



New York Times Magazine. Updated: Dec. 1, 2011

Marijuana, whose botanical name is cannabis, has been used by humans for thousands of years. It was classified as an illegal drug by many countries in the 20th century. But over the past two decades, there has been a growing movement to legalize it, primarily for medical purposes.

Medical marijuana use has surged in the [16 states and the District of Columbia](#) that allow its use. But states and cities are also wrestling with the question of what medical marijuana is, or should be.

In late November 2011, the governors of Washington and Rhode Island [petitioned the federal government](#) to reclassify marijuana as a drug with accepted medical uses, saying the change was needed so states like theirs, which have decriminalized marijuana for medical purposes, can regulate the safe distribution of the drug without risking federal prosecution.

The move by the governors — [Christine Gregoire](#) of Washington, a Democrat, and [Lincoln Chafee](#) of Rhode Island, an independent who used to be a Republican — injected new political muscle into the long-running debate on the status of marijuana. Their states are among the 16 that allow medical marijuana, but which have seen efforts to grow and distribute the drug targeted by federal prosecutors.

In April, Gov. [Brian Schweitzer](#) of Montana, a Democrat, vetoed a bill that would have repealed the state's voter-approved medical marijuana law. Even so, Mr. Schweitzer made it clear that he would like to see reform of the law.

New Mexico's Republican governor, Susana Martinez, also expressed interest in repeal in 2011. Colorado formulated some of the most detailed rules in the nation for growing and selling. Lawmakers in New Jersey have jostled with the governor over regulation.

In November 2010, Californians defeated Proposition 19, a ballot measure that would have legalized possession and growing of marijuana outright, and taxed and regulated its use. California had already [reduced its penalty for possession](#), putting those caught with small amounts of the drug on the same level as those caught speeding on the freeway. Advocates for Proposition 19 had said that if marijuana were legalized, California could raise \$1.4 billion in taxes and save precious law enforcement and prison resources.

Attorney General [Eric Holder](#) has insisted that the government would continue to enforce federal laws against marijuana in California even if they conflict with state law. In an illustration of that conflict, in October 2011 federal officials warned dozens of marijuana dispensaries throughout California to shut down or face civil and criminal action. Specifically, four [United States attorneys](#) said that they would move against landlords who rent space to storefront operators of medical marijuana dispensaries [whom prosecutors suspect of using the law to cover large-scale for-profit drug sales](#).

*****Some States at Odds With Federal Law

Currently, 16 states allow the use of marijuana for pain relief, nausea and loss of appetite by people with AIDS, cancer and other debilitating diseases. **Those laws, however, are at odds with federal law.** The federal government continues to oppose any decriminalization of the drug. And while the Obama administration has

signaled some leeway when it comes to medical marijuana, raids on dispensaries and growers by law enforcement agencies are still common — even in California, where the industry effectively began in 1996, with the passage of the landmark Proposition 215, which legalized medical marijuana.

Rules vary widely in the states that permit medical marijuana. Some states require sellers to prove nonprofit status — often as a collective or cooperative — and all states require that patients have a recommendation from a physician. But even those in favor of medical marijuana believe that the system is ripe for abuse or even unintentional lawbreaking.

Although party line positions defined the issue in Montana, with Republicans mostly lined up in favor of restriction or repeal, there is widespread agreement among legislators and residents that medical marijuana has become something very different than it was originally envisioned to be.

Sixty-two percent of voters approved the use of medical marijuana in a Montana referendum in 2004. But the real explosion of growth came only in 2010, after the federal [Department of Justice said](#) in late 2009 that medical marijuana would not be a law enforcement priority. Since then, the numbers of patients have quadrupled to more than 27,000 — in a state of only about 975,000 people — and millions of dollars have been invested in businesses that grow or supply the product.

With a growing number of Americans favoring legalization — a Gallup poll released in October 2010 found a record 46 percent approving of legalization — perhaps no ballot measure in the country was more closely watched than Proposition 19 in California.

The California ballot measure would have allowed anyone over 21 to buy, possess, use or cultivate marijuana. It would have barred personal possession of more than one ounce as well as smoking the drug in public or around minors.

Some civil rights activists favored the legalization of the drug on the grounds that marijuana arrests are wildly disproportionate in their racial impact and adversely affect minorities.

But the measure was strongly opposed by law enforcement, which said it would actually end up costing the state in increased public health and safety expenses.

Burnishing Marijuana's Image

As more and more states allow medical use of the drug, marijuana's supporters are pushing hard to burnish the image of marijuana by franchising dispensaries and building brands; establishing consulting, lobbying and law firms; setting up trade shows and a seminar circuit; and constructing a range of other marijuana-related businesses.

In July 2010, the Department of Veterans Affairs announced that it would formally allow patients treated at its hospitals and clinics to use medical marijuana in states where it is legal, a policy clarification that veterans had sought for several years.

The department directive resolved the conflict in veterans' facilities between federal law, which outlaws marijuana, and the states that allow medicinal use of the drug, effectively deferring to the states.

Marijuana is the only major drug for which the federal government controls the only legal research supply and for which the government requires a special scientific review. The University of Mississippi has the nation's only federally approved marijuana plantation. If researchers wish to investigate marijuana, they must apply to the National Institute on Drug Abuse to use the Mississippi marijuana and must get approvals from a special Public Health Service panel, the Drug Enforcement Administration and the Food and Drug Administration.