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The MORE Act of 2021: Dismantling the Drug War with Federal Marijuana Decriminalization

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A majority of states—[38 states and Washington, DC](#)—have decriminalized marijuana or authorized its medicinal use despite federal prohibition. State ballot initiatives to legalize and decriminalize marijuana across the country have successfully passed with bipartisan support. Opinion polls show strong support for medical and recreational use of marijuana nationwide.

Nevertheless, [hundreds of thousands](#) of people are still arrested and jailed for marijuana possession every year as a result of current federal marijuana policy. [Black and brown 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.

Congress is once again considering legislation that could move the country closer to ending the racist drug war. In the 116th Congress, the House of Representatives passed the [Marijuana Opportunity Reinvestment and Expungement \(MORE\) Act](#) with bipartisan support (228-164), but the Senate did not take up the bill before the end of the Congress. On May 28, House Judiciary Committee Chair Jerrold Nadler (NY-10) and Reps. Earl Blumenauer (OR-03), Barbara Lee (CA-13), Sheila Jackson Lee (TX-18), Hakeem Jeffries (NY-08), and Nydia Velázquez (NY-07) introduced the MORE Act of 2021 ([H.R.3617](#)). Senate Democrats are planning to build off the MORE Act later this year.

Racist Drug War

In 1970, President Richard Nixon signed the Controlled Substances Act into law, which classified marijuana under [Schedule 1](#)—drugs that are considered to be highly addictive and are not accepted for medical use. In June 1971, President Nixon declared a “[War on Drugs](#),” proposing increased federal funding for drug control agencies and mandatory prison sentences for drug crimes. He later created the Drug Enforcement Administration (DEA) to target criminalized drug use and smuggling. Today, the DEA has a budget of [more than \\$2 billion](#).

The drug war has torn apart communities across the country—particularly Black communities—while failing to reduce or address substance abuse. From its inception, millions of Black, brown, and Indigenous people have been targeted by this unjust, racist drug criminalization system. In 1994, [John Ehrlichman](#), President Nixon’s counsel and assistant for domestic affairs, revealed that this was an intentional effort to criminalize entire communities and a means of social control and surveillance of the Black community.

Black, brown, Indigenous, and low-wealth communities have been [targeted and criminalized](#) through the racist drug war. The drug war has been a vehicle for mass incarceration, deportation, disenfranchisement, and a militarized police force and violence. It has created unnecessary and discriminatory barriers to housing and employment, and restricted access to public assistance. Too many families have been torn apart by racist drug laws. 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.

From 2010 to 2018, [more than 6.1 million people](#) were arrested for marijuana. According to the ACLU, as of 2018, there were more people arrested for marijuana possession than for all violent crimes combined and a Black person is [nearly four times more likely](#) to be arrested for marijuana than a white person. Prosecutors are [two times more likely](#) to pursue a mandatory minimum sentence for Black people than for white people. [Nearly 80 percent](#) of people in federal prison and almost 60 percent of people in state prison for drug offenses are Black or Latino.

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 drug war, once and for all.

MORE Act of 2021

The MORE Act decriminalizes marijuana at the federal level by removing marijuana from the [Controlled Substances Act \(CSA\)](#) list of scheduled substances, and it would eliminate all criminal penalties—including retroactive charges, arrests, and convictions for anyone who manufactures, distributes, and possesses the drug. Records of previously convicted people will also be expunged. A new Office of Cannabis Justice would be tasked with advancing equity provisions and ensuring that public services, including housing assistance, could not be denied because of an individual's marijuana use, possession, or prior conviction for a marijuana offense. If passed, the MORE Act would also ensure that use, possession, or prior marijuana convictions could not be used against individuals in enforcement or prosecution of immigration laws.

Under the MORE Act, a [trust fund](#) would be established to provide funding for local communities through a five-percent tax on cannabis products at the manufacturer level. Half of the trust fund would be used to support communities ravaged by the drug war through job training, health education, and legal aid, while the other half would be used to support various programs and services for individuals and businesses. Additionally, the MORE Act would make Small Business Administration loans and services available to marijuana businesses or service providers, as well as provide supplemental support for individuals who have been targeted by the drug war to participate in the marijuana economy. This provision improves upon the previous version of the bill by expanding assistance to start small businesses to socially and economically disadvantaged entrepreneurs beyond the marijuana industry.

In the 116th Congress, the MORE Act included a provision that barred people with federal marijuana convictions from receiving a federal permit to operate a marijuana business. Advocates strongly opposed this provision, and it was removed in the newest iteration of the House bill. However, the MORE Act of 2021 still allows for [continued marijuana testing](#) of federal workers, which many drug policy advocates cite as regressive.

In addition to the MORE Act, the [House Appropriations Committee](#) recently approved a Financial Services and General Government Appropriations bill that would provide limited protections for banks serving licensed marijuana businesses. It excludes a longstanding policy rider preventing DC from legalizing marijuana.

State Reform Initiatives

The following table lists the states that voted to legalize and decriminalize marijuana from 2018 to 2021 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, as part of broader efforts to reform drug policy.

State	Year	Reform Description	Partisan Control¹ or Vote Results²
Vermont	2018	Legalizes marijuana (first state to pass through legislature)	Governor: R Lt Governor: D State Senate: D State House: D
Indiana	2018	Legalizes CBD for any use	Governor: R State Senate: R State House: R
Kansas	2018	Legalizes CBD for any use	Governor: D State Senate: R State House: R
Oklahoma	2018	Legalizes medical marijuana	Support: 57% Oppose: 43%
Michigan	2018	Legalizes recreational marijuana	Support: 56% Oppose: 44%
Missouri	2018	Legalizes medical marijuana	Support: 66% Oppose: 34%

¹ Partisan control reflects the party affiliation of the Governor and majority party in chambers of the state legislature at the time the reform passed.

² Election results provided if the reform passed by ballot measure.

Utah	2018	Legalizes medical marijuana	Support: 53% Oppose: 47%
North Dakota	2019	Decriminalizes marijuana	Governor: R State Senate: R State House: R
Illinois	2019	Legalizes recreational marijuana, including its commercial sale	Governor: D State Senate: D State House: D
Hawaii	2019	Decriminalizes marijuana	Governor: D State Senate: D State House: D
Vermont	2020	Legalizes commercial recreational marijuana	Governor: R State Senate: D State House: D
Arizona	2020	Legalizes recreational marijuana	Support: 60% Oppose: 40%
Montana	2020	Legalizes recreational marijuana	Support: 57% Oppose: 43%
New Jersey	2020	Legalizes recreational marijuana	Support: 67% Oppose: 33%
South Dakota	2020	Legalizes recreational marijuana (first state to legalize recreational use without legalizing medical use first)	Support: 54% Oppose: 46%
Mississippi	2020	Legalize medical marijuana (overturned by Mississippi Supreme Court)	Support: 69% ³ Oppose: 31%
Oregon	2020	Decriminalizes drug possession and expands access to addiction services	Support: 58% Oppose: 42%
Alabama	2021	Legalizes medical marijuana	Governor: R State Senate: R State House: R
New Mexico	2021	Legalizes recreational marijuana and its commercial sale	Governor: D State Senate: D State House: D

³ Mississippi voters chose between two competing medical marijuana legalization proposals and 74% opted for the less restrictive proposal.

New York	2021	Legalizes recreational marijuana and its commercial sale	Governor: D State Senate: D State House: D
Virginia	2021	Legalizes recreational marijuana and its commercial sale	Governor: D State Senate: D State House: D
Connecticut	2021	Legalizes recreational marijuana and its commercial sale	Governor: D State Senate: D State House: D
Louisiana	2021	Decriminalizes marijuana	Governor: D State Senate: R State House: R

Widespread Support for Marijuana Decriminalization and Legalization

Public Opinion on Marijuana

- [Pew Research Center](#), April 2021: More than 9 in 10 Americans support some level of marijuana legalization: 60% support legalization for recreational and medical use, 31% support legalization for medical use only, and only 8% believe marijuana should not be legal at all.
- [Quinnipiac University](#), April 2021: “Nearly 7 in 10 Americans think the use of marijuana should be made legal in the United States.”
- [Bully Pulpit Interactive](#), May 2020: 66% of voters support “eliminating criminal penalties for drug possession and reinvesting drug enforcement resources into treatment and addiction services.”

Bipartisan Support for the MORE Act

A [national poll](#) conducted in August 2020 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:

- 62% of likely voters, including 60% of Republicans, support the MORE Act when asked about its specific provisions.
- 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 community reinvestment funds to support the communities most harmed by punitive drug policy.
- 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 police should stop arresting people for the sale of small quantities of marijuana.