

Despite Vote, Cannabis is Still Illegal Until State Legislature Acts

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On Tuesday, New Jersey voters approved a constitutional amendment to legalize marijuana. But that doesn't mean marijuana is legal now; only that the state legislature is required to enact laws creating a regulatory framework for legalizing marijuana in the future. As stated by Attorney General Gurbir Grewal, marijuana is still currently illegal. In 2018, when lawmakers were debating whether to expand New Jersey's medical marijuana law, Attorney General Grewal had ordered county and municipal prosecutors to suspend marijuana-related cases. In August 2018, after it became clear recreational marijuana would not be legal in the near term, Attorney General Grewal had allowed marijuana prosecutions to continue, but with additional guidance on when dismissals may be warranted. In his press release yesterday, after the referendum on legalizing marijuana, Attorney General Grewal stated that additional guidance would be forthcoming from his office on this issue. Although it's possible he could once again suspend marijuana-related prosecutions until a legal framework is implemented, New Jerseyans should know that they are currently at risk of arrest and prosecution for possessing or smoking marijuana until the legislature acts.