⁹

From 2010 to 2018, more than 6.1 million marijuana arrests were made.¹⁰ According to the ACLU, as of 2018, there were more marijuana possession arrests made than for all violent crimes combined and a Black person is 3.64 times more likely to be arrested for marijuana than their white counterpart.¹¹ The Drug Policy Alliance also found that prosecutors are two times more likely to pursue a mandatory minimum sentence for Black people than for white people.¹² Additionally, “nearly 80 percent of people in federal prison for drug offenses and almost 60 percent of people in state prison for drug offenses are Black or Latino.”¹³

Advocates across the country are calling for marijuana legalization and drug decriminalization to dismantle the Drug War as one critical step toward racial justice and criminal legal system reform. It’s time to end the War on Drugs, once and for all.

Widespread Support for Drug Policy Reform

Public Opinion on Marijuana

As of November 2019, two-thirds of Americans said marijuana should be legal.¹⁴ The support for legalizing marijuana has steadily increased over the past decade. A 2019 Pew Research Center poll on legalizing marijuana found that:¹⁵

- From 2010 to 2019, the share of U.S. adults who oppose legalization of marijuana fell from 52% to 32%;
- 91% of U.S. adults say marijuana should be legal either for medical and recreational use;
 - 59% support legalizing marijuana for medical and recreational use;
 - 32% support legalizing marijuana just for medical use;
- Fewer than one-in-ten, or 8%, prefer to keep marijuana illegal in all circumstances;

⁵ “War on Drugs.” *HISTORY*, December 2019, <https://www.history.com/topics/crime/the-war-on-drugs>.

⁶ *Ibid.*

⁷ “THE CASE FOR COMPREHENSIVE MARIJUANA REFORM: Policies & Public Opinion.” *Data for Progress, The Justice Collaborative Institute, Fair and Just Prosecution*. August 2020, <https://fairandjustprosecution.org/wp-content/uploads/2020/08/Marijuana-Reform-Polling-Report.pdf>.

⁸ *Ibid.*

⁹ “Drug War Statistics.” *Drug Policy Alliance*, 2020, <https://drugpolicy.org/issues/drug-war-statistics>.

¹⁰ “A Tale of Two Countries - Racially Targeted Arrests in the Era of Marijuana Reform.” *ACLU*, 2020, https://www.aclu.org/sites/default/files/field_document/042020-marijuanareport.pdf.

¹¹ *Ibid.*

¹² “The Drug War, Mass Incarceration and Race (English/Spanish).” *Drug Policy Alliance*, January 2018, <https://drugpolicy.org/resource/drug-war-mass-incarceration-and-race-englishspanish>.

¹³ “Race and the Drug War.” *Drug Policy Alliance*, 2020, <https://drugpolicy.org/issues/race-and-drug-war>.

¹⁴ “Two-thirds of Americans support marijuana legalization.” *Pew Research Center*, November 2019, <https://www.pewresearch.org/fact-tank/2019/11/14/americans-support-marijuana-legalization/>.

¹⁵ *Ibid.*

- Nearly eight-in-ten, or 78%, Democrats and Democratic-leaning independents say marijuana use should be legal;
- 55% of Republicans and Republican leaners support legalizing marijuana;
- A majority of all Millennials (76%), Generation X (65%), and Baby Boomers (63%) say marijuana should be legal.

The findings of an October 2019 Gallup’s annual Crime survey also found a majority of Americans support legalizing marijuana:¹⁶

- “66% of Americans in 2019 favor making marijuana usage legal, which was the same finding in 2018;
- 76% of Democrats, 68% of Independent voters, and 51% of Republicans support legalizing marijuana;
- 74% of non-Hispanic Black people, 66% of non-hispanic white people, and 57% of Hispanics support legalizing marijuana.”

Bipartisan Support for the MORE Act

A national poll conducted by Data for Progress, The Justice Collaborative Institute, and Fair and Just Prosecution found strong bipartisan support for the MORE Act. The following are the findings of the national poll:¹⁷

- “58% of likely voters, including 54% of Republicans, think that the federal government should legalize the use and sale of marijuana;
- 69% of likely voters, including 67% of Republican voters, believe the federal government should respect the rights of individual states that have already legalized marijuana sales and not pursue legal action against them;
- 63% of likely voters, including 59% of Republicans, believe that some tax funds from the sale of marijuana should go to the community reinvestment funds to support the communities most harmed by punitive drug policy;
- 65% of likely voters, including 67% of Republicans, agree that marijuana tax dollars provide valuable revenue for states;
- Even in states where marijuana remains illegal, 60% of likely voters, including 58% of Republicans, believe that police should stop arresting people for the possession of marijuana intended for personal use; while 55% overall, and 50% of Republicans, believe policy should stop arresting people for the sale of small quantities of marijuana;
- 62% of likely voters, including 60% of Republicans, support the MORE Act when asked about its specific provisions.”

State Reform Initiatives

The following table lists the states that voted to legalize and decriminalize marijuana from 2018-2020 through ballot measures or through the state legislature. It also highlights which party had state control or which party took control of their state legislature when these initiatives passed. Regardless of political party in power, voters and legislators overwhelmingly supported ballot measures and legislation to decriminalize marijuana and drug policy reform.

¹⁶ “U.S. Support for Legal Marijuana Steady in Past Year.” GALLUP, October 2019, <https://news.gallup.com/poll/267698/support-legal-marijuana-steady-past-year.aspx>.

¹⁷ “THE CASE FOR COMPREHENSIVE MARIJUANA REFORM: Policies & Public Opinion.” Data for Progress, The Justice Collaborative Institute, Fair and Just Prosecution. August 2020, <https://fairandjustprosecution.org/wp-content/uploads/2020/08/Marijuana-Reform-Polling-Report.pdf>.

State	Year	Proposal Details	Party with State Control (if legislation passed) or Election Results (if passed via ballot measure) during indicated year
Vermont	2018	Legalizes marijuana through state legislature ¹⁸ *First state to pass through legislature	<ul style="list-style-type: none"> ● Governor: R ● Lt Governor: D ● State Senate: D ● State House: D
Indiana	2018	Legalizes CBD for any use through state legislature ¹⁹	<ul style="list-style-type: none"> ● Governor: R ● State Senate: R ● State House: R
Kansas	2018	Legalizes CBD for any use through state legislature ²⁰	<ul style="list-style-type: none"> ● Governor: D ● State Senate: R ● State House: R
Oklahoma	2018	Voter ballot measure to legalize medical marijuana ²¹	<ul style="list-style-type: none"> ● Governor: R ● State Senate: R ● State House: R
Michigan	2018	Voter ballot measure to legalize recreational marijuana ²²	<ul style="list-style-type: none"> ● Governor: D ● State Senate: R ● State House: R
Missouri	2018	Voter ballot measure to legalize medical marijuana ²³	<ul style="list-style-type: none"> ● Governor: R ● State Senate: R ● State House: R
Utah	2018	Voter ballot measure to legalize medical marijuana ²⁴	<ul style="list-style-type: none"> ● Governor: R ● State Senate: R ● State House: R
New Mexico	2019	Decriminalizes marijuana through state legislature ²⁵	<ul style="list-style-type: none"> ● Governor: D ● State Senate: D ● State House: D
North Dakota	2019	Decriminalizes marijuana through state legislature ²⁶	<ul style="list-style-type: none"> ● Governor: R ● State Senate: R

¹⁸ "Vermont governor signs marijuana legalization bill." *The Hill*, January 2018,

<https://thehill.com/homenews/state-watch/370139-vermont-governor-signs-marijuana-legalization-bill>.

¹⁹ "Indiana Legalizes Medical CBD Oil, Again." MERRY JANE, March 2018, <https://merryjane.com/news/indiana-legalizes-medical-cbd-oil-again>.

²⁰ "Cannabis extract CBD now legal in Kansas — with one big caveat." *THE KANSAS CITY STAR*, JUNE 2018,

<https://www.kansascity.com/news/business/health-care/article212344934.html>.

²¹ "Oklahoma votes to legalize medicinal marijuana." *The Hill*, June 2018,

<https://thehill.com/regulation/healthcare/394327-oklahoma-votes-to-legalize-medicinal-marijuana-despite-opposition-from>.

²² "Proposal 1: Marijuana legalization passes in Michigan." *Detroit Free Press*, November 2018,

<https://www.freep.com/story/news/politics/elections/2018/11/06/marijuana-legal-michigan-results/1835274002/>.

²³ "Missouri Votes To Legalize Medical Marijuana." *Forbes*, November 2018,

<https://www.forbes.com/sites/tomangell/2018/11/06/missouri-votes-to-legalize-medical-marijuana/?sh=58012d4a575c>.

²⁴ "Medical cannabis sales begin; home delivery and drive-through access approved." *Marijuana Policy Project*, May 2020, <https://www.mpp.org/states/utah/>.

²⁵ "New Mexico Governor Signs Marijuana Decriminalization Bill." *Forbes*, April 2019,

<https://www.forbes.com/sites/tomangell/2019/04/04/new-mexico-governor-signs-marijuana-decriminalization-bill/?sh=e8e3bb625ed9>.

²⁶ "North Dakota Governor Signs Marijuana Decriminalization Bill." *MARIJUANA MOMENT*, May 2019,

<https://www.marijuanamoment.net/north-dakota-governor-signs-marijuana-decriminalization-bill/>.

			<ul style="list-style-type: none"> ● State House: R
Illinois	2019	Legalizes recreational marijuana, including its commercial sale through state legislature ²⁷	<ul style="list-style-type: none"> ● Governor: D ● State Senate: D ● State House: D
Hawaii	2019	Decriminalizes marijuana through state legislature ²⁸	<ul style="list-style-type: none"> ● Governor: D ● State Senate: D ● State House: D
Virginia	2020	Decriminalizes marijuana through state legislature ²⁹	<ul style="list-style-type: none"> ● Governor: D ● State Senate: D ● State House: D
Vermont	2020	Legalizes commercial recreational marijuana through state legislature ³⁰	<ul style="list-style-type: none"> ● Governor: R ● State Senate: D ● State House: D
Arizona	2020	Voter ballot measure to legalize recreational marijuana ³¹	<ul style="list-style-type: none"> ● Governor: R ● State Senate: R ● State House: R
Montana	2020	Voter ballot measure to legalize recreational marijuana ³²	<ul style="list-style-type: none"> ● Governor: D ● State Senate: R ● State House: R
New Jersey	2020	Voter ballot measure to legalize recreational marijuana ³³	<ul style="list-style-type: none"> ● Governor: D ● State Senate: D ● State House: D
South Dakota	2020	Voter ballot measure to legalize recreational marijuana ³⁴ <i>*first state to legalize recreational use without legalizing medical use first</i>	<ul style="list-style-type: none"> ● Governor: R ● State Senate: R ● State House: R
Mississippi	2020	Voter ballot measure to legalize medical marijuana ³⁵	<ul style="list-style-type: none"> ● Governor: R ● State Senate: R ● State House: R

²⁷ "POLITICS Illinois Governor Signs Historic Marijuana Legalization Bill." *MARIJUANA MOMENT*, June 2019, <https://www.marijuanamoment.net/illinois-governor-signs-historic-marijuana-legalization-bill/>

²⁸ "Hawaii Marijuana Decriminalization Will Take Effect, Governor Says." *MARIJUANA MOMENT*, June 2019, <https://www.marijuanamoment.net/hawaii-marijuana-decriminalization-will-take-effect-governor-says/>

²⁹ "POLITICS Virginia Governor Approves Marijuana Decriminalization Bill." *MARIJUANA MOMENT*, April 2020, <https://www.marijuanamoment.net/virginia-governor-approves-marijuana-decriminalization-bill/>

³⁰ "Vermont Governor Allows Marijuana Sales Legalization Bill To Take Effect Without His Signature." *MARIJUANA MOMENT*, October 2020, <https://www.marijuanamoment.net/vermont-governor-allows-marijuana-sales-legalization-bill-to-take-effect-without-his-signature/>

³¹ "Arizona Passes Prop 207 to Become the 13th State to Legalize Marijuana." *Azmarijuana*, November 2020, <https://azmarijuana.com/arizona-medical-marijuana-news/arizona-legalizes-recreational-marijuana-2020/>

³² "Montana Voters Approve Marijuana Legalization Ballot Measures." *MARIJUANA MOMENT*, November 2020, <https://www.marijuanamoment.net/montana-voters-approve-marijuana-legalization-ballot-measure/>

³³ "Finally, New Jersey Might Be Cooler Than New York." *The New York Times*, November 2020, <https://www.nytimes.com/2020/11/16/style/new-jersey-marijuana.html>

³⁴ "South Dakota Voters Approve Recreational And Medical Marijuana Legalization Ballot Measures." *MARIJUANA MOMENT*, November 2020, <https://www.marijuanamoment.net/south-dakota-approves-medical-marijuana-ballot-measure-as-recreational-legalization-results-come-in/>

³⁵ "Mississippi legalizes medical marijuana!" *Marijuana Policy Project*, November 2020, <https://www.mpp.org/states/mississippi/>

Oregon	2020	Voter ballot measure to decriminalize drug possession and has expanded access to addiction services ³⁶	<ul style="list-style-type: none">● Governor: D● State Senate: D● State House: D
--------	------	---	--

³⁶ "Oregon Decriminalizes Drug Possession." *Addiction Center*, November 2020, <https://www.addictioncenter.com/news/2020/11/oregon-decriminalizes-drug-possession/>.