

Book Proposal

*Green Rush:  
The Rise of Legal Marijuana in the American States*

A. Lee Hannah  
Associate Professor of Political Science  
Wright State University  
PhD, MA – Pennsylvania State University  
BA, MEd – Virginia Tech  
[lee.hannah@wright.edu](mailto:lee.hannah@wright.edu)  
(937) 979-5550

Daniel J. Mallinson  
Assistant Professor of Public Policy and Administration  
Penn State Harrisburg  
PhD, MA – Pennsylvania State University  
MA – Villanova University  
BA – Elizabethtown College  
[mallinson@psu.edu](mailto:mallinson@psu.edu)  
(717) 948-6503

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## *Green Rush: The Rise of Legal Marijuana in the American States*

### *Synopsis*

Marijuana legalization is increasingly viewed as an inevitability in the United States, but that has not always been the case. In fact, changing federal marijuana policy has been so difficult that the states remain the locus of marijuana policy activity. We argue that you can't understand current marijuana policy without centering that story on the states. The story of marijuana legalization from the perspective of the states has not yet been comprehensively told, but there would be no air of inevitability without hard work by elected officials, interest groups, and citizens in liberal and conservative states. In this book, we seek to explain how marijuana programs evolved from policies that provided individuals the legal cover for patients to grow their own plants or purchase a small supply from a cannabis club into a complex and expanding 50-billion-dollar industry.

But how did we get here and why has pro-marijuana policy spread so fast in a country that has poured billions of dollars into a multi-decade domestic and international war on drugs? *The Green Rush* leverages social science theory and methods to tell the story of how medical marijuana emerged in the 1990s, was legitimized by the states and even the federal government, spread to a majority of states, and set the stage for the current movement to legalize adult recreational use. The relatively rapid shift in pro-marijuana public sentiment and policy does not mean that political fights over the issue's framing and policy details have ceased. We use the policy process model to explain why state marijuana policies emerged, how nimble issue framing has kept it spreading, and how the dynamics of federalism complicate its implementation in the states. While several books have been written about marijuana policy, they are largely broad histories and place much of the focus on federal drug policy from a narrative, journalistic, or legal framework. This book takes a comprehensive approach and focuses on each stage of the policy process, setting it apart from books focusing on one or two aspects of marijuana policy. This is the first book to delve into the state-to-state political dynamics that have brought marijuana policy to its current status. And now, state policies have increased pressure for federal action to relieve the implementation problems states face in legalizing a federally prohibited substance.

*Green Rush* first assesses how grassroots organizations, and an increasingly corporatized and professionalized industry, managed to get medical marijuana on the decision-making agendas of more than 30 states. By looking at the evolution of issue framing from helping AIDS and cancer patients in the late 1990s to helping children and veterans in the 2010s, we show how having a nimble issue frame

facilitated the spread of a controversial policy like marijuana. We next examine the role of ballot initiatives, political polarization, and ideological similarity in the adoption of medical marijuana by 33 states. We expand on our theory of “defiant innovation” - a process whereby states, through initiatives or the legislature, pass laws that not only circumvent, but also reimagine federal law (Hannah and Mallinson 2018, p. 403). We argue that state marijuana policies are defiant innovations, as the federal government has retained outright prohibition of marijuana usage and its stance that marijuana has no medicinal value. We discuss the implications of this for our understanding of the American federal system. We anticipate more defiant innovations in this era of uncooperative federalism (Bulman-Pozen and Gerken 2009), as states have become increasingly emboldened to resist policies of the Obama and Trump Administrations. The example of marijuana is instructive.

Of course, adoption is not the end of the policy process. The implementation of medical marijuana policies requires multiple state agencies and stakeholders to get off of the ground and over time the programs become increasingly medicalized and professionalized. Through a case comparison of Ohio and Pennsylvania, we illuminate how state capacity, politics, and policy design shaped the very different trajectories of policies that were both adopted in 2016. Much has been written about the substantial differences between medical marijuana laws, but we focus in this chapter on how these differences shape policy outcomes like the speed of opening dispensaries, numbers of patients, and more. We then address how policy feedback and cross-state learning occurred that helped to better medicalize programs in many states, legitimize medical marijuana, and set the stage for adult-use recreational campaigns. We discuss how this learning was shaped by the conditions of federal forbearance under the Obama Administration. The book concludes by discussing the challenges in further expanding medical and recreational marijuana in the United States. We address the growing tension between new recreational marijuana programs and older medical programs, both of which serve different clientele. We are also more circumspect about the “inevitability” of marijuana legalization by the federal government, though we discuss emerging frames like social justice and criminal justice reform that may be effective in getting the issue on the table. While the book is grounded in political science, public policy, and public administration theory, it is written for a broad audience that wants to better understand how the American federal system works and how the states were vital for pushing marijuana liberalization in the United States.

### ***Book Description***

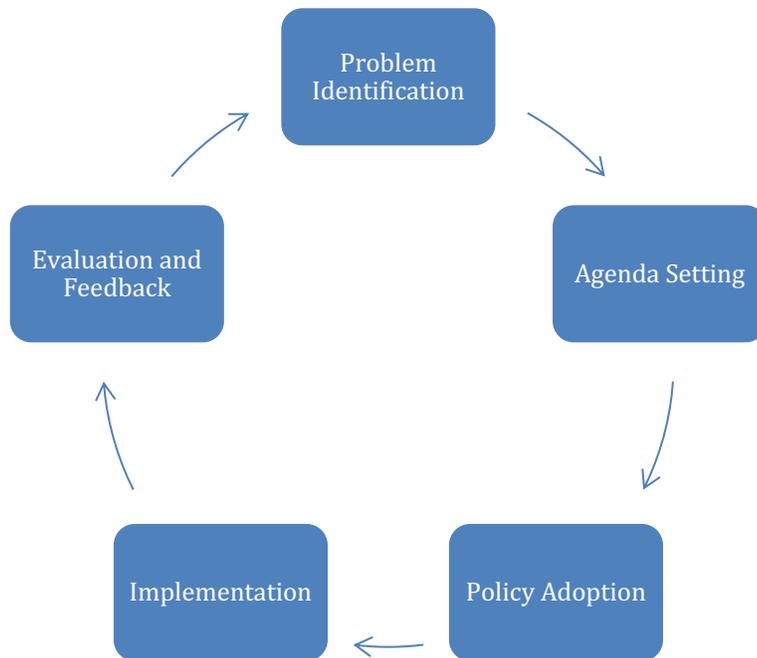
Many speak like marijuana legalization in the United States is inevitable, but this was not always so, and drug legalization still faces serious headwinds. In the 1970s, marijuana decriminalization seemed inevitable, but the country experienced rapid retrenchment and an expansion

in the War on Drugs in the 1980s. Those events, and the current nearly 25-year expansion of marijuana liberalization in the United States provide scholars of federalism and intergovernmental relations with a powerful test case for understanding how policymaking works in the American federal system, particularly when there is friction between federal and state policy. This book will bridge both scholarly and lay audiences in using social science research and theory to explain the emergence and legitimation of pro-marijuana policy in the United States. Much of marijuana's modern history has been so far written by the success of medical marijuana in gaining a foothold in many of the states. This foothold set the stage for the current expansion of recreational marijuana and the adaptation of medical marijuana policy for palatability in more conservative states and locales. Thus, while much of this book focuses on how medical marijuana spread in the United States, it is firmly rooted in the history of marijuana de- and re-criminalization that preceded, and looks ahead to what can be expected for adult-use legalization in the United States. Meaning, the book tells a larger story of marijuana policy from the 1970s to the present. To address this issue, we use the policy process model to tell this story and to also advance the scholarly research on policymaking.

Marijuana policy has been a useful context for studying how policymaking occurs within the American federal system. It draws attention due to the disjuncture between federal marijuana prohibition and state efforts to legalize its use, first for medical purposes and more recently for recreation. Medical marijuana paved the way for a subsequent push to legalize adult use, thus it is important to understand how and why medical marijuana spread. Furthermore, the policy disagreement between the federal government and now a near supermajority of the states that have adopted some form of medical marijuana reveals both the frictions and functions of American federalism. Brandeis famously called states "laboratories of democracy," which is playing out in interesting fashion with drug policy.

While the policymaking process is complex and messy (Weible and Sabatier 2018), scholars have used the policy process model to help researchers and learners distill its complexity into a manageable illustration (Figure 1). Scholarly study of the policy process typically focuses on a single stage of this process (e.g., policy diffusion largely focuses on adoption). The policy process model is also heavily relied upon for teaching policymaking to undergraduate and graduate students (see, for example, Birkland 2020). In such texts, authors can be more integrative in their presentation of how each stage interacts with the others than a single scholarly journal article. Our proposed book leverages its longer format to provide an integrated study of the process of marijuana liberalization in the United States. Instead of focusing on a single stage, we can examine how the stages unfolded and how they interact with each other. In so doing, we contribute to the field of policy studies as well as provide a text useful for instructors teaching the policy process.

**Figure 1. Policy Process Model**



To date, studies of marijuana policy have largely been historical, sociological, or legal overviews (Adler 2020, Anguelov 2018, Dufton 2017, Mosher and Akins 2019). This text will leverage policy theory to rigorously explain the rise and spread of marijuana in the United States, with much of the research focus on medical marijuana. Our existing work demonstrates how different theories, like diffusion and implementation (Hannah and Mallinson 2018) and diffusion and feedback (Mallinson and Hannah 2020) can draw from each other in ways that are mutually beneficial. We will expand that notion in this text. First, we will address how medical marijuana emerged on state agendas, and how its framing evolved over time to facilitate the diffusion of the policy to increasingly conservative states (the Agenda Setting Stage). There is a vast literature on policy framing, but it is less often the case that scholars examine how issue framing changes strategically during the diffusion process (Gilardi, Shipan, and Wüest Forthcoming). But we know that groups will strategically choose what aspects of a policy that they emphasize in order to gain support (Eising, Rasch, and Rozbicka 2015). Much of this work is static – identifying the different frames used and which frames policymakers gravitated towards. Research on dynamic framing more often focuses on the role of the media in shaping opinion over time (Baumgartner, De Boef, and Boydston 2008), but we will demonstrate how groups shape this narrative with their own strategic shift in focus as the political context evolves and a policy spreads.

After discussing agenda setting, the text turns its attention to the adoption and diffusion of medical marijuana in the states (the Policy Adoption Stage). We offer a novel typology of expected

state policy responses based on whether the federal government is pro-, neutral, or anti-policy and whether a state is pro-, neutral, or anti-policy. We take the federal government’s opinion as fixed in the anti-position, though we discuss later in the book how presidential administrations varied in their degree of forbearance on enforcing strict marijuana prohibition under the Controlled Substances Act in legalized states. States then fall into all three of the categories of anti-, neutral, and pro-medical marijuana, with those positions affecting when they adopted and the policy’s design (see Table 1).

**Table 1. Expected diffusion patterns when the federal government takes a pro-, anti-, or neutral stance and states take pro-, anti-, or neutral stances to an innovation**

		Federal Government		
		<i>Pro</i>	<i>Neutral</i>	<i>Anti</i>
State Government	<i>Pro</i>	Rapid adoption (Civil Defense Compact)	Characteristic- dependent adoption (Lotteries)	Expanding adoption, declining enforcement (Medical Marijuana)
	<i>Neutral</i>	Compliance with partisan reservations (Common Core)	Highly regionalized issue (Colorado River Compact)	Limited defiance, varying enforcement (Medical Marijuana)
	<i>Anti</i>	Formal opposition (REAL ID)	Limited adoption (Stem Cell Research)	Limited defiance, widespread enforcement (Medical Marijuana)

Turning to the Implementation Stage, the book will engage with the third generation of implementation theory and research (Goggin et al. 1990). Using a comparative case study of Ohio and Pennsylvania, we examine how the implementation process is shaped by a policy’s design, as well the state’s political context and resource constraints. The two states are useful case comparisons, as they both adopted medical marijuana in 2016, but under slightly differing political contexts. Republicans had single-party government in Ohio, but were pushed to take control of medical marijuana legalization in the face of a serious ballot threat. Pennsylvania does not have the direct initiative, but also had a divided government with a Democrat governor and Republican General Assembly. Thus, the negotiation dynamics for creating the two medical marijuana acts differed, as did their designs. For example, Pennsylvania adopted an integrated supply chain that requires less licensing activity, and thus can be launched rather quickly. Ohio adopted a fragmented supply chain, requiring more regulatory engagement in permitting. Additionally, Pennsylvania has restricted local government controls on

marijuana businesses, where Ohio has not. Further, Governor Wolf in Pennsylvania was supportive of medical marijuana and demonstrated this support in his implementation of the law. Meanwhile, Governor Kasich in Ohio was skeptical, as was his successor Mike DeWine, who has received an F from pro-marijuana interest group NORML. We argue that differing political, policy design, and resource constraints have shaped differences in implementation outcomes in the two states.

We then turn to addressing how policy learning and feedback occurred as states learned from early adopters and as the political dynamics of cannabis changed locally and nationally (the Evaluation and Feedback Stage). Political lessons are just as important as practical policy lessons, as policy entrepreneurs and interest groups learn how to make a policy more politically palatable and policymakers look for signals as to the electoral risks of a policy innovation (Grossback, Nicholson-Crotty, and Peterson 2004, Cruz-Aceves and Mallinson 2020, Mallinson 2019). This is no less the case for marijuana policy (Mallinson and Hannah 2020). In fact, marijuana laws were not only impacted by policy lessons in early adopting states, they were also shaped by stipulations that the federal government placed on its forbearance in prosecuting marijuana dispensaries and grower/processors in “well regulated” medical and recreational marijuana systems (Cole 2011, 2013, Ogden 2009). Furthermore, as policies are adopted, the politics of those adoptions and experiences with policy implementation set the stage for future policy debates in both positive and negative ways (Mettler and SoRelle 2018). We conclude the book by discussing the feedback effects of medical marijuana policy on efforts to legalize adult-use recreational marijuana and expand medical marijuana programs to new states.

### ***Theoretical and Field Contributions***

While the policy process model has been critiqued as simplifying a complex and oftentimes chaotic policy environment into a set of discrete stages (Jenkins-Smith and Sabatier 1993), it remains a useful heuristic for understanding the general lifecycle of a policy. Is it also a useful reductive model for helping non-academic audiences understand how policies tend to progress. Furthermore, large and mature bodies of research have developed across many of the stages of the policy process, including agenda setting, policy adoption, implementation, policy learning, and feedback. Alas, it is rare that scholars bring the different stages together to understand how they relate to each other and how events earlier in the process have downstream effects in later stages (e.g., Taylor and Haider-Markel 2015 for transgender policy). In turn, this book will contribute to four different literatures discretely (agenda setting, policy diffusion, implementation, and policy feedback), while also fostering discussion about the linkages between them. While many books written on a single policy topic can quickly become dated, even by the time they are published, we believe that our approach grounded in policy theory will serve as a foundation for understanding both the history and future of marijuana policy. We are more

circumspect about the prospects of national legalization and place the advancement of marijuana policy within the larger context of rapid advancements and retrenchments over the last fifty years. Our book demonstrates how a text like this can leverage policy theory for both a descriptive purpose – explaining the development of a policy to a lay audience – and scholarly purpose – pushing forward the theories themselves. We now turn to briefly addressing those theoretical advancements before comparing the text to existing texts.

While the book begins with the agenda setting process, i.e., how the issue of marijuana has been framed and championed by policy entrepreneurs and interest groups, we already integrate policy feedback theory into our understanding of how the stage was set for medical marijuana policy. In the late 1970s, 11 states decriminalized marijuana during an era where users were pushing to have their rights to use recognized, but all walked away during the expansion of the War on Drugs during the Reagan Administration. Drawing from Dufton's (2017) excellent descriptive account of the history of pro- and anti-marijuana movements, we set the stage for understanding how and why *medical* marijuana emerged in the early 1990s as a politically-viable liberalization of strict marijuana prohibition in the states. We use the literature on issue framing (Chong and Druckman 2007) and the social construction of target populations (Schneider and Ingram 1993, Pierce et al. 2014) to then explain the expansion of medical marijuana to increasingly conservative states. It is our examination of the dynamism of marijuana's framing that sets it apart from many agenda setting studies. In fact, changes in issue framing proved vital for bringing increasingly conservative lawmakers on board with legalizing medical marijuana. We tell the story of how the issue has shifted from being about cancer, glaucoma, and HIV/AIDS patients to veterans with PTSD and children with severe seizure disorders (Hannah 2018). Additionally, we discuss the growing importance of tax revenues in framing marijuana, an important lesson for the legalization of recreational marijuana. Finally, we discuss how marijuana has evolved from a highly moralistic policy that was an important part of the culture wars, to being morally acceptable to many (Brenan 2020). Throughout, we discuss how the relationship between issue framing and elite/public opinion on a policy operates in both directions. At times, changes in opinion help drive reliance on certain frames, whereas at other times reframing aids in the legitimation process.

Turning to policy adoption, we have previously proposed the concept of defiant innovation to the policy diffusion literature and seek to build upon that idea throughout this text. Our chapter on adoption will include the theoretical framework for an article we previously published in *Policy Studies Journal*, but we will expand on the analysis and further develop the theory as it relates to broader defiant innovations. In fact, the idea of defiant innovation is an overarching theme of the book. In the adoption chapter we draw from implementation theory to present a framework for understanding

how policies diffuse in cases where the states and federal government are positive, negative, or neutral towards a policy.

Moving to policy implementation, we utilize a case comparison of Ohio and Pennsylvania to build upon and test the third generation of implementation theory presented by Goggin et al. (1990). Much of the subsequent research on implementation theory revolves around state implementation of federal policy (Thompson 2013), with the primary concern being over intergovernmental relations. In this case, we are essentially holding the federal government's position as fixed and instead delving into the within-state dynamics of implementing a defiant innovation. Both Pennsylvania and Ohio adopted medical marijuana in 2016, but we unravel how their differing institutional structures, political control of those institutions, and approaches to policy design shaped how the same broad policy saw very different outcomes in implementation. The chapter will allow us to better explore the intra-state dynamics of implementation than other studies that place the focus on the relationship between the states and the federal government.

The basic idea of feedback theory is that the adoption of policies shapes the politics and policy process in the future (Mettler and SoRelle 2018). Medical marijuana is an ideal topic of study for this notion, as its early politics were shaped by the rise and fall of marijuana decriminalization in the 1970s and 1980s. Furthermore, as medical marijuana policy spread, states learned from each other both in terms of policy and politics (Mallinson and Hannah 2020), thus earlier adoptions shaped the politics of future adoptions as the policy cascaded. Finally, the debates over and experiences with medical marijuana have set the stage for the current effort to legalize recreational marijuana. It was, for instance, in medical marijuana policy that policymakers first started to discuss the issue of social justice that has been pivotal to policy adoption failures in recreational marijuana (e.g., New York and New Jersey in 2019). We will utilize all four streams of policy feedback inquiry – (1) how policies shape future political agendas, (2) how policies affect problem definition, (3) how policies affect governance (including policy learning), and (4) how policies affect the power of groups – to better understand how policy feedback affected the trajectory of marijuana policy in the United States from decriminalization, through medical marijuana, and now to emerging recreational marijuana programs. Additionally, we will consider how state policies result in positive and negative feedback for the federal policy agenda. This will allow us to turn the lens from the states to the impacts of state policy on the federal government.

The book stands out when compared to other books that have been published on marijuana policy in the United States. They largely provide a descriptive history of the development of policy (Anguelov 2018, Mosher and Akins 2019), the interest groups and policy entrepreneurs involved in its many twists and turns (Dufton 2017), and the myriad legal implications within our federal form of

government (Adler 2020). To our knowledge there is no book that places the states at the center of our understanding of marijuana policy, nor has there been an in-depth focus on medical marijuana, which paved the way for the more recent efforts at adult-use legalization. It is impossible to understand what is currently happening in state and federal marijuana policy without first knowing how medical marijuana emerged, was legitimized, and spread among a majority of the states.

### ***Section Overviews and Chapter Summaries***

The book will be divided into three parts. The first part introduces marijuana policy and then addresses the first two stages of adoption: agenda setting and adoption. The ***Introduction: Marijuana Policy in the U.S. States*** discusses the origins of medical marijuana policy, including its roots in decriminalization and recriminalization in the 1970s and 1980s, and marijuana's position in broader drug control policy in the United States. It will provide a baseline knowledge of the policy details and history necessary for the rest of the text. Drawing on Anthony Downs's Issue Attention Cycle (Downs 1972) and the policy process model, the Introduction will illustrate to readers the process that policies tend to follow, as well as the overall structure of the book. ***Chapter 2: Agenda Setting and Framing*** will then delve into how issue advocates and policy entrepreneurs frame medical marijuana to policymakers. Given the emphasis on the medicinal use of marijuana in advocating for these programs, the chapter traces the change in medical emphasis from connecting the issue to individuals with cancer and HIV/AIDS in earlier (and more liberal) adopting states, to of children with epilepsy and veterans with post-traumatic stress disorder (PTSD) in later (and more conservative) adopting states. In addition to discussing issue framing and how framing helps and hinders issues from getting onto a government's decision making agenda, this chapter will leverage social construction theory (Schneider and Ingram 1993) to show how the social construction of beneficiary groups plays into these changing frames as a policy moves to different political contexts. In the case of medical marijuana, the key political context is the spread from liberal to more conservative states. We will be presenting a draft version of this chapter at the 2020 Northeastern Political Science Association Annual Meeting in November and Lee Hannah's earlier paper focusing on Ohio (Hannah 2018) serves as a methodological foundation for this chapter, which will address agenda setting across all of the adopting states, not only Ohio. Finally, ***Chapter 3: Defiant Innovation*** discusses how medical marijuana policies diffused throughout 33 states from 1996 to 2019. In this chapter, we leverage policy implementation theory to provide a novel typology of diffusion patterns for when there is agreement versus disagreement over a policy between the federal government and the states. This chapters expands on our article in *Policy Studies Journal* (Hannah and Mallinson 2018) in both the analysis by updating with the most recent 10 adoptions and in theory by including a more complete discussion of the tensions in federal and state law.

The second part of the book will focus on how medical marijuana has been implemented differently by the states and the feedback loops that exist in policy design and implementation across the states. Drawing from the third generation of implementation theory, ***Chapter 4 - Implementation of Medical Marijuana*** uses a case comparison between Ohio and Pennsylvania to illustrate how implementation of a new policy is shaped by factors internal to the state (e.g., ecological capacity, organizational capacity, and formal and informal actors) as well as how the policy was originally designed during the legislative processes. Of course, those design elements are themselves influenced by what other states have previously adopted, though policies are not typically transferred wholesale and are modified to fit the local context. Thus, ***Chapter 5: Feedback and Policy Learning*** will discuss the evidence that policy learning has occurred throughout the spread of medical marijuana. It highlights where there has been policy convergence, and where there remains substantial divergence among the 33 medical marijuana programs. Our article in *Publius: The Journal of Federalism* (Mallinson and Hannah 2020) serves as a foundation for this chapter, but it will not be a direct replica. We will update our piece by more systematically documenting the variation in the specific aspects of medical marijuana policies: from allowance for home grow to packaging and safety rules and much more. In addition, this chapter will integrate feedback theory into the discussion (Mettler and SoRelle 2018), which was not in the *Publius* article. It will set the stage for discussing positive and negative feedback from state to federal policy in the concluding chapter.

The third part of the book will be its conclusion. ***Chapter 6: New Challenges in the Expansion of Marijuana Reforms*** will first tie together the four substantive chapters of the book by returning to the policy process model and illustrating how working out the pieces of the model gives us a more holistic understanding of how and why medical marijuana emerged, was legitimized, and spread in the United States. Again, this is a key contribution of our text, as no other book has focused on explaining how and why the policy spread among the states beyond simple explanations of the policy history. The chapter will then turn to drawing lessons from our understanding of medical marijuana for the current effort to expand recreational marijuana. We will argue that in some sense medical marijuana programs set the stage for recreational marijuana programs. Thus far, the eleven states that have adopted a recreational marijuana program already had an operating medical program in the states. While states can replicate some parts of their programs (growing sites, processing, supply chains), there are also additional challenges and considerations that must be made. For one, legislators and supporters of medical marijuana must be careful to not suggest that tax revenue is a major consideration for the law. Meanwhile, recreational proponents often frame the issue around tax dollars and revenue. There remain challenges related to implementation, but there are also new political headwinds, mainly related to racial justice, that are central to recent recreational marijuana debates and adoptions as the industry

appears to have left people of color behind. Moreover, the COVID-19 pandemic may make states more open to recreational policies (Hoover 2020). We will discuss how the two programs serve different populations and, thus, how adoption of recreational marijuana does not simply replace medical programs. We will draw from recent experiences in recreational states to illustrate this point.

Finally, we will consider how changes in federal policies could ameliorate many of the challenges faced by the industry. Pressure continues to mount on the federal government to act – not only from the industry and interest groups, but increasingly from the 66 senators that represent states and constituents with medical marijuana programs, 22 of whom also represent states with recreational marijuana programs. Despite the best intentions of allowing the laboratories of democracy to experiment with policy and create best practices, the federal government’s fickleness has created a number of challenges. Federal inaction has allowed for inequities in ownership and created numerous practical challenges in the industry – banking, legal services, bankruptcy protection, taxes – that are difficult to remedy without federal action.

### ***Audience***

*Green Rush* is geared toward an academic audience, including both scholars and students. The book will be of interest to scholars in the fields of political science, public policy, public administration, and sociology, as well as those studying drug policy. It addresses theoretical questions surrounding core public policy theories including agenda setting, diffusion, implementation, and policy feedback. It will also be of interest to state politics and federalism scholars, given the unique state-federal dynamics posed by state legalization and federal prohibition. The book is also written for upper-division undergraduate and graduate courses in state politics, federalism, health policy, and drug policy. It could easily serve as a primary text in any course on public policy process and analysis, given our use of the process model and related policy theories. Chapter 3 has already been used in a graduate course on state government administration and the overall framework of the text has been used to teach federalism in an introductory course in American government.

There have been several books published on the topic of marijuana policy over the last eight years, but they do not generally address the question of why medical marijuana policy emerged, spread, and has seen differential outcomes in the states. Clayton Mosher and Scott Atkin’s *In the Weeds* (Temple University Press, 2019), Nikolay Anguelyov’s *From Criminalizing to Decriminalizing Marijuana* (Lexington Books, 2018), John Hudak’s *Marijuana: A Short History* (Brookings Institution Press, 2016), Peter Hecht’s *Weed Land* (University of California Press, 2014), and Martin A. Lee’s *Smoke Signals* (Scribner, 2012) are all descriptive, and generally national, accounts of the history of marijuana policy. Alyson Martin and Nushin Rashdian’s *A New Leaf* provides a narrative account of recreational marijuana legalization since 2012. Emily Dufton’s *Grassroots: The Rise and Fall and Rise of Marijuana in America*

(Basic Books, 2017) is a narrative historical account of the policy entrepreneurs and interest groups that drove changes in marijuana policy from the 1950s to the present. Jim Rendon's *Super-Charged: How Outlaws, Hippies, and Scientists Reinvented Marijuana* (Timber Press, 2012) provides personal interviews with some of these key figures. Johnathan Adler's edited volume *Marijuana Federalism: Uncle Sam and Mary Jane* (Brookings Institution Press, 2020) focuses on the legal arguments surrounding state marijuana liberalization and federal prohibition. *Marijuana Legalization: What Everyone Needs to Know* by Jonathan P. Caulkins, Beau Kilmer, and Mark A.R. Kleiman (Oxford University Press, 2016) provides an explainer on a myriad of policy details. All these texts are descriptive in nature, whereas ours is the first to explain *why* medical marijuana policy emerged, spread, and has shown different outcomes using systematic and rigorous social science methods in a manner that is grounded in prominent public policy theories.

Policy scholars and political scientists have been fairly disengaged in this high profile and contentious policy debate. There were no papers on marijuana policy presented at the 2019 meeting of the American Political Science Association. Four papers were presented at the 2019 Midwest Political Science Association meeting, but none of them dealt with the specifics of the policy with two papers on public opinion around the issue, one paper focused on criminal justice, and another on teaching marijuana policy. Marijuana policy has important implications for the study of state politics and American federalism, so this lacuna is substantial. We have published three peer reviewed journal articles in this domain, but a book-length treatment is necessary for more fully unpacking the dynamics of marijuana policy. Moreover, we have made efforts to increase visibility to marijuana research by commenting on current developments in public venues. We have written for the London School of Economics United States Politics and Policy blog ([2018](#), [2019](#), and [2020](#)), The Conversation ([2018](#)), the Monkey Cage blog with the *Washington Post* ([2018](#)), Scholars Strategy Network ([2019](#)), and *The Globe Post* ([2019](#)). These posts have been picked up by other publications including *Newsweek*, *PBS NewsHour*, *MarketWatch*, and *Business Insider*. These efforts have drawn attention to our scholarship and led to media interviews (Associated Press, *Marijuana Business Daily*, NPR-Wisconsin, and Midas Letter). We intend on promoting our book in the same way.

### **Book Status**

We have made substantial progress on the book. An article published by Dr. Hannah (2018) provides the methodological basis for Chapter 2. A prior version of Chapter 3 was published by *Policy Studies Journal* (Hannah and Mallinson 2018), while we will leave the theory section largely intact, we will update the empirical analysis to include the most recent ten adoptions and reevaluate some of our key arguments in light of more adoptions. Elements of Chapter 5 were recently published by *Publius: The Journal of Federalism* (Mallinson and Hannah 2020), though we will greatly expand our presentation of

the specific policy elements that have been included in marijuana laws and incorporate policy feedback theory in the chapter. We are also further exploring how the fickleness of federal forbearance on marijuana prohibition affects the states in a paper being developed for a special issue of *State and Local Government Review* on state-federal relations. We will draw on that work throughout the text, but particularly in Chapter 1. We have compiled Chapter 2 and revised Chapter 3 for submission with this proposal. Thus, we are well on our way to completing the core content in the text. Furthermore, the text will not be repetitive of our existing published work, save for the theoretical contribution in our chapter on adoption (Chapter 3). The vast majority of the content will be new. We expect that we can finish writing the remainder of the book by the summer of 2021.

Lee Hannah  
7430 Larissa Court  
Dayton, OH 45414

Daniel Mallinson  
101 Spruce Street  
Middletown, PA 17057

### **Annotated Table of Contents**

#### Part One: Introduction, Agenda Setting, and Adoption

##### Chapter One: “Introduction – Marijuana Policy in the U.S.”

- Introduces (briefly) the history of marijuana policy in the United States, particularly from the Controlled Substances Act of 1970, through the emergence of medical marijuana in the late 1980s and early 1990s. We then present the policy process model and map the book’s central questions and contributions to research on policymaking.

##### Chapter Two: “Framing and Agenda Setting”

- Using the literatures on framing, agenda setting (e.g., Kingdon 2003), and social construction (Schneider and Ingram 1993) we examine how the framing of marijuana, and particularly marijuana users, has changed from the 1970s to the present. Using data gathered from major news outlets, we examine how the focus on beneficiary groups shifted from glaucoma, cancer, and HIV/AIDS patients in earlier adopting, and more liberal, states to stories elevating PTSD, epilepsy, and opioid use disorder, in the later adopting, and more conservative, states. Additionally, we examine the increasing discussion of tax revenues over time and the rise of social justice concerns with the emergence of adult-use recreational marijuana. We argue that these shifts increased the appeal of the policy in more conservative states.

##### Chapter Three: “Defiant Innovation”

- This chapter presents our concept of defiant innovation. We present a framework for understanding how policies will diffuse differently dependent on the degree of agreement between the federal government and the states on whether the policy is positive or not. In the case of marijuana, states defiantly innovated by adopting a policy that remains expressly prohibited by the federal government. We then test our theory using an event history model of medical marijuana adoption from 1996 to 2019. In this model, we examine the effects of federal signals (presidential administrations), ecological capacity, state demand, the effects of states’ neighbors on adoption. Even though federal signals have changed regarding its willingness to forbear in prosecuting states and industry players in “well regulated” states, the

institutional feature of the ballot initiative and inter-state ideological similarity drove the expansion of medical marijuana.

## Part Two: Implementation, Feedback, and Learning

### Chapter Four: “Implementing Medical Marijuana”

- Using a case comparison of Ohio and Pennsylvania, we argue that policy implementation is shaped by policy design that occurred at the adoption stage as well as the state’s political environment and resources. Pennsylvania and Ohio both adopted medical marijuana within a month of each other, but they are on very different trajectories in the success of their implementation. We show that Pennsylvania had a supportive governor and was pushed through after an organic rise in support. Meanwhile, the governor and legislature moved in Ohio only after facing a ballot threat from Marijuana Policy Project. The states chose program design features that reflect these differences – Pennsylvania’s law could be more quickly implemented and offered fewer points where contention could hamper progress compared to Ohio’s law.

### Chapter Five: “Feedback and Policy Learning”

- Engaging with the research on policy learning, as well as nascent research on policy feedback theory, this chapters examines in what ways states have learned both political and policy lessons from each other as medical marijuana programs were adopted. We also discuss how learning from early states set the stage for policy debates in later states.

## Part Three: Conclusion

### Chapter Six: “New Challenges in the Expansion of Marijuana Reforms”

- Looks to the future of marijuana liberalization in the United States. First, the chapter examines how there have been positive and negative feedbacks from medical marijuana to recreational policies. Second, it will discuss how the two programs remain distinct and serve different constituencies, highlighting how recreational, and even national, legalization does not make medical marijuana programs obsolete. Finally, we discuss the uneasy status quo of federal prohibition and state liberalization and what that means for marijuana policy.

### Works Cited

- Adler, Jonathan H., ed. 2020. *Marijuana Federalism: Uncle Sam and Mary Jane*. Washington, DC: Brookings Institution Press.
- Anguelov, Nikolay. 2018. *From Criminalizing to Decriminalizing Marijuana: The Politics of Social Control*. Lanham, MD: Lexington Books.
- Baumgartner, Frank, Suzanna De Boef, and Amber Boydstun. 2008. *The Decline of the Death Penalty and the Discovery of Innocence*. New York, NY: Cambridge University Press.
- Birkland, Thomas A. 2020. *An Introduction to the Policy Process: Theories, Concepts, and Models of Public Policy Making*. Fifth ed. New York, NY: Routledge.
- Brenan, Megan. 2020. "Record-Low 54% in U.S. Say Death Penalty Morally Acceptable." Gallup, Last Modified June 23, 2020, accessed July 1, 2020.
- Bulman-Pozen, Jessica, and Heather K. Gerken. 2009. "Uncooperative Federalism." *Yale Law Journal* 118 (7):1256-1310.
- Chong, Dennis, and James N. Druckman. 2007. "Framing Theory." *Annual Review of Political Science* 10 (1):103-126. doi: 10.1146/annurev.polisci.10.072805.103054.
- Cole, James M. 2011. Guidance Regarding the Ogden Memo in Jurisdictions Seeking to Authorize Marijuana for Medical Use. edited by Department of Justice. Washington, DC.
- Cole, James M. 2013. Guidance Regarding Marijuana Enforcement. edited by Department of Justice. Washington, DC.
- Cruz-Aceves, Victor D., and Daniel J. Mallinson. 2020. "Clarifying the Measurement of Relative Ideology in Policy Diffusion Research." *State and Local Government Review* 0 (0):0160323X20902818. doi: 10.1177/0160323x20902818.
- Downs, Anthony. 1972. "Up and Down with Ecology - The 'Issue Attention Cycle'." *Public Interest* 28:38-50.
- Dufton, Emily. 2017. *Grass Roots: The Rise and Fall and Rise of Marijuana in America*. New York, NY: Basic Books.
- Eising, Rainer, Daniel Rasch, and Patrycja Rozbicka. 2015. "Institutions, policies, and arguments: context and strategy in EU policy framing." *Journal of European Public Policy* 22 (4):516-533. doi: 10.1080/13501763.2015.1008552.
- Gilardi, Fabrizio, Charles R. Shipan, and Bruno Wüest. Forthcoming. "Policy Diffusion: The Issue-Definition Stage." *American Journal of Political Science*.
- Goggin, Malcolm L., Ann O'M. Bowman, James P. Lester, and Laurence J. O'Toole, Jr. 1990. *Implementation Theory and Practice: Toward a Third Generation*: Harper Collins Publishers.

- Grossback, Lawrence J., Sean Nicholson-Crotty, and David A. M. Peterson. 2004. "Ideology and Learning in Policy Diffusion." *American Politics Research* 32 (5):521-545.
- Hannah, A. Lee. 2018. "The Politics of Passing and Implementing Medical Marijuana in Ohio." *Ohio Journal of Economics and Politics* 24 (1):42-70. doi: 10.2139/ssrn.3184650.
- Hannah, A. Lee, and Daniel J. Mallinson. 2018. "Defiant Innovation: The Adoption of Medical Marijuana Laws in the American States." *Policy Studies Journal* 46 (2):402-423. doi: doi:10.1111/psj.12211.
- Hoover, Amanda. 2020. "Murphy Says Legalizing Weed is 'Incredibly Smart' to Offset Budget Woes Triggered by Coronavirus." NJ.com, Last Modified July 15, 2020, accessed July 24, 2020. <https://www.nj.com/marijuana/2020/07/murphy-says-legalizing-weed-is-incredibly-smart-to-offset-budget-woes-triggered-by-coronavirus.html>.
- Jenkins-Smith, Hank, and Paul Sabatier. 1993. "The Study of the Policy Process." In *Policy Change and Learning: An Advocacy Coalition Approach*, edited by Paul Sabatier and Hank Jenkins-Smith, 1-9. Boulder, CO: Westview Press.
- Kingdon, John W. 2003. *Agendas, Alternatives and Public Policies*. Second ed, *Longman Classics in Political Science*. New York, NY: Longman.
- Mallinson, Daniel J. 2019. "Who are Your Neighbors? The Role of Ideology and Decline of Geographic Proximity in the Diffusion of Policy Innovations." *Policy Studies Journal* Forthcoming.
- Mallinson, Daniel J., and A. Lee Hannah. 2020. "Policy and Political Learning: The Development of Medical Marijuana Policies in the States." *Publius: The Journal of Federalism* 50 (3):344-369. doi: 10.1093/publius/pjaa006.
- Mettler, Suzanne, and Mallory SoRelle. 2018. "Policy Feedback Theory." In *Theories of the Policy Process*, edited by Christopher M. Weible and Paul A. Sabatier, 103-134. New York, NY: Routledge.
- Mosher, Clayton, and Scott Akins. 2019. *In the Weeds: Demonization, Legalization, and the Evolution of U.S. Marijuana Policy*. Philadelphia, PA: Temple University Press.
- Ogden, David W. 2009. *Investigations and Prosecutions in States Authorizing the Medical Use of Marijuana*. edited by U.S. Department of Justice. Washington, DC.
- Pierce, Jonathan J., Saba Siddiki, Michael D. Jones, Kristin Schumacher, Andrew Pattison, and Holly Peterson. 2014. "Social Construction and Policy Design: A Review of Past Applications." *Policy Studies Journal* 42 (1):1-29. doi: 10.1111/psj.12040.
- Schneider, Anne, and Helen Ingram. 1993. "Social Construction of Target Populations: Implications for Politics and Policy." *American Political Science Review* 87 (2):334-347.

Taylor, Jami K., and Donald P. Haider-Markel, eds. 2015. *Transgender Rights and Politics: Groups, Issue Framing, and Policy Adoption*. Ann Arbor, MI: University of Michigan Press.

Thompson, Frank J. 2013. "The Rise of Executive Federalism: Implications for the Picket Fence and IGM." *The American Review of Public Administration* 43 (1):3-25. doi: 10.1177/0275074012461561.

Weible, Christopher M., and Paul A. Sabatier, eds. 2018. *Theories of the Policy Process*. New York, NY: Routledge.