

# [***Where Is Cannabis Legal? A Guide To All 50 States***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:652F-1D01-JBCM-F0PH-00000-00&context=1516831)

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**Highlight:** Recreational cannabis is now legal in 24 states and five more could legalize adult-use sales this year. But will the DEA finally remove pot from the list of the world s most dangerous drugs?

**Body**

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Weed the People: With 70 percent of Americans now in favor of legalization, the DEA could play a major role in ending pot prohibition this year.

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**Recreational cannabis is now legal in 24 states and five more could legalize adult-use sales this year. But will the DEA finally remove pot from the list of the world s most dangerous drugs?**

SinceOhio became the 24th state to legalize adult-use cannabislast November, the majority of Americans now live in a place where weed is legally available. And with the Biden Administration expected to complete its formal review of the scheduling of marijuana this year, 2024 is full of anticipation even though cannabis is still illegal under federal law.

Congressman Earl Blumenauer (D-OR), the co-chair of the Congressional Cannabis Caucus, who will retire from ***politics*** at the end of this legislative session, believes there is a productive year ahead for possible major cannabis reform at the federal level.

In my final year in Congress, and then in the talented hands of the 119th Congress Cannabis Caucus Co-Chairs, we will take bold action to end the failed war on drugs once and for all, Blumenauer wrote in a memo published in early January. Despite dysfunction in Congress, we can accomplish significant reforms in cannabis in 2024. It is a commonsense issue that can bring people together rather than divide them.

In December, Blumenauer co-sponsored Republican Representative David Joyce sStrengthening the Tenth Amendment Through Entrusting States (STATES) Act, which, if passed, would remove state-legal marijuana as a Schedule I drug. The bi-partisan bill also tries to placate lawmakers who are not in favor of cannabis reform: the legislation would keep marijuana grown and produced outside of the licensed market illegal at the federal level, allowing states that do not want to legalize pot tokeep prohibition in place.

Currently, 24 states and Washington, D.C., have legalized recreational use for adults 21 years and older, while 38 states have legal medical marijuana programs. Cannabidiol (CBD), another active ingredient in cannabis that is associated with some medical benefits but does not get users high, is federally legal and an additional 10 states passed laws to permit the use of products containing CBD and small amounts of tetrahydrocannabinol (THC), the compound found in marijuana responsible for getting people stoned. That leaves only two states Idaho and Nebraska that do not allow for any kind of state-sanctioned marijuana use.

In one of themost significant steps toward cannabis law reform, President Biden announced in October 2022 that he wouldpardon all U.S. citizens convicted of federal marijuana possessionand also asked the Department of Health and Human Services and the Attorney General to review expeditiously how marijuana is scheduled under federal law. Currently, cannabis is classified as a Schedule 1 drug, a category reserved for narcotics (such as heroin or LSD) with a high potential for abuse and no medical value. In late August last year, HHS recommended that theDrug Enforcement Administration should recategorize marijuana as a Schedule IIIdrug, meaning it has a low to moderate potential for abuse. The decision is now in the hands of the DEA.

Andrew Freedman, the executive director of the Washington, D.C.-based nonprofit Coalition for Cannabis Policy, Education and Regulation, says the DEA is a black box and no one knows for sure what and when they will decide regarding a potential re-scheduling around marijuana. But the Biden Administration s view, Freedman says, is that the DEA will reveal its decision sometime during the first two quarters of 2024.

I still have no reason to think it'll be anything but Schedule III, says Freedman. But the big question will be how does litigation play out? If it is a long road of litigation, that's going to be tough does the rule survive two years of litigation, or a potential change of administration?

Jaret Seiberg, an analyst and the managing director at TD Cowen s Washington Research Group, wrote in a January memo that Washington will be busy this year with cannabis policy but that the success of Biden s rescheduling effort likely depends on President Biden winning a second term.

Freedman notes that while a change in marijuana s scheduling would obviously be huge for the industry, it is the least important policy question. While marijuana being categorized as a Schedule III drug, along with ketamine and anabolic steroids, would help, especially by removing thepunitive tax code plant-touching cannabis companies must pay under, it would not allow for interstate commerce. Without the ability for state-legal cannabis companies to ship products across state lines, the industry will continue to be the redheaded stepchild of the economy that cannot fully function.

Paul Armentano, deputy director of nonprofit marijuana legalization advocacy group NORML, says that while it is exciting to ponder changes at the federal level, 2024 will be defined by changes made in individual states.

As in past years, I think the bulk of the legislative activity is going to take place on the state level, says Armentano. We're going to continue to see lawmakers in states address issues surrounding both legal access and regulation, as well as a number of the ancillary issues that arise when a state legalizes cannabis, such as employment rights, facilitating expungement, strengthening parental rights, addressing issues surrounding whether or not the smell of marijuana constitutes probable cause for a search.

As the 2024 Presidential Election gears up, most Americans now support legalization, and it is clear that cannabis reform is a winning issue, as Blumenauer describes it. And no matter who becomes the next president, five additional states could legalize recreational cannabis this year. Here s where the cannabis map could expand in 2024.

**Florida**

Home to the nation s largest medical market, advocates collected more signatures required to get a ballot measure put in front of voters, but the state s Attorney General has challenged the measure s language in court. Alegal battle is currently under wayand the outcome will decide whether Floridians will see a ballot measure in 2024.

**Hawaii**

In Hawaii, where medical marijuana is legal, Gov. Josh Green is on record in favor of legalizing adult use. I think that people already have moved past that culturally as a concern, Green, a Democrat,saidduring a debate. The senate passed a bill that would legalize adult-use in 2023, but the House did not schedule a vote. In November 2023, Hawaii s attorney general, Anne Lopez,released a bill proposalthat would legalize adult-use sales if passed.

**New Hampshire**

Governor Chris Sununuissued a statement in early May2023 about how he is ready to sign a bill with the right policy and right framework. But in December, the Governor told a commission of legislators working on a legalization proposal thathe would veto any billunless it banned marijuana companies from lobbying the government and capped retail shops at 15 across the state. The commission ended 2023 without a bill proposal recommendation. New Hampshire is the only state in New England that has not legalized recreational marijuana.

**Pennsylvania**

Medical marijuana is legal in the Keystone State, and a bill to legalize adult-use wasintroduced last yearby two lawmakers, one Democrat and one Republican. Governor Josh Shapiro, a Democrat, supports legalizing marijuana for people 21 and older. However, there is not enough Republican support in the state Senate for the bill to reach the floor for a vote,reports.

**Virginia**

In 2021, Virginia legalized cannabis possession but lawmakers have been unable to pass additional legislation required to launch retail sales. There are high hopes for this year as Democrats now control both the state Senate and the House, although they have a slim majority and any bill could be vetoed by Governor Glenn Youngkin, a Republican.

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