

Adult-Use Cannabis Referendum Is A Failure From the Start

Perhaps even more disappointing than the Legislature punting its duty to the voters with a vague and incomplete referendum for the constitutional amendment to legalize marijuana is that industry leaders — and Gov. Murphy himself — have such low expectations that they characterized it as “better than nothing.”

Despite that, the language offered to the voters leaves them unable to envision how an adult-use market would function, with 61% of New Jerseyans in favor of adult-use cannabis, they might adopt the posture of their leaders and vote yes anyway. Ironically, that leaves the administration and the Legislature, who for two years have never found common ground on the issue, with the responsibility of formatting the industry.

Is the theory that if the voters are desperate enough to say “yes” it will be empowering enough that the elected officials can do their jobs? That is certainly not an ideal manifestation of the duty to govern.

Similar to the casino expansion referendum, this referendum has support from the Murphy administration and many members of the Legislature, as well as respected advocacy and education groups; and in theory, it will give the voters what they want and add revenues to a state desperate to improve its fiscal health.

But also similar to the casino expansion, this referendum is ripe for criticism from all sides: some will say it doesn’t do enough and others will say it leaves decision making in a Legislature that can’t be trusted. When you add those detractors to the 39% of the public who don’t want to see legalized cannabis, and you factor in that many legislators and especially local officials who oppose legalization will undermine the referendum, the [Constitutional Amendment to Legalize Marijuana](#) may very well fail.

That our legislative leaders are asking the public to vote on something that they won’t vote on themselves reeks of their insincerity in truly wanting to create an adult-use cannabis industry in New Jersey. It leaves millions of dollars in tax revenue on the table for our neighboring states to pick up, empowers the black market to maintain cannabis through criminals, and places thousands of minorities still vulnerable to incarceration for minor drug-related offenses.

In response to the Legislature’s prior recalcitrance to advance adult-use cannabis, the administration previously expanded the medical marijuana program to cover more patient indications and to streamline medical authority to prescribe. Should the referendum not pass, we anticipate that the Administration would again expand the Medical Marijuana regime, an expensive and clunky solution that will prevent legislators from truly reforming the prohibition on cannabis and its social justice ramifications.

Brach Eichler recently issued [“New Jersey Cannabis: Observations on Opportunity Lost Along the Way,”](#) which observes that our original estimate that adult-use cannabis would bring in \$1 billion has proven quite accurate: except that while our elected officials squabbled, this revenue went to our neighboring states that have since surpassed us in every measurable cannabis statistic.