

Brach Eichler Poll Shows New Jersey Voters Favor a Higher Sales Tax on Legal Marijuana

Roseland, NJ - August 20, 2020 – New Jersey voters believe that if cannabis is legalized for recreational use it should be taxed at a higher rate than the current 6.625% sales tax, according to the second in a series of polls conducted by the Cannabis Law Practice of the law firm Brach Eichler LLC.

The Brach Eichler Cannabis Poll also revealed strong support for ensuring minorities get fair and equal access to licenses for legal businesses, while support dropped slightly for the creation of consumption lounges in the Garden State.

Overall, New Jersey voters remained overwhelmingly in support of legalizing cannabis – with 66 percent in favor, 27 percent opposed and 7 percent unsure. Voter awareness was also strong, with 71 percent saying they knew of the impending vote and 29 percent unaware.

“The Brach Eichler Cannabis Poll shows that as we get closer to the November election, public awareness and support for the legalization of adult cannabis use is steady or growing,” said **John D. Fanburg**, Co-Chair of the [Cannabis Law Practice](#) at Brach Eichler. “Additionally, we can see that voters are recognizing the importance of addressing the social justice impact of disproportional enforcement and arrests against New Jersey’s minority population. It will be interesting to see how the results change when lobbying for and against the initiative intensifies this Fall.”

The Brach Eichler Cannabis Poll questioned 500 registered New Jersey voters from August 5 to August 13, 2020. The margin of error is plus or minus 4.4 percentage points. Brach Eichler, a recognized thought leader in cannabis law, was one of the first New Jersey law firms to form a dedicated cannabis law practice committed to providing advice and counsel to businesses and individuals seeking to understand the complex laws surrounding cannabis.

Sales tax on cannabis has become a subject of discussion in New Jersey, as the state faces a budget crunch due to the COVID-19-related economic downturn. Additionally, the state tax on medical marijuana is being phased out and will be eliminated in 2022.

Of those surveyed, 55 percent said recreational cannabis should be taxed at a higher rate than the current 6.625 percent state tax, while 30 percent opposed it.

“Most people don’t favor higher taxes, but we believe this reflects both an awareness of the fiscal needs of the State, as well as an understanding that other states that have legalized cannabis have imposed taxes and surcharges of up to 25 percent,” said **Charles X. Gormally**, Co-Chair of the Cannabis Law Practice at the firm. “Voters are also saying they want the revenue derived from this taxation to be earmarked for drug awareness and education.” The poll showed 71 percent favored that use for revenue and 16 percent opposed it, he noted.

If the ballot question is approved, New Jersey would license an adult-use cannabis marketplace. Voters surveyed overwhelmingly said the State should ensure that minorities have fair and equal access to this business opportunity, by a margin of 74 percent to 12 percent, with 14 percent unsure.

“This reflects the increasing national awareness and growing concern about how minority groups have been disproportionately impacted by the failed policy of cannabis prohibition,” said Gormally. “Meaningful minority group participation in the ownership of new cannabis businesses is a direct and credible way to address this longstanding social justice concern.”

The Brach Eichler Cannabis Poll also found that support for “consumption lounges” – akin to bars for cannabis – slipped since the

first poll. The August survey found lounges backed 47 percent to 41 percent, down from the July survey, when support was 50 percent versus 38 percent opposed. In both polls 12 percent were undecided.

At the same time, support for “home rule” – allowing municipalities to decide if cannabis businesses would be allowed in their towns – remained narrow, with 45 percent in favor, 39 percent opposed and 16 percent unsure.

Putting the Brach Eichler Cannabis Poll in the context of politics, there is support for legal marijuana across all parties. It was supported among Democrats, 77 to 18 percent; Republicans 56 to 37 percent; and Independents 58 to 32 percent. However, among those same voters, 52 percent said they would vote for Democrat Joe Biden for president, while 33 percent backed Donald Trump, the Republican. The remaining 15 percent were split between favoring another candidate or being unsure.

The Brach Eichler Cannabis Poll was conducted by DKC Analytics. Future polls will examine New Jersey voters’ views on cannabis, the prospective marketplace, and its potential impact on life in the Garden State.

Brach Eichler LLC is a leader in Cannabis Law representation. Please see our [Cannabis Resource Center](#) for more thought leadership around medical and recreational cannabis in New Jersey, including our podcast, Cannabis Realities; white papers; videos; blogs; and more.

About Brach Eichler LLC

Brach Eichler LLC is a full-service law firm based in Roseland, NJ. With over 80 attorneys, the firm is focused on the following practice areas: Healthcare Law; Real Estate; Litigation; Trusts and Estates; Business Transactions & Financial Services; Personal Injury; Criminal Defense and Government Investigations; Labor and Employment; Environmental and Land Use; Family Law Services; Patent, Intellectual Property & Information Technology; Real Estate Tax Appeals; Tax; and Cannabis Law. Brach Eichler attorneys have been recognized by clients and peers alike in The Best Lawyers in America®, Chambers USA, and New Jersey Super Lawyers.