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Perceived Obstacles for State-Facilitated Legal Recreational Cannabis

Robert A. Lino
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Walden University

College of Social and Behavioral Sciences

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Robert A. Lino

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Walden University
2020

Abstract

Perceived Obstacles for State-Facilitated Legal Recreational Cannabis

by

Robert A. Lino

MS, Capella University, 2013

BA, New Mexico State University, 2008

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Criminal Justice

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August 2020

Abstract

U.S. states that facilitate the use of legal recreational cannabis face the threat of federal prosecution because cannabis remains illegal at the federal level. The purpose of this qualitative case study was to assess the perceived obstacles to the state-facilitated regulation and implementation of legal recreational cannabis. Collective action federalism theory provided the framework for the study. The data collection instrument was developed based on themes in the literature and was pilot tested to ensure accuracy. The final study included 22 participants who represented the cannabis industry in the United States. Descriptive coding and thematic analysis indicated that the federal government's use of federal law to prevent financial institutions from conducting business with the marijuana industry is an obstacle. Other themes included obtaining an operations license from the state, transparent and child-resistant packaging with warning labels, youth access to marijuana, and tourist divergence of marijuana across state lines and into the black market are obstacles for state-facilitated legal recreational cannabis. Findings may provide information for practitioners who work in the development of cannabis policies. Findings may also aid policymakers and regulators who are considering legalizing recreational cannabis by providing insight into what to expect with the regulation and implementation process for the state legal use of recreational cannabis.

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Dedication

I dedicate the dissertation to my mother, Carol Lino, for supporting my educational journey from my undergraduate studies in New Mexico to completing my PhD.

To my chair, Dr. Carolyn B. Dennis, and my committee member, Dr. Dianne Williams, for providing phenomenal support, guidance, and encouragement throughout the process and for being understanding when things happened. Furthermore, for saying we will get through this together when the COVID-19 pandemic happened, and for helping me make it to the end of the dissertation.

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Chapter 1: Introduction to the Study

On November 6, 2012, Colorado and Washington State became the first states to legalize the recreational use of cannabis for adults 21 years of age and older after a 75-year ban on cannabis that started with the passage of the 1937 Marihuana Tax Act and the 1969 Controlled Substance Act. Although states have attempted to regulate the medical use of cannabis as far back as 1978 in New Mexico, the recreational use of cannabis had remained prohibited in Colorado and Washington until voters approved ballot measures in November 2012 (A. Martin & Rashidian, 2014). The legalization of recreational cannabis by Colorado and Washington State was a shift in uniformity between state and federal cannabis policy. The legalization of recreational cannabis has called into question the regulatory power of states and the federal government. However, there is considerable agreement that federal legislation is the supreme law of the land (Bender, 2013; Blumenfeld, 2017; Johns, 2015; Schwartz, 2013). If federal legislation is the supreme law of the United States, then each state's ability to regulate the recreational use of cannabis is unclear.

To understand how states can facilitate the legal use of recreational cannabis, it is critical to understand the perceived obstacles for regulation and implementation of state-facilitated legal use of recreational cannabis. Studying the perceived obstacles may answer the question of how states can regulate the recreational use of cannabis despite the prohibition of cannabis through the Controlled Substance Act. Understanding is important because legalization by states of recreational cannabis has gained momentum across the United States in recent years.

The purpose of the study is to understand regulators' perceptions of the obstacles to the regulation and implementation of recreational cannabis. Also, the study addressed how states can legalize a substance that is illegal at the national and international level. The study may provide information for practitioners who work in the development of cannabis policies. There has been a lack of research on the perceived obstacles since Colorado and Washington State legalized the recreational use of cannabis in 2012. The study may also aid policymakers and regulators who are considering legalizing the recreational cannabis by providing insight into what to expect with the regulation and implementation process for the state legal use of recreational cannabis.

This chapter includes the background of the study and the gap in the literature, along with justification of the study. The chapter also includes the problem statement, purpose statement, research questions, and theoretical framework. The nature of the study includes the rationale for the study, research tradition, phenomenon being investigated, and methodology. Definitions are provided for key concepts and constructs. In addition, assumptions are discussed, the scope of the study is explained, and the boundaries of the study are clarified. I also describe the limitations of the study with a focus on design and methodological limitations, researcher bias, and measures to be taken to address the limitations. The chapter also presents the significance of the study with emphasis on how the study may advance the knowledge of the discipline and practice. In addition, I discuss the potential implications for positive social change. The chapter concludes with a summary of the key points.

Background

The 2016 election demonstrated that more states are legalizing marijuana for recreational and medical use. Colorado and Washington were the first states to legalize recreational marijuana in 2012. The legalization of recreational cannabis in Colorado and Washington was the first time that cannabis had been legal since the passage of the 1937 Marihuana Tax Act. The United States Department of the Treasury (1937) claimed that the Marihuana Tax Act of 1937 placed a hefty fee on all aspects of the marijuana industry. The Marihuana Tax Act placed an annual fee of \$24 on “[importers] manufacturers and compounders of marihuana” (United States Department of the Treasury, 1937, p. X). In addition, medical professionals had to pay a fee of \$3 per year to use marijuana (United States Department of the Treasury, 1937). The purpose of the fees was to reduce the use of cannabis in the United States. Houser and Rosacker (2014) supported the statement by arguing that the purpose of the act was to place a tax on the use of marijuana, making cannabis inaccessible to everyone except those who could pay the tax. Although the Marihuana Tax Act failed to prohibit cannabis, the fee made using cannabis expensive, which limited the use of cannabis to those who could afford the fee.

The current federal prohibition of marijuana resulted from the passage of the Controlled Substance Act (CSA) of the 1970s. The goal of the CSA was to create a uniform drug law that replaced the Marihuana Tax Act and the Boggs Act, along with placing the regulatory control of drugs under one agency (Caulkins, Kilmer, & Kleiman, 2016; DeAngelo, 2015; A. Martin & Rashidian, 2014; Sloman, 1979). The CSA comprises five schedules with Schedule 1 being the most restrictive and Schedule 5 being

the least restrictive. The CSA legislation places cannabis in Schedule 1, which means there is no accepted medical value, high potential for abuse and addiction, and lack of safety even under medical supervision (Blake & Finlaw, 2014; Caulkins et al., 2016; DeAngelo, 2015; Houser & Rosacker, 2014; A. Martin & Rashidian, 2014). The problem with CSA scheduling cannabis as a Schedule 1 drug is that it places cannabis in the same drug class as hardcore drugs such cocaine, even though the medical research shows marijuana is safer than all Schedule 1 drugs and alcohol (Caulkins et al., 2016; Crancer et al., 2007; A. Martin & Rashidian, 2014; Mattison, 2007; Mikuriya, 2007).

Although CSA prohibits marijuana at the federal level, Baude (2015) contended that the federal government has limited power over states to regulate as they choose.

Baude found

[if] there is no spillover problem for state policing then states and localities should be permitted to go their own way as far as constitutional federalism is concerned. However, if there is a spill-over-for example, medical marijuana use in California makes it more difficult to police drug traffickers at the Arizona border-then there is a rationale for federal intervention. (p. 522)

The legalization of marijuana is in a gray area because many states that have legalized recreational marijuana share borders with states that have not legalized marijuana. On August 29, 2013, Deputy Attorney General James A. Cole provided guidance to all United States attorneys regarding the eight enforcement priorities of the Department of Justice, which made state legalization of cannabis not an enforcement priority for the agency, but reiterated that cannabis remained illegal at the federal level (Cole, 2013).

Former U.S. Attorney General for the Trump administration Jefferson B. Sessions on January 4, 2018, rescinded the Cole guidance, thereby allowing federal prosecutors to use federal resources to target states with legal recreational cannabis (Sessions, 2018). The memorandum by Sessions removed all protections for states with state legal recreational cannabis.

To date, the literature has focused on the obstacles that are caused by the Controlled Substance Act, including how states can legalize recreational cannabis. The main obstacles for states with legal recreational cannabis include the lack of basic financial services for state legal cannabis businesses because financial institutions face federal prosecution for money laundering (Cohen, 2015; Sacco, Bagalman, Finklea, & Lowry, 2017; Tighe, 2016), businesses cannot deduct normal business expenses from their taxes (Blake & Finlaw, 2014; Taylor, Bunker, Johnson, & Rodriguez, 2016; Swanson, 2015; Vitale, 2014), and spillover of cannabis from states where cannabis is legal to one where it is illegal (Ellison & Spohn, 2017; Hansen, Miller, & Weber, 2018; Hao & Cowan, 2017; Kamin, 2015b; Kreit, 2017). In addition, the CSA has also created a situation in which state legal cannabis is being diverted to the crypto-drug markets such as the dark web for resale (Aldridge & Décary-Héту, 2016; Barratt, Ferris, & Winstock, 2013; Décary-Héту, Mousseau, & Vidal, 2018). However, researchers have not examined the perceived obstacles for legalized recreational cannabis and how the perceived obstacles impact the study, recommendations, and implementation of state-facilitated legal recreational cannabis.

Understanding the perceived obstacles to the regulation and implementation of the state-facilitated legal use of recreational cannabis is needed to address the research question of how states can facilitate the legal use of recreational cannabis despite the blanket prohibition of cannabis through the Controlled Substance Act. Also, studying the perceived obstacles may not only move the literature in the most logical direction but may also be key to understanding how states can legalize a substance that is considered illegal at the national and international level. Also, the study is needed for practitioners who work in the development of cannabis policies and may provide them with data that have been missing since Colorado and Washington's legalization of cannabis for recreational purposes. The study may also aid policymakers and regulators who are considering legalizing recreational cannabis by providing insight into what to expect with the regulation and implementation process for the state legal use of recreational cannabis.

Problem Statement

States that facilitate the use of recreational cannabis face the threat of federal prosecution because cannabis remains illegal at the federal level. Nine states have legalized the recreational use of cannabis for adults, and 29 states have allowed for the medical use of cannabis for specific conditions (Elliott, 2017; Graves, 2018; Haffajee, MacCoun, & Mello, 2018; Steinmentz, 2018). Despite states having legalized cannabis for recreational use, in January 2018, the federal government rescinded all protections against federal prosecution for state-facilitated recreational use of cannabis (Haffajee et al., 2018; Sessions, 2018). The Rohrabacker-Blumenauer Amendment only prevents the Department of Justice from spending federal funds to prosecute state-facilitated medical

cannabis (Haffajee et al., 2018), leaving state-facilitated recreational cannabis subject to federal prosecution. Should state-facilitated recreational cannabis continue to be subject to federal prosecution, states will fail to achieve the public safety, public health, and educational goals that the tax revenues from legalized cannabis would fund (Blake & Finlaw, 2014; Dillis, Goffard, & Miron, 2016; Johns, 2015; Monte, Zane, & Heard, 2015). The purpose of the current study was to understand how states can facilitate the legal use of recreational cannabis despite the federal government prohibition and a lack of a long-term solution by Congress to address the conflicting laws.

Purpose Statement

The purpose of this case study was to assess the perceived obstacles to the implementation and regulation of state-facilitated use of recreational cannabis. An online questionnaire was completed by individuals who work in the marijuana industry to discover the perceived obstacles to state-facilitated use of recreational cannabis how those obstacles impact the implementation and regulation of state-facilitated use of legal recreational cannabis. The questionnaire was created from documents from state agencies, federal agencies, media outlets, and cannabis trade publications to determine how states can facilitate the use of recreational cannabis despite the federal prohibition on cannabis.

Research Questions

RQ1: What are the perceived obstacles in the cannabis industry among states that are considering and/or implementing laws related to recreational use of cannabis?

RQ2: How do the perceived obstacles impact the implementation of state-facilitated legal recreational cannabis?

Theoretical Framework

Collective action federalism theory was used to address the regulatory situation between state-facilitated recreational cannabis and the federal government. Cooter and Siegal (2010) developed the concept of collective action federalism to explain the power granted to the federal government and the states through Article 1 Section 8 of the United States Constitution. The theory postulates that Congressional power over states is not limitless because states are autonomous from the federal government (Baude, 2015; Cooter & Siegal, 2010; Kamin, 2014). Based on the argument offered by Cooter and Siegal, Congress's regulatory power is limited to interstate commerce, while states have the regulatory power within their geographical borders. Based on this theory, Congress can regulate interstate commerce, while states regulate intrastate commerce. By addressing the underlying rationale for state and federal regulation of cannabis, I hoped to better understand the regulatory situation between state-facilitated recreational cannabis and the federal government.

Nature of the Study

The nature of this study was qualitative case study. The case study design was ideal for understanding the situation between states that facilitate the use of recreational cannabis and the federal government that prohibits marijuana use. The study built on the work of Berch (2017), Blumenfeld, (2017), Haffajee et al., (2018), and Sacco et al. (2017) by going from determining what is possible to understanding the situation

between states that facilitate the use of recreational cannabis and the federal law that prohibits the use of recreational cannabis. The case study method was used to explore how states can facilitate the recreational use cannabis while the federal government prohibits cannabis use. The findings may help states facilitate the recreational use of cannabis to meet the policy objectives of legalization.

Definitions

The following definitions clarify how important terms were used throughout the study.

Cannabis: The flower part of the marijuana plant that contains the Δ 9-tetrahydrocannabinol (THC), which is used for inhalation and for making cannabis concentrates and infused products (Adams, 2007; Caulkins et al., 2016).

Cannabis legalization: The regulation of the growth, cultivation, and retail sale of cannabis to anyone over the age of 21 (Finlaw & Brohl, 2013).

Collective action problem: When the state's actions fail to "produce a national public good" (Hqu, 2014, p. 226).

Crypto-markets: An online platform that allows sellers of illegal products to sell their products to customers while keeping the identities of sellers and customers hidden and the transactions hidden through the use of virtual currency (Aldridge & Décary-Héту, 2018).

Recreational use of cannabis: The use of cannabis by individuals over the age of 21 for nonmedical purposes (Finlaw & Brohl, 2013).

Spillover: The process of cannabis crossing state lines from a state where it is legal to one where it is illegal (Ellison & Spohn, 2017; Hansen et al., 2018; Kreit, 2017).

State sovereignty: The state's ability to regulate commerce and create criminal laws and higher officers to enforce the laws (Schwartz, 2013).

Assumptions

I assumed that the political climate in Washington DC would be an obstacle for the legalization of recreational cannabis by the states. The memorandums by United States Attorney General David W. Ogden in 2009, Deputy Attorney General Cole in 2013 and 2014, and Director Wilkinson of the Department of Justice, and Attorney General Jefferson B. Sessions in 2018 (Cole, 2013, 2014; Ogden, 2009; Sessions, 2018; Wilkinson, 2014) indicated that the political climate in the nation's capitol could influence what is perceived as obstacles to the regulation and implementation of legal recreational cannabis. The most probable ways that the political climate in Washington DC was believed to interfere in the regulation and implementation of state-facilitated legal cannabis were by having federal prosecutors threaten states and their officials with prosecution if licenses are granted, and Congress not providing protections to states with legalized recreational cannabis. The uncertainty that is caused by the political climate in Washington DC has the potential to influence what is perceived as an obstacle, along with impacting the recommendations for regulations and the implementation of the regulations.

Second, I assumed that states are sovereign entities in the United States. When Colorado and Washington legalized the recreational use of cannabis in 2012, it showed

that states can create their own laws. State sovereignty is assumed based on the United States Constitution guarantees that the federal government will not interfere in state matters (Blumenfeld, 2017; Ghoshray, 2015). The 10th Amendment prevents the federal government from commandeering the states to act as field offices for the federal government (Ghoshray, 2015; Young, 2015). The concept of state sovereignty asserts that states are free to create their own laws, even ones that oppose federal policies.

Scope and Delineations

I sought to understand the perceived obstacles for the legalization of recreational cannabis and how the perceived obstacles impact the regulation and implementation of state-facilitated legal recreational cannabis through the lens of Cooter and Siegal's (2010) collective action federalism theory. The research focused on states having issues with the regulation and implementation of recreational cannabis use, which has been underresearched. Concepts such as anti-commandeering, vertical federalism, and cooperative federalism have been used to study state-legalized recreational cannabis. The anti-commandeering concept asserts that states' sovereignty prevents states from being made field offices for the federal government (Blumenfeld, 2017; Denning, 2016). The concept of vertical federalism asserts that the federal government and the states are separated vertically in that the power of the federal government is over that of the states (Denning, 2015). The concept of cooperative federalism, however, asserts that instead of the federal government being over the states, states and the federal government share regulatory control (Kamin, 2014). States that facilitate the legal use of recreational cannabis are going against the long-standing doctrine of having parallel drug regulations.

The current study addressed the perceived obstacles for the regulation and implementation of recreational cannabis and how the obstacles impact the regulation and implementation of recreational cannabis. Collective action federalism theory provided the foundation for exploring the perceived obstacles of recreational cannabis legalization from a legal perspective. The study was limited to states that are in the process of legalization, including being on the November 2020 ballot, drafting initial regulations, and implementing regulations. An analysis of the perceived obstacles to the regulation and implementation of recreational cannabis may provide insights into the perceived obstacles to the regulation and implementation of state-facilitated legal recreational cannabis.

Limitations

The study suffered from a lack of adequate funding for the research to reach its maximum potential. Ideally, the study required a budget between \$15,000 and \$20,000, as opposed to the \$4,000 that I spent. The COVID-19 pandemic limited response rates as states closed dispensaries as part of the stay-at-home orders to prevent the spread of the coronavirus, which made the mailer that was used to recruit participants ineffective. The low response rate was also due to Facebook censorship of all things marijuana related, including the recruitment flyer for the study that was used after stay-at-home orders were posted to recruit study participants. Facebook removed the recruitment flyer after 3 weeks, which stopped the recruitment of participants. In addition, the quality of the responses was poor, with the average response ranging from one word to two full sentences. Due to this research being qualitative, the findings are not generalizable to the

general population of the marijuana industry. The results represent a small cross-section of the marijuana industry in the United States.

Significance

The research filled a gap in understanding the situation between states that facilitate the legal use of recreational cannabis and the federal government that prohibits the legal use of recreational cannabis. I sought to explore the situation between state-facilitated legal use of recreational cannabis and the federal government, an area that had been underresearched (see Berch, 2017; Blumenfeld, 2017; Haffajee et al., 2018; Kamin 2015a; Sacco et al., 2017), even though state legalization of cannabis has gained tremendous momentum in recent years (see Brilmayer, 2017; Cambron, Guttmannova, & Fleming, 2017; Caulkins et al., 2016; Chemerinsky, 2017; Haffajee et al., 2018; Kreit, 2015, 2017; Sacco et al., 2017). The results of the study may provide insight into the situation between state-facilitated legal recreational cannabis and the federal government. Also, the study may provide clarity to the arguments regarding what the situation should be. Insight from this study may aid policymakers in deciding how to handle cannabis legalization in their state, whether by enhancing policies, revamping policies, or deciding to legalized cannabis. Also, the study may address one of the most complicated federalism issues of the modern time. Because of the considerable traction cannabis legalization has gained, assessing the situation between states that facilitate the use of recreational cannabis and the federal government is key for state legalization to meet the policy objectives of legalization, including the increased funding for public safety, public education, and public health.

Summary

The purpose of Chapter 1 was to introduce the research problem and the focus of the study. I provided the background, problem statement, purpose statement, research questions, theoretical framework, nature of the study, assumptions, scope and delimitations, limitations, and significance. Chapter 2 provides a review of the literature on the obstacles for the regulation and implementation of state-facilitated legal recreational cannabis. The gap in the literature is also addressed.

Chapter 2: Literature Review

Although states have facilitated the legal use of recreational cannabis since 2012, the research has focused only on the obstacles created by the Controlled Substance Act prohibition of cannabis. Understanding the perceived obstacles from state-facilitated recreational cannabis, such as dual sovereignty, is important for the development of state and federal cannabis public policies that are based on evidence from case studies. It is important to address the gap in the literature because understanding the perceived obstacles for state-facilitated legal cannabis may contribute to the development of legalization strategy that incorporates the needs of states and the federal government, while also relying on the regulatory strengths of the states and the federal government.

The legal use of cannabis by states has had a positive impact on public health and safety. Some examples of the positive impact that state legal cannabis has produced include the improvement in quality of life for individuals who are critically ill (Caulkins et al., 2016; A. Martin & Rashidian, 2014); reduction in opioid overdose deaths (Todd, 2018); and increased funding for public education, health, and safety (Caulkins et al., 2016; DeAngelo, 2015; Johns, 2015; Todd, 2018). However, state-facilitated legal cannabis also produces a negative impact on neighboring states through the spillover of cannabis (Caulkins & Klimer, 2016; Kreit, 2017) and increasing access to and use of cannabis (Parnes, Smith, & Conner, 2018; Stolzenberg, D'Alessio, & Dariano, 2016). Although Colorado and Washington State have implemented state-facilitated legal recreational cannabis in what can be deemed a successful manner, other states that have

facilitated the legal use of cannabis have struggled to implement the legal use of recreational cannabis.

The literature search strategy section of the chapter includes the key terms used to search the literature and the criteria used to find sources for the literature review. The theory of collective action federalism developed by Cotter and Siegal (2010) is introduced and discussed in the Theoretical Foundation section of the chapter. The Literature Review to Key Variables section is divided into harms caused by the prohibition of cannabis and the obstacles to state-facilitated legal cannabis. Finally, in the summary, I restate the gap in the current literature that was the research problem of the study.

Literature Search Strategy

The literature search was conducted using the search term *recreational cannabis legalization* coupled with each of the following terms: *states* (Colorado, Massachusetts, Washington), *federal government*, *obstacles*, *Controlled Substance Act*, and *conflicting legislation*. In addition, slang terms for cannabis were used because of researchers were using the terms interchangeability. Appendix A provides a detailed list of the slang terms used for cannabis. I used the Criminal Justice Database, Sage Journals, Taylor and Francis, Proquest, HeinOnline, and Google Scholar to search the literature. The results were limited to the past 6 years because states legalized the recreational use of cannabis in 2012. The exception to the rule was made for the seminal works of Jay, Madison, Hamilton, and Henry (2014) and Paine (1997) who established the foundation for the theoretical framework, along with Lasagna (1982) and Sloman (1979) whose work

influenced the legalization of cannabis by the states. The exceptions are included in the chapter because they were important to the theoretical framework and concepts in the review of the literature. All other articles were included if they were (a) case study or policy evaluation of state legalization of cannabis, (b) the research focused on the implementation of a legalization regime, (c) the research addressed the obstacles for states that legalized cannabis, and (d) the research addressed the impact that obstacles have on state legal cannabis.

Theoretical Foundation

Congressional Regulatory Sphere

Collective action federalism postulates that the congressional regulatory sphere can be divided into seven areas: commerce regulation, superiority of federal law, lack of regulation by the states, concurrent jurisdiction, taxation and collection, cannabis regulation, and collective action problems. The congressional regulatory areas established the guiding principles and define the scope of the federal government's power to regulate within Cotter and Siegal's (2010) collective action federalism theory. According to Cotter and Siegal, the regulatory spheres define the boundaries of the federal government's regulatory authority.

Commerce regulation. Congress has the authority to regulate commerce throughout the United States. The Supreme Court case of *Gonzales v. Raich* established that CSA could be enforced on intrastate manufacturing and possession of medical cannabis (Brilmayer, 2017). Denning (2015) extended from the *Gonzales v. Raich* to show that it is within congressional regulatory power to eliminate cross-border

movement of cannabis. The findings established that cannabis is within the regulatory authority of congressional commerce regulatory authority, but Siegal (2013) found through examination of the Rehnquist court decisions that the “federal commerce power is very broad, but not limitless” (p. 1942). When the findings are combined with Brilmayer (2017) and Denning (2015), there is agreement that congressional regulatory authority is constrained by the scope of federal regulatory powers granted to Congress to regulate commerce.

The realm of congressional commerce regulatory authority is defined by the transportation of products across state geographical boundaries. Congress has the authority to regulate commerce that goes between states or spillover of commerce into neighboring states (Hqu, 2014; Siegal, 2013). For example, Congress can regulate the tobacco transported from New Hampshire, a state where the tax is low on tobacco, to Massachusetts, a state where the tax on tobacco is high. The reason that congressional regulatory authority is limited to commerce that transcends states geographical boundaries is the federal government is more equipped to handle the spillover of commerce through the regulatory powers granted to Congress to regulate commerce (Hqu, 2014). The findings indicated that Congress can only regulate commerce that crosses state lines.

In sum, although congressional commerce regulatory authority is broad, there are constraints on the authority. Baude (2015) described Congress’s ability to regulate interstate commerce best by stating that congressional commerce regulatory authority “depends on how the instate commerce relates to federally enumerated powers” (p. 521).

In other words, Congress cannot regulate something because Congress wants to regulate the item; congressional regulatory authority is limited to products that cross states' geographical boundaries.

Cannabis regulation. Although the commerce clause provides Congress with broad authority to regulate commerce that crosses the state border, the commerce clause also provides Congress with the authority to regulate cannabis. The Raich court upheld the broad power that Congress has to regulate cannabis along with enforcing CSA in states where cannabis is legal (Baude, 2015; Denning, 2016; Kamin, 2015a). In addition, Schwartz (2013) found that the CSA preemption clause means that state law that legalizes cannabis is not a defense against federal cannabis charges and prosecution. The findings, when taken as a whole, indicated that Congress is within its regulatory sphere to regulate cannabis.

However, limitations exist to congressional ability to regulate cannabis. Denning (2015) claimed that congressional regulatory authority is limited to the elimination of cannabis that crosses state borders through the interpretation of the Raich court that established Congress's ability to regulate cannabis. Kamain (2014) added that the federal government has to enforce federal cannabis laws in states where cannabis is legal. The finding is supported by Hqu (2014) and Siegal (2013) who showed that the congressional regulatory sphere is limited to regulating commerce between states. The findings indicated that the congressional regulatory sphere to regulate cannabis is limited to commerce that crosses states' geographical borders.

Federal law superiority. The United States has two sets of competing laws in place that include federal laws and state laws. Federal law is superior to state laws, which Cotter and Siegal's (2010) collective action federalism theory recognizes. Federal law gains its superiority over state law through the supremacy clause of the constitution, which preempts state laws that conflict with federal laws (Blumenfeld 2017; Brilmayer, 2017; Denning, 2016; Ghoshray, 2015; Schwartz, 2013). However, federal law only supersedes state laws in specific situations that collective action federalism recognizes.

Although the laws enacted by Congress are the supreme laws of the land, there are a few situations in which federal law preempts state laws. Federal law preempts state law when the state law is an obstacle to federal law achieving the aim of the law (Blumenfeld, 2017). Schwartz (2013) added that the obstacle occurs when state law makes it impossible to comply with both state and federal laws resulting in the preemption of the state law. The key element for federal law to preempt state law is that an individual cannot comply with both state and federal law at the same time.

State laws making it impossible for an individual to comply with both federal and state laws is one situation in which federal law preempts state laws. Hqu (2014) found that "state failure to produce national public good" (p. 226) causes the federal government to intervene, which results in state law preemption. Siegal (2013) added that Congress can regulate states if the state fails to regulate. For example, if a state removed all regulations governing drugs so residents and visitors to the state could consume all drugs, including opioids, then the federal government could regulate in the state. The result would be that the state had no concurrent jurisdiction over drugs, which would

cause a federal law prevailing because of the lack of concurrent jurisdiction by the state (Brilmayer, 2017). The lack of regulation and effective regulation, as showed by the evidence, allows for federal law to supersede state law.

Even though federal law is the supreme law of the United States, there are a few situations in which federal law preempts state laws. The situations in which federal law supersedes state law define the boundaries of congressional regulatory authority, which is a central component of collective action federalism. Cooter and Siegal's (2010) collective action federalism theory explains that the regulatory authority between the federal government and the state is defined by the boundaries of the federal government's regulatory sphere and the state's regulatory sphere.

Tax creation and collection. The ability to create and collect taxes is a central component of the federal government regulatory sphere. Cooter and Siegal (2010) claimed that the Supreme Court has determined that the General Welfare Clause only permits Congress to regulate taxation and the spending of tax money that has been collected. Cooter and Siegal (2010) incorporated the Supreme Court ruling into collective action federalism theory, resulting in collective action federalism theory postulating that the federal government's regulatory power comes from Congress's ability to create and collect taxes. However, the federal government requires states to collect taxes for the federal government. Collective action federalism recognizes that the federal government's ability to collect taxes is dependent on the states being willing to assist the federal government with the collection of taxes (Cooter & Siegal, 2010). The federal government requiring the assistance of the states places limits on the federal

government's ability to regulate, thereby further established the boundaries of the federal government's regulatory sphere.

Collective action problems. The federal government is better equipped to handle collective action problems. Cooter and Siegal (2010) determined that Article 1 Section 8 should "be understood as authorizing congressional power over activities that pose collective action problems for the states, and as forbidding congressional power over activities that do not pose a collective action problem for the states" (p. 184). Based on Hqu (2014), a collective action problem arises when state actions fail to "produce national public good" (p. 226) resulting in the need for federal intervention. The failure of the states to act collectively in the best interest of the public produces a situation in which federal intervention is required to ensure interest is best met based on findings. Based on the findings, collective action federalism theory establishedes the criteria for federal intervention in matters of the states.

Constraints on Congressional Regulatory Sphere of Power

Congressional regulatory authority while broad is not all-encompassing. It has already been established that congressional regulatory authority is limited to commerce that crosses state borders (Blumenfeld, 2014; Cooter and Siegal, 2010; Hqu 2014; Siegal, 2013). Cooter and Siegal (2010) concluded that the 1995 ruling by the Supreme Court that the commerce clause is not all-encompassing thereby preventing Congress from regulating whatever Congress decides to regulate through the Commerce Clause (p. 184). While collective action federalism recognizes congressional regulatory authority is limited to commerce, that transcends states geographical boundaries, the theory also

recognizes that congressional regulatory authority is limited by the anti-commandeering concept of the 10th Amendment of the U.S. Constitution and states assisting in the enforcement of federal laws.

The anti-commandeering concept of the 10th Amendment limited congressional regulatory by limiting state compliance with federal legislation. Ghoshray (2015) found that the anti-commandeering concepts prevent the federal government from forcing states to pass legislation that advances federal enforcement objectives. Blumenfeld (2017), expands the findings from Ghoshray, by concluding that the concept also prevents state law enforcement from being commandeered to enforce federal laws that advance federal enforcement objectives. The result means states are not required to enact parallel legislation along with not being required to assist in the enforcement of federal law.

The enforcement of federal laws is dependent on states assisting with the enforcement. Praxmarers (2015) and Young (2015) determined that federal cannabis policy is dependent on state law enforcement enforcing the federal cannabis policy. The DOJ does little to enforce federal drug policies due to a lack of enforcement resources, resulting in the DOJ dependency on state law enforcement to enforce federal drug laws (Kamin, 2015). However, a state not cooperating in the enforcement of federal laws according to Young results in a low probability of the federal law being enforced by the DOJ (p. 776). The states' ability to not cooperate in the enforcement for federal laws constrains the regulatory authority of the federal government by causing the federal government to enforce federal laws without the assistance of state law enforcement.

States Regulatory Sphere

Collective action federalism postulates that the state regulatory sphere can be divided into three areas. The three areas form the state regulatory sphere as the state ability to regulate within the state boundaries (Cooter & Siegal, 2010; Schwartz 2013), the ability to oppose federal policy (Blumenfeld, 2015; Denning, 2016) and the state's ability have a choice on federal policy enforcement (Blumenfeld, 2015; Denning, 2016; Kamin, 2015). The states regulatory areas established the guiding principles and define the scope of the state power to regulate within Cotter and Siegal (2010) collective action federalism. Based on Cotter and Siegal collective action federalism the regulatory spheres define the boundaries of the state regulatory authority.

State's ability to self-regulate within state boundaries. The states can regulate within the boundaries is a cornerstone of the states' regulator sphere. Cooter and Siegal (2010) contend that the central areas that state exhorts regulatory control is on commerce within the state. Schwartz (2013) extended assertion to include the creation of the criminal enforcement process and the employment of officers to arrest in addition to regulate commerce within the state as the central area where state exerts regulatory control. Young (2015) diverges from Cooter and Siegal, and Schwartz in that for Young (2015) the central sphere of regulatory control for states is the ability of the state to control the states elected officials. The multiple extensions of collective action federalism central sphere of state control show that states have broad control over matters within the boundaries. Also, the state sphere of control based on literature is analogous to that of the federal government.

State's ability to determine what federal policy to enforce. Collective action federalism through the incorporation of the anti-commandeering doctrine recognizes states ability to determine what federal policies to enforce has already been established which policies to oppose. While states can oppose policies, they also can support policies. However, Congress cannot force states to enact parallel regulation to federal policy (Blumenfeld, 2015; Denning, 2015; Young 2015). Schwartz (2013) supports the by determining that Congress cannot command states to enact identical regulation to that of the federal through the interpretation of *New York versus the U.S*, which established limits to congressional regulatory control. For example, based on the findings, states can choose to enforce CSA, only parts of CSA or not enforce CSA. The key principle is that states have a choice on which policies to enact parallel regulations and which ones not to enforce. States ability to choose what policies to enforce provides' the mechanism for which states to determine their own policies.

Ability to oppose federal policy. States ability to oppose federal policy is a central component of collective action federalism. While it already been established that the anti-commanding concept is a central component of collective action federalism limits congressional regulatory power, the concept also expands that states ability to regulate within the state boundaries. Ghoshray (2015) and Young (2015) found that states can make exceptions to federal laws, which includes creating policies that differ from federal policies. For example, based on the finding states that legalized cannabis would be within the states regulatory sphere to make an exception to federal policy that prohibits cannabis. However, the Blumenfeld (2017) adds that the outer limits of the

concept allow states to ignore federal policy entirely. Based on the findings, it can be determined that states have broad regulatory control to oppose the federal policy.

While states have broad regulatory control to oppose the policy, the control extends to law enforcement. Recent research has extended the anti-commanding concept when part collective action federal to apply to state law enforcement (Blumenfeld, 2017; Kamin, 2015; Schwartz, 2013). Blumenfeld (2017), and Schwartz (2013) have determined that states can choose not to enforce federal policy, by revoking state law enforcement power to make an arrest for federal crimes. Kamin (2015) concludes that Printz court extended the anti-commanding concept to apply to state law enforcement when the Supreme Court ruled states are not required to cooperate in the enforcement of the Controlled Substance Act. The findings established that state law enforcement sole responsibility is to enforce the laws of the state while not being an extension of the federal government.

Limits on State Regulatory Sphere of Power

The literature has established that states can regulate within the state borders, are not required to enact parallel legislation, but can established regulations that are different from the federal government and not be required to enforce federal law. While the states regulatory sphere is broad, collective action federalism recognized the limits of the state's regulatory sphere. Collective action federalism recognized states cannot shield citizens/ residents from federal law (Baude, 2015; Ghoshray, 2015; Schwartz, 2013), and the states cannot impede the enforcement of federal law along with creating a situation where it is impossible to comply with both state and federal policy (Baude, 2015;

Brilmayer, 2017; Kamin, 2015a; Schwartz, 2013; Young, 2015). It will be showed that the limitations established the outer boundaries of the state regulatory sphere.

Impede federal policy enforcement. While states can oppose a federal policy, states cannot impede federal policy enforcement. The impediment of state policy happens state policy poses a direct obstacle which prevents Congress from achieving their regulatory objectives (Denning 2015). The state can oppose federal policy; however, the state cannot prevent federal law enforcement from enforcing federal policy (Young, 2015; Ghoshry,2015). Schwartz (2013) adds that state policy policies that pose an obstacle to the enforcement of federal policy are preempted by federal policy that is superior to state policy. For example, a state can legalize the recreational use of cannabis, but the state cannot prevent the DOJ from enforcing the prohibition on cannabis. Ghohray (2015) supports the findings and example by claiming, that in conflicts of federal supremacy policy supersedes state policy. The findings as a whole established that states are prohibited from interfering in the enforcement of the federal law, although the state's ability to established policies that are not parallel to federal policy.

Whiles the states cannot interfere with the enforcement of the federal policy; the states cannot create a situation in which compliance with state and federal policy is impossible. Collective action federal acknowledges that federal policy supersedes state policy when the state policy makes it impossible to comply with both policies (Kamin, 2015a; Schwartz, 2013). Schwartz (2013) states, "people are bound by federal law even in states whose laws permit or require something different" (p. 594). As long as the state law allows compliance with federal policy along with the state law, federal law does not

supersede state law. However, based on the finds, the only way for state law to be suppressed by a federal policy is the creation of a situation in which state residents cannot comply with both state and federal policy.

Shield residents from federal prosecution. The creation of laws by state that impedes federal policy and makes it impossible to comply with the federal policy is outside the regulatory sphere of the states. While states are within the state regulatory control sphere, the states are not able to create legislation that shields individuals within the state from prosecution for federal crimes (Ghoshray, 2015; Schwartz, 2013). Schwartz (2013) has determined that because CSA does not make a distinction between state legal cannabis and cannabis that is prohibited, state laws that legalized cannabis fail to provide a defense for federal prosecution for the violation of federal cannabis prohibition. Kamin (2014) extends the findings by adding that attorneys who help with state legal cannabis can be subjected being charged with “conspiracy to distribute” because federal law only recognizes the prohibitive status of cannabis (p.1115). The findings established that state could enact legislation that can remove state sanctions for the use of a substance that is restricted and or prohibited by the federal government, state policy cannot prevent an individual from being prosecuted for a federal crime.

Cooperation Between State Government and Federal Government

Up to this point, the focus has been on the two separate spheres of regulatory control that is recognized by collective action federalism. However, collective action federalism while recognizing the two separate spheres of regulatory control postulates that the states and the federal government function best when there is cooperation

between the federal government and the states (Cooter & Siegal, 2010; Ghoshray, 2015; Young, 2015). The cooperation between the federal government and the allows for the efficient “allocation and mutual delegation of administrative powers between the federal government and state government” (Ghoshray, 2015, p. 527), along with preserving the sovereignty of states.

The states and the federal government cooperate on a broad of topics. Cooter and Siegal (2010) claim that the federal government’s ability to collect taxes depends on the cooperation of the state to collect the taxes for the federal government. Praxmarers (2017) study found that federal drug enforcement depends on state cooperation because the federal government lacks the resources to enforce federal policy. However, Young (2015) supports the conclusions but differs in that Young (2015) found that state cooperates with the federal government through the enactment of a parallel regulation coupled with the enforcement of the parallel regulation. For example, Colorado legalization of cannabis has reduced illegal cannabis, which helps the federal government achieve the aim of the prohibition of cannabis (Blumenfeld, 2017). The findings show that in order for federal policies to be enforced and objectives to be achieved requires the cooperation of the states. Also, the cooperation allows for more efficient use of the limited resources that the federal government has. However, the state government also benefits when the state cooperates with the federal government.

While the federal government benefits when there is cooperation between them and the states governments, the state government also benefit from the cooperative relationship with the federal government. Ghoshray (2015) determined that the federal

government can help state government with the establishedment of minimum standards for the legalization of cannabis by the states. Huq (2014) adds that states can achieve better policy results when the state government cooperates with the federal government. The findings are justified by Ghoshray (2015), who determined that the federal government is better equipped to handle areas of taxation, insurance, and financial services because of the cross-border nature of commerce. An example of the federal government helping states established minimum standards can be found with tobacco. With tobacco, the federal government established the minimum standard for use, advertisement, and quantity. The state government can use the minimum standards to established a state policy on tobacco. The result is a state policy that has a minimum regulation that ensures the general welfare of all residents. The findings taken as a whole show that states benefit by cooperating with the federal government by first not having to develop policy frame scratch, and second by allocating the state resources more efficiently than would be without the assistance of the federal government.

The findings showed that the federal government and the states benefit from a cooperative relationship. The cooperation allows cohesion between the federal government and the state government (Cooter & Siegal, 2010), along with the efficient allocation of resources. The federal government benefits being able to achieve the objectives of federal policy while the state government can have a blueprint to follow when establisheding policies for the state. The end product is, the more efficient use of limited resources by the federal government and the state government.

Literature Review to Key Variables and Concepts

Societal and Individual Harms Caused by the War on Drugs Marijuana Prohibition

The War on Drugs cannabis prohibition has caused numerous societal and individuals harms. The societal harms are harms that affect society as a whole such as the use of law enforcement, inequities, and violence, whereas individual harms focus on how an individual is harmed for using cannabis. For example, individual harm is the loss of student aid (Ellison & Sphon, 2017), where societal harm could be law enforcement not devoting adequate resources to reduce violent crime. The groups of harms are intertwined with either other as will be showed. Also, it will be showed that both the societal and individuals harm poses an obstacle for state facilitated legal cannabis.

Societal harms. Societal harms can be grouped into five broad categories. The section will focus on the broad harms caused by the prohibition of cannabis as part of the United States War on Drugs. The discussion will start with the use of law enforcement and the transition to the proliferation of cannabis. The discussion will then shift to the inequalities caused by the prohibition of cannabis, which can be viewed as the central harm caused by prohibition. The section will end with examining how prohibition causes violence.

Misuse of law enforcement. One of the primary harms that have been caused by prohibition has been the misuse of law enforcement resources. Caulkins, Kilmer, and Kleiman (2016) found that in 2014 1.6 million arrests was made for drug violations, and forty percent was cannabis possession with an additional five percent for growth and distribution of cannabis (p. 93). DeAngelo (2015) adds that the arrest rate for cannabis

possession is equivalent to one person arrested every 42 seconds for cannabis violation (p. 3). Taken together, the data shows that law enforcement is spending the bulk of their time enforcing cannabis prohibition. However, the question remains what impact it has on the effectiveness of law enforcement to keep the communities they serve safe?

The emphasis on enforcing cannabis prohibition has cause law enforcement resources to be misdirected. Vitale (2015) found that “law enforcement resources are not efficiently allocated” because the emphasis is on enforcing prohibition instead of violent crime (p. 138). To put the point into perspective, cannabis arrest outnumbered all the arrest for violent crimes and all drugs (DeAngelo, 2015). With an emphasis on the cannabis, the crimes that have the greatest impact on the commutes are not getting the attention by law enforcement required to resolve the problems. The emphasis on enforcing cannabis prohibition has resulted in crime and violence in communities not being effectively addressed because they are being misused.

Proliferation of cannabis. The prohibition of cannabis and the enforcement has failed to impact the proliferation of cannabis as was the intent of prohibition. Davenport, Caulkins, and Kleiman (2015), a study on how to prevent minors’ access to legal cannabis found that prohibition of cannabis enhances the attractiveness of cannabis for minors (p. 556-557). In addition, Palamar, Ompad, and Petkova (2014), adds that the minors and young adults view cannabis in a more positive light, which is contributing to the increase. The increase is in stark contrast to the goal of prohibition, which was to curb the use of cannabis.

However, the increase in cannabis is not just seen in minors and young adults. Stacy, Nguyen, and Block (2014), points out that cannabis use is on the rise nationally despite the prohibition on cannabis. (p. 244). Haffajee, Macound, and Mello (2018) adds that as of 2016, 9 percent of the population in the United States that was 12 years and older have used cannabis in the United States. The data shows that cannabis is on the rise nationally. However, even though cannabis use is on the rise, Shanaham and Ritter (2014), points out under prohibition, the quantity of cannabis has increased more than the consumption of cannabis (p. 8). Prohibition instead of curbing cannabis use in the United States, but instead cause the proliferation of cannabis in the United States and many social justice issues.

Inequalities. Minority communities and communities of color face inequities from prohibitions that community that are predominately Caucasians do not face for using cannabis. Vitale (2014) found when examining data from the Americans Civil Liberty Union (ACLU) that African Americans are “3.7 times more likely to be arrested for marijuana possession than white Americans” (p. 158). The finding means that if African Americans and Caucasians consume cannabis at the same rate for everyone Caucasians arrest for cannabis possession, four African Americans are an arrest for cannabis possession. A historical case study Caulkins, Kilmer, and Kleiman (2016), discovered that African Americans are two-and-a-half times more likely to be arrested for cannabis possession as compared to Caucasians. While there is a difference of two between the studies, the finding took together highlights that communities of color are

disproportionately subject to arrest for possessing cannabis when Caucasians consume cannabis at the same rate.

However, the pattern of minorities communities is not a new phenomenon but is rooted in the prohibition of cannabis. The seminal work by Sloman (1979), showed that the prohibition of cannabis was rooted in the anti-immigrant sentiment that the country experiences in the early 1900s (pp.29-34). Warf (2014) adds that in the south, it was Angslinger that linked cannabis to African Americans in particular Jazz musicians. The anti-immigrant sentiment couple with prejudice again African Americans jazz musicians established the foundation for the disparities that are seen in today's minorities communities and African American communities. However, the disparities are not only confined minority communities; all cannabis users are subjected to disparities for using cannabis.

While communities of color are subject to arrest at a higher rate, cannabis users are also arrested at a rate higher than other drugs and crimes. For example, Caulkins, Klimer, and Kleiman (2016) found that in the south that for every 100,000 people in the state, 260 are arrested for cannabis possession. Also, the hard drug and illegal prescriptions account for 18 percent of all drug arrest while cannabis accounts for the remaining 82 of the arrest of for cannabis crimes (DeAngelo, 2015, p. 5). The findings show that cannabis uses are subject to arrest that is significantly higher than other drugs — also taken with the previous finding in the section of misuse of law enforcement resources, cannabis arrest account for the bulk of all arrest regardless of the come.

Violence. The inequalities experience as a result of cannabis prohibition is enhanced with the violence associated with prohibition. The news media is filled with stores of violence associated with drugs. Miron and Zwiebel (1995), states that drug prohibition promotes violence because of a greater need of the distributors and users to protect themselves (p.177). The policy analysis by Room et al. (2011), proves that the violence associated with the cannabis market is a small fraction of all violence with illegal substances (p. 61). When taken together, the findings show that there is a clear link between prohibition and violence found in communities across the United States.

The primary reason prohibition is associated with violence is that the black market is causing the “violence, crime and corruption” that is associated with prohibition (Davenport, Caulkins, & Kleiman, 2015, p. 544). However, an equally valid explanation for the violence associated with prohibition is that the criminal justice system cannot be used to resolve disputes that arise with illegal distribution of prohibited substances (Miron & Zwiebel, 1995). While the black market is associated with the violence and crime associated with prohibition, it is the lack of access to the criminal justice system that is directly causing the violence associated with prohibition. However, the violence is going to continue as long as the black market is in existence.

Research and medical. The prohibition of cannabis up to this point has been linked to harming society through the ineffective use of law enforce, causing inequalities for minority communities, and violence through illegal distribution. However, prohibition has harmed medical research and the medical use of cannabis. DeAngelo (2015) contends that cannabis has a history of being used as a medicine for thousands of years. Also,

cannabis was one of the fundamental herbs of Chinese medicine (DeAngelo, 2015, pp. 42-43). However, the prohibition of cannabis implies that cannabis has no medical value.

Scientific harms. Scientific research conducted a limited number of on the benefit of cannabis, but those studies have been conducting shows that cannabis has medical benefits. Mead (2017) contends that in federally funded research programs cannabis cannot be possessed (p. 289). Graves (2018), explains that when cannabis is obtained, the cannabis potency does not represent cannabis that is on the market (p.6). In other words, hemp has a lower concentration of Δ^9 tetrahydrocannabinol (THC), which is the central psychoactive compound in cannabis. The findings show that first, it is hard to conduct scientific studies of cannabis because the research institutions that have a large budget that is required to conduct scientific cannabis research are prohibited for possessing cannabis. Second, even if cannabis be obtained from the federal government, it is not comparable to what is on the market, thereby preventing accurate research from being conducted to determine the medical effects of cannabis.

Medical harms. While the prohibition causes obstacles to research, prohibition also causes obstacles for cannabis to be used as a medicine. Mead (2017), the investigation found that doctors can only recommend cannabis to patients in states where medical cannabis is allowed because of the prohibition on cannabis. In addition even with a recommendation from a medical provider the possession of cannabis is the patient is in illegal possession of cannabis because of the federal prohibition (Martin, & Rashidian, 2014; Martin, Rosenthal & Carter, 2011; Mead, 2017). The findings show that patients who get relief from using cannabis to alleviate symptoms from ailments are at risk for

arrest for the possession of cannabis. While at the same time, prohibition limits medicals provide options on managing patients' ailments.

Individual harms. While discussion up to this point has focused on the societal harms attributed to prohibition. Attention needs to be given to the harm's individuals experience as a consequence of prohibition. The individual harms can be group into three broad categories of harms to public assistance, educational harms, and harms from the initial law enforcement contact and or arrest. The harms extend past the individual and can affect associates of the individual, such as families in public housing. The goal of the section is to show how prohibition causes harms at the individual level.

Public and government assistance. Public and government housing assistance provides housing for low-income families; however, if the conviction for cannabis violation can take it away from the individuals and family. Ellison and Spohn (2017) claim that a conviction from cannabis can result in the cause the individual to be in ineligible for public housing assistance. Findings from Todd (2018) show that even if the individual were residing in public housing at the time of conviction, they would be bared even after the sanctions were completed. For example, if an individual were living with relatives in public housing prior to being convicted for cannabis, the individual post-conviction would not be allowed to return to live with their relatives as long as they remained in public housing. The problem with being not ineligible and barred from public housing post-conviction is that it can result in the individual to be homeless, not be able to get public assistance such as food stamps and welfare, by not having a physical place to reside. A policy analysis conducted by Bender (2013), found that medical

cannabis registration and drug test can be used to deny public housing for users of cannabis. Taken as a whole, it becomes clear that cannabis prohibition produces a negative effect on low-income individuals and the most vulnerable population.

Educational harms. Cannabis has been a mainstay on college cannabis and a hallmark of undergraduate studies for many students. However, students risk severe consequences for simple possession and sale of cannabis. Ellison and Sphon (2017), argues that a conviction for cannabis will cause the student to be ineligible for federal student aid. However, Lindorff (2017), critiques the claim by illustrating that a permanent ban as on federal student aid only happens after the third arrest or conviction while attending school. While the consequence is less for the first-time offense, it can still have an impact on the student's ability to complete their education. When a student is dependent on federal student aid, the removal of the aid forces the student to withdraw from school, which can impact the individual's overall quality of life.

Arrest, prosecution, and conviction harms. The harms caused by prohibition do not all happen post-conviction, but instead, the harms start with the initial arrest by law enforcement, through post-conviction. Minorities communities are subjected to a higher rate of arrest for cannabis than communities that are predominately Caucasians. Data shows that African Americans arrest rate for cannabis is four-time is that of Caucasians, despite consuming cannabis at an equal rate (DeAngelo, 2015). Mayers (2015) adds that in medical cannabis states federal prosecutors are charging users with trafficking of cannabis for amounts that normally fail to constitute an amount associated with the

trafficking of cannabis. The data shows that being a member of a minority community and a cannabis user increase an individual's odds of law enforcement contact.

The harms from the initial arrest do not end with the individual; both can affect associates of the individuals. In states where cannabis is federally, legal prosecutors can seize property from property owners who lease to cannabis businesses (DeAngelo, 2015). Miron and Zwiebel (1995), while a bit dated highlights that the mere suspicion of use or distribution is enough to have assets seized. The asset forfeiture while it takes the offenders property it indirectly harms individuals who had nothing to do with the individual action that causes the assets to be seized initially. In sum, the asset forfeiture cause harms to individuals who did not commit an initial act, and to individuals who have not to be proven guilty of violating the law.

Implications From the War on Drugs Cannabis Prohibition

The War on Drugs prohibition of cannabis has failed to meet the objectives to curb drug availability and consumption. The literature has showed that the consumption of cannabis is increasing despite the objective of prohibition to curb the consumption of cannabis (DeAngelo, 2015). However, disagreement between scholars on whether prohibition has curbs use or supply. Prominent study conducted by Shanaham and Ritter (2014), as previously discussed, found that prohibition has caused an increase in the quantity of cannabis while curbing use. However, none of the research has looked at national trends. However, the research indicates that prohibition has increased both the quantity and consumption of cannabis.

The War on Drugs prohibition of cannabis produced a negative net impact on society and individuals as a whole. The two greatest individual harms from the prohibition of cannabis is being ineligible for public housing, and the ban on federal student aid the literature has showed. The loss of federal student aid starts with the first arrest for possessing cannabis (Lindorff, 2017), while a conviction triggers the ineligibility for public housing assistance. From the literature it is evident that a worst-case scenario where a student who lives in public housing is arrested and convicted for cannabis, resulting in the student losing student aid while at the same time being forced to move could easily happen. The conclusion that can be drawn from the findings is that the sanctions are excessively harsh in comparison to the crime. The same harms pose an obstacle for state facilitated legal cannabis.

Obstacles for State-Facilitated Legal Cannabis

The societal harms from the War on Drugs cannabis prohibition directly cause the obstacles for state facilitated legal cannabis. The sections to follow focus on the known obstacles that include financial services, cash only business operations, taxation, tourist use, spillover, and crypto markets. The section will discuss the impact that each of the obstacles has on states with legal recreational cannabis. The goal here is to understand how the obstacles form, and the impact they have on the implementation of state-facilitated legal recreational cannabis. It should also be noted that the obstacles discussed provide clues to the general areas of where perceived obstacles could come from.

Basic financial services. Financial services are essential for businesses to conduct business; however, without financial services, it can be difficult to operate a

business successful. Without basic banking services, it makes it hard for the businesses to pay for the product, pay the employees, and pay taxes. In some instances, state legal cannabis business had to deceive financial institutions in order to obtain banking services (Tighe, 2016). In addition, Cohen (2015) cannabis credit cooperatives cannot get access to the federal payment system because Federal Reserve employees that help them with obtaining access to the payment system can be prosecuted for drug distribution and manufacturing (Cohen, 2015) The section will discuss the financial obstacles for state legal cannabis businesses to obtain basic financial services.

Federal prosecution. Financial institutions that accept state legal cannabis client's risk federal prosecution. Tighe (2016), argued that the federal prohibition on cannabis prevents financial institutions "from assisting with the manufacturing, distribution or dispensing of marijuana" (p. 808). The act of accepting cannabis clients could constitute the financial institution assisting in criminal activity. To mitigate the risk, Suspicious Activity Report (SAR) provides notification that the financial institution suspects illegal activity with the deposit or withdrawal (Blake, & Finlaw, 2014; Cohen, 2015). The finding is extended by Taylor et al. (2016), who claims financial institutions must file a SAR on all cannabis transactions. What this means is that all cannabis business transactions have to be viewed as suspicious as there is no way to determine if the transactions were for legal purposes.

The filing of the SAR can trigger a federal prosecution, instead of preventing the financial institution from being subjected to federal prosecution. Cohen (2015), claims that financial institutions face federal prosecution when the SAR is filed because it shows

that the financial institution is participating in the laundering of money. Sacco et al. (2017), policy analysis on the path forward for cannabis found that the primary reasons financial institutions are unwilling to provide services to cannabis clients because they can be prosecuted too for money laundering (p. 16). What this means is that financial institutions are unprotected for reporting activity from the cannabis business as the financial institution is required to do. In sum, the mere act of accepting state legal cannabis business as a client and complying with the law can result in the financial institution being prosecuted for money laundering.

Additional paperwork. Financial institutions that decided to accept cannabis clients have additional paperwork by having to file a SAR on all cannabis transactions. As showed previously, financial institutions do not have a choice on filing a SAR on cannabis transactions as it is required by federal banking laws (Sacco et al., 2017). Passy and Passman (2016) found that the additional expense and paperwork required to have cannabis clients by financial institutions is one of the primary reasons that financial institutions provide services to cannabis businesses. Financial institutions in order to deposit insurance while serving cannabis client are required to take additional steps (Cohen, 2015). The evidence shows that the additional paperwork makes it impractical for financial institutions to have clients state legalized recreational cannabis clients.

Financial institutions' financial interest. Financial institutions are in the business to make profits off their relationship with their clients. A client is considered valuable when the financial institution can make interest in the relationship with the client. Passey and Passman (2016), found that financial institutions do not make interest

off the relationship with the cannabis business deposits because the money is withdrawn fast, thereby not allowing interest to accumulate (p. 20). Despite the findings, Tighe (2016) found that financial institutions that do provide services to state legal cannabis businesses charge the cannabis business higher fees and above market interest rates on services provided by the institution to make the relationship beneficial for the financial institution. The consensus is that the risk outweighs the financial gains for the financial institution (Cohen, 2015; Passey & Passman, 2016; Taylor et al., 2016). The findings are clear state legal cannabis clients are not the client's financial institutions wants to work with because of the there is no gain for the financial institution.

Cash-only business. Financial institutions not willing to accept state legal cannabis businesses forces the business to function as cash only. Also, federal prohibition causes cannabis businesses to be all cash businesses, by preventing financial institutions from providing basic banking services to the business through the threat of prosecution (Kleiman, 2017; Taylor et al., 2017). The lack of financial services causes obstacles to security and obstacles for business operations for state legal recreational cannabis.

Cannabis businesses being cash only have additional obstacles to overcome than a business that are not cash only. The obstacles that cash only businesses have to contend with include things such as increased crime, security, and theft. Tighe (2016), found that being a cash-only business includes the risk of crime, added cost to guard the cash, a higher chance of employee theft, and funds being mismanaged along with having no paper trail (pp. 811-812). The additional cost is something businesses that accept all

forms of payment does not have to contend with, due to having basic business financial services.

While having to complete all transactions in cash poses an obstacle for the safety of the business and employees, it also causes an obstacle to obtaining business loans. Cohen (2015), concludes that the lack of financial services force cannabis business to finance their own operations as they are unable to obtain a bank loan. However, Tighe (2016) found that virtual currencies could provide financial services before virtual currencies are subject to federal money laundering laws. The result is that cannabis businesses are own their own to finance their operations.

Taxation. While state legal recreational cannabis businesses, have to be cash only and not have banking services, federal income taxes pose an obstacle for the businesses. Traditional businesses can deduct operational expenses from their federal income taxes; however, cannabis businesses run into issues with the deduction. Cannabis businesses cannot deduct businesses expense, such as operational cost because cannabis is prohibited at the federal level (Blake & Finlaw, 2014; Taylor et al., 2016; Vitale, 2014). Swanson (2015) claims that the ban on deducting normal business expenses extends to hemp businesses because CSA takes a blanket prohibition approach. The findings for the previous sections combined with the current findings show that state legal cannabis businesses have no incentive to report the business income accurately and are a disadvantage compare to other businesses.

All businesses are expected to file income taxes. However, the actual filing of income taxes poses an obstacle for cannabis businesses. Vitale (2014), found that

cannabis businesses that file a federal tax return could trigger a federal prosecution Whereas Subritzky, Pettigrew, and Lenton (2016), found cannabis businesses are considered drug trafficking organization at the federal level thereby causing the issue with filing federal income taxes. State legal cannabis businesses in the course of trying to comply with federal law put themselves in risk for prosecution because the business is viewed as illegal at the federal level. The result is that the state legal cannabis business is at a disadvantage.

Tourist use. Tourism is a key part of the state's economy, including the states that have facilitated the legal use of cannabis. However, the tourist use of cannabis poses an obstacle for states that have legalized recreational cannabis. A policy analysis conducted by Blake and Finlaw (2014) found that in Colorado out of state tourist have no place to use cannabis they purchase if they are not staying at a cannabis-friendly place. A separate study conducted by Parns, Smith, and Conner (2018) found that the decision of out-of-state students to attend college in Colorado was significantly based on Colorado legalizing recreational cannabis. Out-of-state students have the same issue as a tourist visiting the state as they have no place to use cannabis because use in public is prohibited.

A second obstacle tourist pose for state legal cannabis is purchasing is controlling the quantity of cannabis that is purchased. Kamin (2015b) found that when tourist purchase in large quantities, they bring their purchase back to their home state. Kreit (2017) found that it is not surprising that tourist brings the cannabis they purchase back to their home state. The problem is that the cannabis purchase in a state where it is legal is

not supposed to leave the state. Also, the tourist brings cannabis back to their home state can hurt their home state that prohibits cannabis.

Spillover into neighboring states. The previous section showed that tourist poses an obstacle not only because there are limited places for the tourist to consume cannabis, but due to tourist bring cannabis back to their home state. Spillover of cannabis is a serious problem for a state that facilitates the legal use of recreational cannabis. Hao and Cowan (2017) found that along the Colorado border that has been an eight percent increase in arrest for cannabis possession along with increase law enforcement in counties that share a border with Colorado. Ellison and Spohn (2017), adds that counties on the Nebraska border with Colorado have experienced an increase in cannabis incarceration cost. However, states with legal cannabis cannot exert the state regulator authority into another state. The remaining of the section is going to cover the factors that contribute to spillover and reducing the spillover of cannabis from a state that has legalized the recreational use of cannabis to neighboring states.

Spillover can happen with any quantity of cannabis; however, it is most common with large quantities. Hansen, Miller, and Weber (2018) found that tourist purchasing large quantities of cannabis is a clear indicator that cannabis is going to be diverted to another state. However, the bulk of the spillover is happening between states where cannabis is legal in one and prohibited in another (Ellison & Spohn, 2017; Hansen, Miller & Weber, 2018; Kreit, 2017). The nature of the situation where cannabis is legal in one state but not in a neighboring state established a perfect environment for cannabis spillover.

States with legal recreational cannabis have some options on mitigating the risk for spillover. Kamin (2015b) found that limiting the quantity of cannabis to small amounts that can be purchased by the tourist, along with restricting sales on the border and advertisement at transportation centers can reduce spillover. However, Kreit (2017) found that regulations without strict enforcement will not prevent spillover into the neighboring state. Based on the findings a three-fold approach that includes strict regulations and enforcement coupled with an advertisement at all borders and transportation centers could potentially reduce spillover between states that have facilitated the legal use of cannabis and stated that prohibit cannabis.

Crypto markets. Drug crypto markets have revolutionized the way illicit drugs are sold. The crypto markets provide a safe way for the drug dealers to sell their products without the risks associated with conducting sales offline, such as violence and being apprehended by law enforcement (Alridge, & Décary-Héту, 2016; Barratt, Ferris, & Winstock, 2013; Décary-Héту, Mousseau, & Vidal, 2018). Besides reducing risks, the drug crypto markets provide sellers with a global customer based (Alridge, & Décary-Héту, 2016; Décary-Héту et al., 2018), which is impossible with offline drug sales because geography constrains the customer base for drug dealers. However, drug cryptomarkets take on added importance since states have facilitated the legal use of recreational cannabis. This section of the will show why policymakers in states where the recreational use of cannabis is a legal need to address the diversion of cannabis to the drug cryptomarkets. Décary-Héту et al. (2018), for example, found a connection between states that facilitate the legal use of recreational cannabis and recreational cannabis being

listed on drug cryptomarkets. The study finding indicates that state legal recreational cannabis is being diverted to drug crypto markets in states where recreational cannabis is legal.

The remaining sections first examine the obstacles that cryptomarkets overcome both for vendors and customers. The discussion will then move to look at the impact cannabis has on drug cryptomarkets. After discussing the impact cannabis has on cryptomarkets, the discussion will transition to the future of drug cryptomarkets considering state-facilitated legal cannabis.

Before moving on, it is essential to understand a few terms that will be used within the literature review. A drug cryptomarkets for the literature review will follow the definition provided by Aldridge and Décary-Héту (2018) whom define cryptomarkets as an “online market platform” (p. 7) that brings vendors selling illegal products and customers together while hiding vendor identity, customer identity and the transaction from being tracked through conventional means (pp. 7-8). An example of a drug cryptomarkets is the silk road. In addition, for the literature review, cannabis flower is being defined as the dried flower of the plant.

Limitations that drug cryptomarkets overcome for vendors and customers. The drug cryptomarkets mitigates many of the risks associated with offline drug sales. Aldridge and Décary-Héту (2016) found that the cryptomarkets provided anonymity, allows for the advertisement of products by vendors and access to more customers. Décary-Héту et al. (2018) also found that cryptomarkets provide better access to customers by transcending geographic boundaries. The findings show that central

limitation that cryptomarkets overcome for vendors is access to customers, having the ability to advertise and conduct business autonomously. However, the limitations that cryptomarkets overcome for vendors is only part of what cryptomarkets overcome.

Crypto markets besides mitigating obstacles for vendors of illicit goods, also mitigate limitations for consumers. Barrat et al. (2013) found customers purchase from cryptomarkets because of the better quality and variety of the products, convince, lower prices, and feeling comfortable with sellers who have higher ratings. Furthermore, Décary-Héту et al. (2018) found that the price for cannabis was between 10 to 43% lower on the cryptomarkets when compared to street prices. The studies finding shows that customers use cryptomarkets for different reasons than vendors. The finding of the study supports that cryptomarkets provide better access to for both customers and vendors who use the cryptomarkets, along with undercutting the street sale price by over 40 percent.

Cannabis impact on drug cryptomarkets. Cannabis is the most used illicit drug. According to Caulkins et al., (2016), 8 percent of people 12 and older have used cannabis at least one in the past thirty days. On drug cryptomarkets, cannabis flower had the highest revenue for any single drug listed (Aldridge & Décary-Héту, 2016). A study conducted by Décary-Héту et al. (2018) found that in the cannabis accounts for 21% of all sales on cryptomarkets or about 3.1 million dollars a month. Also, Demant, Muksgaard, and Houborg (2016) found that cannabis is the only illicit substance purchased in large quantities from cryptomarkets. Taken together, the author's findings show that cannabis flower accounts for a large portion of all sales on the drug

cryptomarkets. Nonetheless, the findings also show that cryptomarkets play a critical role in the diffusion of cannabis flow.

Drug cryptomarkets offline diffusion and future. Drug cryptomarkets will continue to play a role in the diffusion of cannabis now that states are facilitating the legal use of recreational cannabis. While investigating the black-market involvement in cannabis drug dealing, Décary-Héту et al. (2018) found evidence of a connection between state legal recreational cannabis and the cryptomarkets. The authors found 105 listings on cryptomarkets that reference states where the recreational use of cannabis is legal (pp. 10-11). The findings show that state legal cannabis that is being air marketed for retail sale is being diverted to the drug cryptomarkets. The findings are supported by Aldridge and Décary-Héту (2016), and Demant, Munksgaard, and Houborg (2016) who found a substantial portion of sales on cryptomarkets are for large quantities indicating the offline resale of the products. The findings of the studies, when taken together, show that recreational cannabis is being diverted to cryptomarkets and that the cannabis is being resold offline. In a way, the drug cryptomarkets are functioning as a distribution center for the diffusion of cannabis.

In summary drug, cryptomarkets will play an essential role as more states facilitate the legal use of recreational cannabis. Aldridge and Décary-Héту (2016) point out that cryptomarkets importance will increase in the coming years. The importance of drug cryptomarkets will continue to increase because they reduced the obstacles associated with offline drug deals such as violence, access to customers, and marketing. The literature also showed that cannabis accounts for a large percentage of sales and that

state legal recreational cannabis is diverted to the cryptomarkets for resale offline. The findings from the literature, while narrow in scope, showed that some retail locations for recreation cannabis are being used to supply the drug cryptomarkets. The findings support that state policymaker where the recreational use of cannabis is legal needs to address preventing state legal recreational cannabis from being diverted to the cryptomarkets as a part of preventing cannabis from being diverted to the black- market.

Future research should examine what states that legalize the recreational use of cannabis perceived as obstacles to preventing the diversion of cannabis to the drug cryptomarkets. In addition, research should look at what the state is doing to prevent the diversion of cannabis to the drug cryptomarkets. Third, future research needs to determine what law enforcement can do apprehend vendors selling state legal recreational cannabis on the crypto markets. Finally, future research should Sought to determine the size and scope of drug cryptomarkets in states with legal recreational cannabis, by understanding the scope and size of drug cryptomarkets will allow for policies to be developed to prevent the diversion of recreational cannabis.

Summary and Conclusion

The lack of basic financial services, businesses having to be cash only, taxation, tourist use, spillover, cryptomarkets were all identified as direct obstacles for state facilitated legal cannabis. However, the literature search only identifies research know obstacles as a result of the Controlled Substance Act, and not the perceived obstacles that impact state policymakers and legislators as they implement state legal cannabis. Determining the perceived obstacles among legislators and policy formulators in the state

who are implementing laws related to recreational use of cannabis is important because it makes reveal overlooked themes for future research that may contribute to the development of cannabis policies that incorporates both the states and the federal government regulatory powers into a uniformed policy.

Chapter 3: Research Method

I used a qualitative case study approach to answer the research questions. Yin (2018) and Stake (1995) considered the case study method the gold standard. Also, Grosshans and Chelimsky (1990) supported the use of the case study. Chapter 3 includes the research design and rationale for the design. The chapter also addresses ethical issues related to the researcher role. The method for the study includes (a) participant logic; (b) instrumentation and the development of the instrument; (c) procedure of the pilot study including the relationship between the pilot study and main study; (d) procedure for recruitment, participation, and data collection for the main study; (e) issues of trustworthiness; and (f) ethical procedures. The chapter concludes with a summary.

Research Design and Rationale

The following section focused on the research design and rationale for the study. The section starts with the restatement of the research questions that drove the methods for the study (see Yin, 2018). The section focused on defining the central concept of perceived obstacles for states that are having issues with implementing state-facilitated legal cannabis, and how it differs from obstacles that result from the Controlled Substance Act. The final section focused on the qualitative research tradition that was used in the study, along with the justification. The section shows that although I could have used any of the research traditions, the case study was best suited to answer the research questions.

Research Questions

RQ1: What are the perceived obstacles in the cannabis industry among states that are considering and/or implementing laws related to recreational use of cannabis?

RQ2: How do the perceived obstacles impact the implementation of state-facilitated legal recreational cannabis?

Central Concept of the Study

The central concept for the study was perceived obstacles for states that are having issues with implementing state-facilitated legal cannabis. The perceived obstacles for states that facilitated the legal use of recreational cannabis stem from known obstacles as a result of the Controlled Substance Act (CSA). Known obstacles for state-facilitated legal use of recreational cannabis include banks not taking on cannabis clients in fear of federal prosecution for money laundering (Cohen, 2015; Sacco et al., 2017), cannabis businesses having to be cash only (Kleiman, 2017; Taylor et al., 2017; Tighe, 2016), cannabis businesses not being able to deduct business expenses (Blake & Finlaw, 2014; Taylor et al., 2016; Swanson, 2015; Vitale, 2014), and tourists purchasing and transporting cannabis back to their home state (Ellison & Spohn, 2017; Hansen et al., 2018; Kamin, 2015b; Kreit, 2017). Also, the diversion of recreational cannabis to crypto markets has been identified in the literature as an obstacle for state-facilitated legal recreational cannabis (Aldridge & Décary-Héту, 2016; Décary-Héту et al., 2018; Demant et al. 2016). Perceived obstacles are defined as obstacles that emerge while state policymakers and regulators are implementing the legal use of recreational cannabis in the state. Perceived obstacles could include licensing, zoning, and testing. The perceived

obstacles are issues that emerge or were not thought of when the state legislators passed the legislation.

Research Tradition and Rationale

The research tradition for the study was qualitative case study. Qualitative case study is grounded in the constructivist paradigm and was the most effective way to discover the perceived obstacles for state-facilitated legal recreational cannabis. Baxter and Jack (2008), Stake (1995), and Yin (2015) recognized that reality is created from multiple perspectives. Grosshans and Chelimsky (1990) added that multiple perspectives allow for a comprehensive understanding of the issue that is being investigated. For example, in the current study, the case study method allowed for multiple perspectives from the policymakers and regulators to be examined as a whole to create reality. This is opposed to understanding the issue from a single perspective.

Although the case study method focused on the reality created from multiple perspectives, the case study tradition fits best when the the behavior of the participants cannot be manipulated, the context conditions are believed to be “relevant to the phenomenon under study,” and when the boundaries are unclear “between the phenomenon and context” (Baxter & Jack, 2008, p. 545). Starman (2013) added that the case study is the best choice when the focus is on the description of the individual, group, or phenomenon in detail. In the current case study, the behavior of the legislators and regulators could not be manipulated, the contextual conditions had the possibility of influencing the perceived obstacles for state-facilitated legal recreational cannabis, and

the boundaries were unclear in that it was unclear what role the contextual factors have on the creation of perceived obstacles.

The case study tradition is commonly associated with addressing *how* and *why* questions. Baškarada (2014) and Yin (2018) agreed that the case study method is best suited for questions that ask how and why something happened. However, Yin noted that questions that ask *what* can be used with the case study method when the question is focused on exploring a phenomenon. In contrast, Stake (1995) showed that the method can be used to answer the research question that asks *what*, but the question must be problematic. For example, the research question for the current study posed a problem in that it was addressing perceived obstacles instead of what benefits the states have seen from the legal use of recreational cannabis, which does not convey a problem.

To answer the research questions, I needed to collect data regarding the perceived obstacles for states that are having issues with the implementation of legal cannabis. The case study method allows for the collection of documents, archival records, interviews, direct observations, participant observations, and physical artifacts (Stake, 1995; Yin, 2018;). Data collection in the current study allowed for an in-depth understanding of the perceived obstacles and how they impact the implementation of state-facilitated legal recreational cannabis. Also, the method allows for accuracy to be established through the triangulation of the data (Stake, 1995; Yin, 2018). According to Stake (1995) and Yin (2018), triangulation ensures that claims are based on multiple sources of information, which helps established the accuracy of the results through the agreement of the various data sources.

In summary, the case study method was the best fit for the current study because I sought to understand perceived obstacles that are emergent, which aligned with the case study method. In addition, nonqualitative methods could not capture the contextual factors that impact what is perceived as obstacles. The research questions required multiple kinds of data, which could only be achieved with the use of the case study method. Also, as showed by Stake (1995) and Yin (2018), the multiple sources of data can enhance the validity of the results.

Role of the Researcher

The qualitative case study tradition has the researcher making direct observations and being a participant observer. According to Stake (1995), the “researcher keeps focused on categories or key events, attentive to background conditions that may influence subsequent analysis but concentrated on what constitutes a tally” (p. 64). Yin (2018) added that the observations are focused on the contextual factors that provide additional layers of information. In the current study, I observed the political climate, cannabis business operations, and regulations. My role as an external observer instead of a participant allowed naturalness in observations while minimizing the risk for researcher bias, which Yin (2018) stated is the main issue with participant observations.

Personal or Professional Relationships With Study Participants

I had no personal or professional relationships with the participants. Also, there was no prior communication between myself and any of the possible participants for the study. Also, I had no personal or professional ties to the recreational marijuana industry.

Management of Researcher Bias and Power Relationships

Reflective journals were used to manage researcher bias and power relationships. Reflexivity is a hallmark of qualitative research because it facilitates the creation of a new understanding of the issue under investigation (Mruck & Breuer, 2003; Reid et al., 2018; Russell & Kelly 2002). Ortlipp (2008) added that reflexivity acknowledges the researcher's values and thoughts on the issue under investigation. Also, Reid et al. (2018) stated that reflexivity allows for "[transparency] about the researcher's position and potential biases and assumptions" (p. 70) to be taken into account with the findings of the study to judge the authenticity of the study. Reflective journals allow for bias to be managed by bringing the unconscious into the consciousness, thereby allowing any potential bias to be recognized and considered (Ortlipp, 2008) . After each data collection session, I made a reflective journal entry. I also made journal entries after interviews were completed and after the transcriptions were completed. The focus of these reflections was on feelings, reactions, and issues that arose during the course of data collection. The reflections also focused on how I was viewing the issues and situations in which my prior knowledge conflicted with the data. The reflective journals helped me acknowledge my feelings, thoughts, views, and beliefs regarding what that data were showing. This helped prevent bias from influencing the study and helped me manage the power relationships that arose during the course of the study.

Other Ethical Issues

Participants' anonymity was ensured by collecting consent to participate through participants checking a box on the consent form. The checking of the box to agree to

participate allowed for the participants' identity to remain unknown. In addition, the methods ensured none of the responses to the questionnaire could be traced back to a specific person, thereby ensuring complete anonymity of the study participants.

Methodology

This section includes a discussion of the participant selection logic, the participant population, the sampling strategy, criteria for participant selection, and how the participants met the criteria. Also included is the number of participants and the relationship between the number of the participants and achieving saturation. I also describe how the interview instrument was created and how content validity and accuracy of the instrument were ensured through the use of expert review of the instrument. Next, I describe the procedures for the collection of data for both the pilot study and the main study. I used identical procedures to ensure that the studies were not different, to mitigate the risk of errors in the data collection, and to allow for replication of the study.

The data analysis plan was the same for the pilot study and the main study to allow for replication of the study by other researchers. By using the same methods for the data analysis will allow for the accuracy of the data analysis methods to be established, which is essential for sound research. Also, issues of trustworthiness, including creditability, transferability, dependability, and confirmability, will be discussed with emphasizing on using multiple methods to establish the trustworthiness of the study. The chapter will conclude with a detailed discussion of the ethical procedures for the study. The ethical procedures that will be discussed include (a) agreement to gain access to the

study participants, (b) the treatment of the participants. Finally, the conclusion will provide a summary of the main points in the chapter.

Participant Selection Logic

The population for the study is the marijuana industry. The marijuana industry employs between 250,000 (Evan, 2019) and 300,000 (Nunley, 2019) individuals throughout the industry. The cannabis industry consists of a broad range of operations from growth operations to retail store fronts and ancillary operations ranging from printing packaging to manufacturing vape cartridges (Nunley). The industry has considerable overlap between medical and recreational as operations produced for both depending on state laws allowing the use of marijuana. However, dispensary are the group that is primarily affected by the regulations as the dispensary have to adapt their operations to meet the changes in the regulations.

Justification for Sampling Strategy

The study used Purposeful random sampling to collect questionnaire data. Patton (2015) states “[the] purpose of a small random sample is credibility and manageability” of the study (p. 286). Furthermore, Patton (2015) explains that the “defining characteristic of a purposeful random sample is its randomness” (p. 286). A better way to understand purposeful random sampling is it is a small sample of the larger population that is chosen at random.

Implementing and regulating state-facilitated legal recreational cannabis is at all stages in the United States, such as Illinois is implementing the regulations while Colorado is fully implemented. Applying the Patton’s (2015) definition, to the research

questions and the study focusing obstacles to the implementation and regulation of state-facilitated legal recreational cannabis, shows that purposeful random sampling best fits with the research topic. In order to understand the perceived obstacles and how they impact the implementation, purposeful random sampling provides the most efficient and effective way to collect information-rich data.

Criteria for Participant Selection

The criteria listed below will be used to select participants for the study.

1. Employed at a recreational marijuana dispensary in one of the nine states that allow dispensaries.
2. Be in any position at a dispensary.
3. Must be knowledgeable of the issues with the implementation regulation and taxation of state-facilitated legal recreational cannabis.

Relationship Between Number of Participants and Saturation

Qualitative methods do not have a preferred sample size. However, the average sample size between 20 to 30 interview participants (Baker & Edwards 2010; Guest, Bunce, & Johnson, 2006; Mason, 2010). Guest et al. (2006) note that at 12 interviews, saturation can be achieved with 92 percent of codes developed. When there is a great deal of homogeneity within a population, sample size can produce rich data that allows meaningful interpretations of the data (Guest et al., 2006; Mason 2010). The recreational marijuana dispensaries consist of the bulk of the positions in the marijuana industry. In addition, the dispensaries are the group that most directly affected by changes in the regulations.

The total population size for the study is 250,000 to 300,000 individuals. The main study population will be 20 to 30 participants. The first 10 completed questionnaires were used for the pilot study of the instrument that will was developed to collect the questionnaire data.

Strategy for Participant Identification, Selection, and Recruitment

The participants for the study were identified through Pot Guide. The website provides a full list of dispensaries by state. To create the population, the lists for each state was downloaded and combined into a Word document. The list was then printed and each state dispensary by state was separated and placed in a separate container. From each container ten dispensaries were selected at random. Appendix B list the URL's from Pot Guides where the list was obtained from.

To recruit participants for the study, recruitment letter and recruitment flyer was mailed certified mail to the 90 dispensaries. The letter that was sent can be found in Appendix E which explains the purpose of the study, why the study is important, how participation in the study can benefit the recreational cannabis and how the study can expand the literature and that all participation is voluntary and can decide not the participants at any time. The letter also explains how anonymity and confidentiality will be ensured along with how the data will be store. In addition, the risk and benefits of the study are explained in the letter, along with how anonymity and confidentiality of study participants will be ensured to protect the identities of the participants. Finally, the letter explained participation can be done when the employee is not at work and is on this own time. The letter asked that the recipient to post the recruitment flyer if they wish in a

place that is visible to the employees or otherwise discard the recruitment flyer in a matter that the dispensary deems appropriate. Also attached to the letter is the recruitment is the recruitment flyer. Appendix F has provided the recruitment flyer that was mailed to the dispensaries.

Researcher-Developed Instrument

The lack of questionnaire data within the cannabis research review in chapter 2 of the proposal has resulted in a lack of instruments that could be used to collect data for the study. The following sections will first explain in detail how the questions were developed and show how the primary literature helped with the development of the questions in the questionnaire guide located in Appendix E. The discussion will then explain how content validity is being ensured through the use of expert review. The final section will discuss how the pilot study will be used to ensure the accuracy of the questionnaire guide to answer the research questions.

Basis for instrument development. The questionnaire guide and questions were developed through a systematic review of the literature. The demographic questions were developed to gain an understanding of who the questionnaire is and get a clear understanding of what it means to be a Cannabis Control Commissioner and or Cannabis advisory board member. The questions in the demographics were intentionally designed to be easy and allow for the establishedment of trust and rapport. For example, question nine in the questionnaire guide (Appendix E), asks the questionnaire what interests them about state legalized recreational cannabis. The question is designed to get the

questionnaire talking along with learning about the questionnaire bias towards the subject matter of the questionnaire.

The first five questions on the guide were developed based on the works of Blake and Finlaw (2014), Caulkins et al.,(2016), DeAngelo (2015). Ghoshray (2015), Johns (2015), Martin and Rashidian (2014), Praxmarer (2017), who shows that the political climate can affect the legalization of recreational cannabis and the implementation by the states. The first question in the series of five questions was developed to get an overall sense of the political climate in Legal recreational marijuana states. Questions two and three were developed to understand how supporters and opposers of recreational cannabis legalization coupled with the political climate in Legal recreational marijuana states impacted the initial regulations for recreational cannabis in Legal recreational marijuana states. For example, Johns (2015) found a direct relationship between support of legalization and allowing dispensaries within the city and or county jurisdiction. Blake and Finlaw (2014) claim it was proponents of legalization that allowed for Colorado voters to legalized recreational cannabis in 2012. Both DeAngelo (2015) and Martin and Rashidian (2014) had similar findings when looking at states legalizing the medical use of cannabis to treat ailments. The final two questions in the set ask for the broad impact of the proponents and opposition, and the competing groups have impacted the initial regulations and implementation of recreational cannabis.

Question number six was designed to get a contextual understanding of what recreational cannabis looked like in Legal recreational marijuana states in order to understand the structure of legal recreational cannabis. The question asks for 18 areas that

range from tax structure to enforcement. The 18 areas was based on recurring primary and secondary themes that can be found in the literature cited in chapter two of the proposal/dissertation. The 18 areas only include areas of regulations and not things such as federal legislation because they are not included in the physical structure of state-facilitated legal recreational cannabis. Question seven extends questions six to Sought an understanding of the perceived obstacles when developing the initial regulation.

To address former U.S. Attorney General Jefferson B. Sessions III memorandum which rescinded the guidance to federal prosecutors by Deputy Attorney General David W. Ogden and Deputy Attorney General James M. Cole which allowed states experiment with the legalization of cannabis for medical and recreational without the risk of federal prosecution. On January 4, 2018, U.S. Attorney General Jefferson B. Sessions III, instructed federal prosecutors that the Controlled Substance Act can be fully enforced in states with legal cannabis (Sessions, 2018). Questions eight and nine focus on how if any the Sessions memorandum impacted the implementation of recreational cannabis. The goal with the questions is to understand the immediate impact on obstacles for making recommendations for regulations and the long term expected impact long term impact of the memorandum.

Licensing of recreational cannabis was identified as an area of primary concern when Colorado and Washington legalized the recreational use of cannabis. As part of the Colorado passage of Amendment 64 in 2012, the Governor of Colorado established a task force to make recommendations on the implementation of recreational cannabis. Finlaw and Brohl (2013) determined that the regulations have to be robust enough to ensure safe

access to cannabis, children health and safety are not adversely affected, that regulation are not burdensome to the cannabis industry while making a clear distinction between state and local licensing authority. Legal recreational marijuana states that legalized recreational cannabis in 2016 has been plagued with delays that have caused the opening of retail locations by two years. The area that has caused the bulk of the delays has been focused on the licensing of the industry in the state (Brown, 2018; Eppolito, 2018; Glatter, 2018; Herrington, 2018). Questions 10 to 13 sought to understand the obstacles for the licensing of retail shops, grow facilities, and laboratories to test the cannabis. Question number 13 focused on how the obstacles continue to influence and impact the regulations for licensing of the recreational cannabis industry.

The cannabis of today is stronger and more potent than when cannabis was first prohibited in 1937 through the Marihuana Tax. The Seminal work by Foulis (2007) and Hamilton, Lescohier and Perkins (2007) has showed that Δ^9 -tetrahydrocannabinol (THC) is the primary psychoactive compound that produces the euphoric sense but also can result in the individual being in a catatonic state when over consumed. Walton (2007) study found that a large dose of cannabis can result in the user having an uncomfortable feeling such as pulse racing, perceptions being distorted, and mental hallucinations. The effects can last up to 48 hours after first use based on the amount of cannabis consumed and the potency of the cannabis (Walton, 1938/2007). However, in order to promote the safe responsible use of recreational limits have to be placed on the percentage of THC in cannabis flower, concentrates, and infused products. Questions 14 and 15 sought to understand the perceived obstacles in regulating the concentration of THC in flower,

concentrates, and cannabis-infused products. In addition, Question 15 sought to understand how the perceived obstacles have changed from the initial regulations to the current regulations and what the overall impact of the obstacles on the regulation for the amount of THC that can be in products.

Cannabis-infused edibles products are an effective way to use cannabis discreetly and allow for out-of-state visitors to consume cannabis. However, edibles look like non-cannabis-infused products can result in accidental consumption by children. Finlaw and Brohl (2013) and Monte, Zane, and Heard (2015) have found that post-legalization in Colorado hospitals has seen an increase in accidental ingestion of edibles by children with some children ending up in the intensive care unit of the hospital. The reason for the accidental ingestion was that edibles are attractive to children (Finlaw & Brohl, 2013). Questions 16 through 19 looked at the perceived obstacles of edibles. Question 16 was designed to get a broad idea of the obstacles that were perceived when it comes to edibles and the packaging of them. Question 17 and 18 was designed to understand the obstacles that were associated with the appeal of edibles to children and the delayed effect time of cannabis-infused edibles. The final question in the series was designed to understand the overall impact of the obstacles on the initial regulations and implementation and how the impact of the obstacles ongoing regulation of edibles.

Tourist poses a serious obstacle for the legalization of recreational cannabis by the states. Chapter 2 identified tourist having no place to consume cannabis that was purchased was identified as a primary obstacle of the regulation of recreational cannabis (Blake, & Finlaw, 2014; Parnes, Smith, & Conner, 2015). Question 20 sought to obtain a

broad understanding of the obstacles for allowing the sale of cannabis to tourist, which include places of consumption. Question 21 was designed to address the perceived obstacles associated with regulating how and where a tourist can consume cannabis that been purchased. In addition to the obstacles associated with where a tourist can consume cannabis, a second primary obstacle that was identified in chapter 2 was the spillover of cannabis through bulk purchases (Hansen, Miller, Weber 2018; Kamin, 2015b; Kreit, 2017). Question 22 was based on the findings that found the bulk of spillover of cannabis was caused by bulk purchases. The question sought to understand the perceived obstacles that were associated with preventing the spillover of cannabis by the tourist. The final question in the series sought to understand the impact of the perceived obstacles on both the initial regulation and continue regulation of tourist access to state legalized recreational cannabis.

In chapter 2, identified that drug cryptomarkets was a serious obstacle for state-facilitated legal recreational cannabis. Evidence was found that cannabis is being diverted from a state where cannabis is legal to the drug cryptomarkets (Décary-Héту et al. 2018). In addition, the literature has showed that the drug cryptomarkets will increase in importance in the years to the following, which poses an obstacle to preventing the divergence of state legalized recreational cannabis to illegal markets. Questions 24 through 26 explores the perceived obstacles for preventing the divergence of recreational cannabis to the illegal markets. The second question looked at change over time because of the evolving illicit market for drugs. The final question in the series on divergence to illicit markets sought to understand what are the expected obstacles in the future.

The final four questions in the instrument focus on the overall implications of the perceived obstacles identified on the current regulations for recreational cannabis. The goal of the final series of questions was to understand how all the specific areas perceived obstacles they affect each other along with understanding how the perceived obstacles help prepare regulators for handling obstacles that arise in the future.

How content validity was established. The content validity will be established through to use of experts in the field of cannabis and research. Three experts were selected to review the questionnaire guide based on the following criteria for content:

- Knowledge of legal obstacles for cannabis.
- They are actively engaged in the industry or research.
- Completion of state-mandated core compliance requirements and passing the final examination in the state of New Mexico.
- Knowledge of the cannabis industry showed through years working in the cannabis industry.
- Ease of access to cannabis experts.

In addition to the criteria outlined above for the content experts. The following criteria were used to select a research expert to review the content for rigor and meeting scholarly standards for sound doctoral research:

- Actively engaged in scholarly research.
- Actively advising and or mentoring graduate students on independent research projects for their degree completion.
- Critical and skeptical of online higher education institutions.

- Actively employed at a research-based university.
- Live and work in a state where marijuana is legal marijuana state.

Based on the criteria listed above, the two content experts were identified. The content experts that have been identified included Spencer of the Verdes Federation of New Mexico. The Verdes Federation is the leader in medical cannabis in the state of New Mexico and is considered the gold standard for their research-based approach to treating medical cannabis patients. Spencer has many experiences in the cannabis industry, which is close to the total length of time that medical use of cannabis has been legal in the state of New Mexico.

Dr. Brian White of the University of Massachusetts Boston was selected as a research expert. Dr. White holds degrees from the Massachusetts Institute of Technology and Stanford University where he earned his Ph.D. in Biology. Dr. White's research focused on the teaching of biology to students and has over 23 years of experiences both as a professor and researcher. Also, Dr. White is very skeptical of online for-profit institutions of higher education. He was selected because he expects a high level of rigor in all student research and across all courses, the teachers at the University of Legal recreational marijuana states Boston. Dr. White's expectation of a high level of rigor makes him the perfect choice to review the researcher-developed instrument to ensure that the instrument meets the high level of rigor that is expected for doctoral student research.

How the accuracy of the data collection instrument was ensured.

To ensure the accuracy of the instrument pilot testing was conducted. Yin (2018) stated that a pilot test will help the researcher to refine the “data collection plans concerning both the content of the data and procedures to be followed” (p. 106). Also, according to McDavid, Huse and Howthorn (2013), pilot testing is key to the establishment of construct validity and internal validity of the method and the study. The pilot test helped ensure the instrument was able to collect the data that was required to address the gap in the literature and answer the researcher questions.

A key feature of the pilot test was that it allowed for the me to determine what was working well with the methods and what must be revised and refined to ensure that the instrument was collecting the appropriate data to answer the research questions. Yin (2018) viewed the pilot test as a “dress rehearsal” for the data collection procedures of the main study, to learn what has worked and what needs modification and or revision before the main study to complete the data collection for the main case study. For example, during the pilot test of the instrument I discovered that some of the questionnaire questions are not producing the desired data. I modify the questions before the data is collected for the main study. Through the modifications of the questionnaire, the pilot test ensured the accuracy of the data collection instrument.

Procedure for Pilot Study

The following section will discuss the procedures for the pilot study that tested the questionnaire for accuracy and to determine if the questions produced the data that was required to answer the research questions. The study was conducted under Walden University IRB approval number 10-09-19-0739587. The first section explained the

recruitment procedure for the study. Following the recruitment procedure, detailed exploitation will be provided on the data collection procedure with emphasis on each step from the potential participant arriving for the questionnaire through the completion of the questionnaire and the debriefing. The final section will explain the relationship between the pilot study and the main study. The section will explain the reason that pilot study was conducted to ensure that (a) the participants can answer the questionnaire questions, (b) that the questions can produce data that can answer the research questions, (c) that the questions accurately capture the perceived obstacles for the regulation and implementation of recreational cannabis.

Recruitment procedure. Participants will be recruited by sending the recruitment letter and flyer that can be found in Appendix C and Appendix D to a random sample of 80 to 100 recreational marijuana dispensaries. The participants selected for the pilot study are the participants the first 10 participants to complete the online questionnaire from the web address on the recruitment flyer the list found in Appendix C and D. Each of the potential participants will be asked to review the Informed Consent on Survey Gizmo and click willing to participate in the study.

Data collection procedure. Participants upon going to the Survey Gizmo site will enter the passcode to access the online questionnaire. Following the participant clicking agree to a participant on the Consent the form, the participants will be directed to the questionnaire. The questionnaire will follow the questionnaire guide found in Appendix E. The questionnaire will start with asking demographic questions to build a picture of the participant, and what their role is within the cannabis industry. Also, the demographic

questions help with understanding any potential bias that may influence the responses to the questions.

The main questionnaire questions will start after the demographic questions. The main questions start with understanding the political climate in the participants respective while looking at what groups supported and opposed the legalization of recreational cannabis and their impact on the initial regulations. The questions are designed to capture what it means for recreational cannabis to be legal in the participants respective state. Following the broad questions the questionnaire proceeds to examine (a) the impact of federal regulations, (b) regulations for licensing, (c) regulating the amount of THC in cannabis products, (d) regulating edibles and cannabis-infused products, (e) the regulation tourist purchase, consumption of cannabis and preventing spillover (f) mitigating divergence to illicit markets. The final set of questions Sought to understand the overall impact of the perceived obstacles and what the questionnaire predicts will be obstacles in the future.

The questionnaire debriefing will commence after the last question is completed. The next steps in the process will be explained to the participant. The participant will be informed that if at any time they need to reach the researcher to use the email address provide. Participants will also be informed that upon completion of the study which will be defined as publication in ProQuest, a summer of the results will be posted on the researcher personal webpage.

Relationship between the pilot study and the main study. The pilot study is related to the main study in that the pilot study is being completed to determine the

accuracy of the questionnaire questions in answering the research questions. While in an ideal situation the pilot study and main study would not share a sample, due to how large the total target population is it makes practical sense for the pilot study to come from the target population for the main study. By sampling from the main study sample, it helps ensure that the questions will be answerable by the main study population. For example, during the pilot study it was determined that some of the questions were too complicated to be answered by study participants, the questions were modified and reviewed by the exporter reviewers. The benefit is that it helps ensure the questions made sense for study participants, along with ensuring the accuracy of the questionnaire questions to produce data that can be used to answer the research questions. The overall goals of the pilot study is (a) ensure the questions are written in an understandable manner for the participants in the main study, (b) ensure accuracy of the questions to be able to answer the research questions, (c) ensure both broadness and depth is balanced equally in that the responses provide detailed data with enough broadness in order to make generalizations.

Procedure for Recruitment, Participation, and Data Collection in the Main Study

To recruit participants for the study a recruitment flyer and recruitment letter that can be found in Appendix C and Appendix D was mailed to a random sample of 80 to 100 recreational marijuana dispensaries. The letter asks that the dispensary owner and or manager place the recruitment flyer where it was visible to all dispensary employees. The letter also states that posting the recruitment flyer is completely voluntary and that the dispensary owner and or manager is under no obligation to post the recruitment material. Potential participants are asked to take a business card that provides the web address for

the online questionnaire and passcode to enter the questionnaire. The web address and passcode is also provided on the recruitment flyer. Each of the potential participants will be asked was asked to enter the passcode and review the Informed Consent on Survey Gizmo and click willing to participate in the study.

Participants upon going to the Survey Gizmo site will enter the passcode to access the online questionnaire. Following the participant clicking agree to a participant on the Consent the form, the participants will be directed to the questionnaire. The questionnaire will follow the questionnaire guide found in Appendix E. The questionnaire will start with asking demographic questions to build a picture of the participant, and what their role is within the cannabis industry. Also, the demographic questions help with understanding any potential bias that may influence the responses to the questions.

The main questionnaire questions start after the demographic questions. The main questions start with understanding the political climate in the state the participant resides, while looking at what groups supported and opposed the legalization of recreational cannabis and their impact on the initial regulations. The questions are designed to capture what it means for recreational cannabis to be legal in the participants respective state. Following the broad questions the questionnaire proceeds to examine (a) the impact of federal regulations, (b) regulations for licensing, (c) regulating the amount of THC in cannabis products, (d) regulating edibles and cannabis-infused products, (e) the regulation tourist purchase, consumption of cannabis and preventing spillover (f) mitigating divergence to illicit markets which have been identified as primary areas of interest based on the literature and the frameworks found in chapter 2 of the proposal.

The final set of questions Sought to understand the overall impact of the perceived obstacles and what the questionnaire predicts will be obstacles in the future.

The questionnaire debriefing will commence after the last question is completed. The next steps in the process will be explained to the participant. The participant will be informed that if at any time they need to reach the researcher to use the email address provide. Participants will also be informed that upon completion of the study which will be defined as publication in ProQuest, a summer of the results will be posted on the researcher personal webpage.

In the case that too few participants out of the total population of up to 300,000 potential participants for the main study, a second set of 80 to 100 dispensaries will be mailed the recruitment letter and flyer. In the event that the second mailing of the recruitment material fails to produce enough participants to answer obtain data to answer the research questions social media (Facebook and Instagram) will be used to recruit potential study participants. The benefit of using Facebook and Instagram to recruit participants is that the platforms have a wide reach in reaching potential participants. However, the one pitfall of using social media to recruit study participants identified by Benedict, et al. (2019) is obtaining a representative sample of the target population. The use of social media will only be used if the mailing of the recruitment flyer produces less than 20 completed questionnaires which is required to achieve data saturation.

Data Analysis Plan

The data gathered from the questionnaire connect to both the first and second research question in that the goal of the questionnaire is to understand what are the

obstacles that are perceived to impact the regulations and how the perceived obstacles impact the implementation of state-facilitated recreational cannabis. The primary question for each questionnaire question in the questionnaire guide found in Appendix E Sought to understand what the specific perceived obstacles are for each of the areas online above. The sub-questions for each of the main questionnaire questions address the second research question of: How do the perceived obstacles impact the implementation of state-facilitated recreational cannabis? Each of the responses to the sub-questions is designed to gather specific information on how the perceived obstacles identified impact the study of issues, the process of making recommendations, and the implementation of the recommended regulations. Besides, the final set of four questions Sought to answer the overall impact of the perceived obstacles on the continued implementation of state-facilitated recreational cannabis. The responses to the final set of questions will help answer the second research question.

The coding of each questionnaire will be done in Nvivo. The codes will start with the initial codes from the literature. After the completion of the initial coding the questionnaire's the questionnaires will be reread for new codes that emerge from the responses of the participants. The new list of codes will be used to code the subsequent questionnaires and be used to recode all questionnaires with the final list of codes. The coding will continue until saturation of the codes has been achieved by no new codes produced after multiple reviews all transcripts. In a case of discrepant cases, the primary codes will be used, and all codes that emerge from the discrepant cases will have the prefix disc to note that the code emerged from a discrepant case.

The data gathered from news reports, commission reports, publications, and documents will be used to help answer both the first and second research question in that the data will be used to understand what are the obstacles that are perceived to impact the regulations and how the perceived obstacles impact the implementation of state-facilitated recreational cannabis. The documents will also be used to support the data that is gathered from the questionnaires. The documents that are gathered focused on (a) the impact of federal regulations, (b) regulations for licensing, (c) regulating the amount of THC in cannabis products, (d) regulating edibles and cannabis-infused products, (e) the regulation tourist purchase, consumption of cannabis and preventing spillover (f) mitigating divergence to illicit markets, which is key to answering the research questions.

The coding of each document was done in Nvivo, which also will be utilized for the transcription of the raw questionnaires and the coding of the questionnaires. The codes will start with the initial codes from the questionnaire transcript. On completion of coding of the document with the codes from the questionnaire, the document will be reread for new codes that emerge from the document. The new list of codes will be used to code the subsequent documents reviewed and be used to recode all documents with the final list of codes. The coding will continue until saturation of the codes has been achieved by no new codes produced after multiple reviews all transcripts. In a case of discrepant cases, the primary codes will be used, and all codes that emerge from the discrepant cases will have the prefix disc to note that the code emerged from a discrepant case.

The final set of data collected was field notes and reflective journals. The field notes and journals helped to understand what the perceived obstacles are, and how the perceived obstacles impact the study of issues, the process of making recommendations for regulations, and the implementation of the regulations. The field notes and reflective journal focused on the following areas: a) the impact of federal regulations, (b) regulations for licensing, (c) regulating the amount of THC in cannabis products, (d) regulating edibles and cannabis-infused products, (e) the regulation tourist purchase, consumption of cannabis and preventing spillover (f) mitigating divergence to illicit markets, which is key to answering the research questions. Also, the field notes and reflective journal will make a note of issues that are emerging from the course of collecting the data. The emerging issues, coupled with the specific focus of the field notes, will help answer what the perceived obstacles are and how they impact the regulation and implementation of state-facilitated recreational cannabis.

The coding of the field notes and reflective was done in Nvivo, which also was utilized for the coding of the questionnaires and documents. The codes will start with the initial codes from the questionnaires and the documents. On completion of coding of the field note and reflective journals with the codes from the questionnaire and the documents, the field notes and reflective journal will be reread for new codes that emerge from the document. The new list of codes will be used to code all documents reviewed and the questionnaire transcripts with the new codes. The coding will continue until saturation of the codes has been achieved by no new codes produced after multiple reviews all transcripts. In a case of discrepant cases, the primary codes will be used, and

all codes that emerge from the discrepant cases will have the prefix disc to note that the code emerged from a discrepant case.

Issues of Trustworthiness

Addressing issues of trustworthiness is key to ensuring the validity of the study. The section focused on creditability, transferability, dependability, confirmability, and transferability of the study. Each of the sections helps established the rigor of the study, along with ensuring that the study meets the highest standards of sound academic research. The sections will show that triangulation is a key aspect for establishing the trustworthiness of the study and that triangulation can be used with thick description, reflexivity, and an audit trail to establish the trustworthiness of the proposed study. The discussion will show that no one method alone can established the trustworthiness of the study on its own, but through the combination of methods, the trustworthiness of the study can be established.

Credibility

Triangulation is an important tool to established credibility of qualitative studies. According to Yin (2018), the finding of the study will be more accurate when multiple sources of evidence are used to support findings and conclusions. The multiple sources of evidence that support the claim established creditability by showing that a chain of evidence supports the claim. Stake (1995) adds that triangulation works to support the claim by the intersection of the evidence on a specific point. The intersection of the points of the evidence establishedes the factual accuracy of the evidence, which established the creditability of the evidence.

Transferability

Thick description is a hallmark feature of all qualitative researcher. For the study thick description of the what the perceived obstacles are and how they impact the study of issues, the recommendation of regulations and the implementation of state-facilitated recreational cannabis will show how the perceived obstacles impact the regulation of recreational cannabis by the states. Description focused on each of the obstacles identified by the participants, along with descriptions of how documents, including reports, field notes and reflective journals. The thick description will show the characteristics of the obstacles and the regulation of state legal recreational cannabis. The goal of the thick description is to establish the transferability of the study findings to the larger area of state legal cannabis across the United States.

The sample of participants represented a broad range of expertise across cannabis dispensary bud tenders, General managers, master growers, trimmers, concentrate processors legal. The broad range of expertise allows for a broad understanding of the perceived obstacles for the legalization of recreational cannabis by the states. Also, the data gathered from the variation in the participants allow for the establishment of transferability through the various views of the diverse sample population.

Dependability

Dependability can be established through the use of an audit trail. The audit trail allows others to see the strand of evidence that resulted in the findings and conclusions of the study (Krathwohl, 2009). Based on Krathwohl (2009), the audit trail allows for others who examine the study to trace the steps and evidence that have resulted in the findings

and study conclusions. For example, in the proposed study the audit trail includes the literature cited in chapter 2, the literature that informed the creation of the questionnaire protocol, the questionnaire data, documents, field notes, and reflective journals, all of which established the chain of evidence that resulted in the study findings and conclusions. In other words, the audit trail showed that none of the findings are made up, while also showing how the findings and conclusions are grounded in the data that was collected for the study.

Confirmability

Confirmability was established through the use of reflective practices. Reflexivity “refers to awareness of the personal factors that might affect the observer’s view of phenomena-their interests, values, and self-perceptions” in the context of the phenomena under investigation (Krathwohl, 2009, p. 242). For example, personal feels, and views of the phenomena can bias the observations that the researcher makes about the phenomena that are being studied. However, Ortlipp (2008) pointed out one way to control for personal views, values, and self-perceptions is by using reflective journals. The journals allow for the beliefs of the researcher to be recognized and accounted for while conducting the study. Based on Ortlipp (2008) and Krathwohl (2009), the process of acknowledging personal views and bias established transparency in the study. Transparency in the study is essential for the establishment of confirmability in that it shows how the personal researcher views affect the study design and the study results and conclusions.

In the study, reflective journals were used to bring my thoughts and beliefs to the forefront. The journals as showed by Ortlipp (2008) will allow for the acknowledgment of my personal beliefs, values and perceptions which will help reduce bias, while also helping to established confirmability of the observations and the findings from the study. For example, the journals will help mitigate personal beliefs about the political structure of Legal recreational marijuana states, a state I lived in from 1983 to 2006 before I moved to New Mexico. The journals will help control my feelings about the political climate, which will result in a more transparent study than what would be achievable without the use of reflective journals. Also, the journals will help ensure personal feels do not bias the results of the study but instead are based solely on what the data shows as the perceived obstacles to the legalization of recreational cannabis and how they impact the implementation of state-facilitated legal recreational cannabis. The end product of the use of reflective journals is the establishment of confirmability.

Ethical Procedures

The sections to follow focus on the ethical procures for the study. The main sections are (a) agreement to gain access to study participants, (b) the treatment of human subjects. The sections focus on the protection of the participants including areas such as safety traveling to the questionnaire site, the protection of the participant identity, the protection of the data including data security while traveling from Boston Legal recreational marijuana states and storage of the data while analyzing the data and post completion of the study. Also, the use of incentives are discussed and how the participants will receive the incentive to participate in the study. Also, data security is

discussed in relationship to traveling with personal and confidential information such as in the case of an emergency evacuation of an aircraft and complying with the Transportation Security Administration screening procedures. The goal of the section is to show how personal and confidential information of the study participants will be protected at all times throughout the study and following the completion of the study.

Agreement to gain access to participants. To again access recruitment letter and recruitment flyer was mailed certified mail to the 90 dispensaries. The letter that was sent can be found in Appendix D which explains the purpose of the study, why the study is important, how participation in the study can benefit the recreational cannabis and how the study can expand the literature and that all participation is voluntary and can decide not the participants at any time. The letter also explains how anonymity and confidentiality will be ensured along with how the data will be store. In addition, the risk and benefits of the study are explained in the letter, along with how anonymity and confidentiality of study participants will be ensured to protect the identities of the participants. Finally, the letter explained participation can be done when the employee is not at work and is on this own time. The letter asked that the recipient to post the recruitment flyer if they wish in a place that is visible to the employees or otherwise discard the recruitment flyer in a matter that the dispensary deems appropriate. Upon posting the flyer in a place that is visible to employees with will imply permission to recruit study participants.

Treatment of human subjects. All study participants free to withdraw at any time from the study. The voluntary nature of the study is explained in the Informed

Consent that can be found in Appendix H of the proposal. Also, the voluntary nature of the study is explained in the first paragraph of the second page of the recruitment letter (Appendix d). Also, at the start of the questionnaire, all components of the informed consent form will be discussed, including that participation in the study is voluntary.

The primary concern was the anonymity of all participants. To protect participants identity and to ensure questionnaire response cannot be match to any specific dispensary, consent will be obtained electronically without the participant providing their name. Participants will be asked the following; If you feel you understand the study well enough to make a decision about it, please indicate your consent by checking the box below. By checking the box found on the consent form, the participant is providing consent without providing any information that would identify the participant.

Treatment of data. All data will be kept confidential, and the names of participants will be changed to an alpha numerical code such as A113. The use of the letters will mask the identity of the participants. In addition, the signed informed consent forms will be kept in a fireproof lockbox inside a safe installed into the foundation of the house. No one is other than I will have the combination for the floor safe and the key for the lockbox. The method will be ensuring that no information is viewed by anyone other than myself, who is the primary researcher. However, records and personal information will only be disclosed in the compliance with court orders and only after verification of the authenticity of the court orders.

Data will be kept secure by password protection of laptop, external hard drives and SD cards that the questionnaires are stored on. Also, data encryption of all completed

questionnaires, along with the use of codes in place of names, will help protect the confidentiality of the study participants. When necessary, the storing names will be kept separate from the data, along with the discarding names when possible. All SD Cards, external hard-drives, and printed questionnaires will be kept in a fireproof lockbox inside a fireproof combination safe that is cemented into the foundation of the house which only the researcher only has the combination for. The laptop and the storing of names will be kept in a lock file cabinet with individual draw padlocks which are located inside a locker room in which I will have the only key to access the room.

Anonymity of participants. To protect all participants identity and to ensure questionnaire response cannot be match to any specific dispensary, consent will be obtained electronically without the participant providing their name. Participants will be asked the following; If you feel you understand the study well enough to make a decision about it, please indicate your consent by checking the box below. By checking the box found on the consent form, the participant is providing consent without providing any information that would identify the participant.

Summary

The case study methods support answering the research questions by understanding the issue from multiple perspectives. In order to understand the perceived obstacles state legalized recreational cannabis and how they impact the regulation and implementation for recreational cannabis requires understanding the issue from multiple angles, which makes the case study methods the best choice to address the issue. For the proposed study, the central concept of perceived obstacles is defined as obstacles that

were not thought of but emerged while state policymakers and regulators are implementing the legal use of recreational cannabis in the respective state. Areas, where obstacles arise, include licensing, zoning, testing, tourist use and divergence, tourist use and divergence to illicit markets. The case study method, as has been showed, is ideal to understand how the perceived obstacles from the various areas impact the regulation and implementation of recreational cannabis.

A pilot test will be conduct conducted to ensure the questionnaire is effective at capturing the data that is required to answer the research questions before conducting the main study. The questionnaire was based on the cannabis literature cited in chapter 2 of the proposal and the literature for that was cited for the study framework. Both sets of literature were incorporated into the questionnaire to ensure a full and holistic understanding of how the perceived obstacles impact the regulation and implementation of recreational cannabis. After the pilot study, any necessary changes will be made to the questionnaire and reviewed by two cannabis experts to ensure the content and accuracy of the changes to the questionnaire instrument.

Issues of trustworthiness as has previously showed will focus on (a) triangulation of findings with multiple sources of evidence in addition to the questionnaire data, (b) thick description, (c) use of an audit trail, (d) the use of reflective journals and field notes. The benefit of the methods is to ensure creditability, transferability, dependability and confirmability, transferability, dependability, and confirmability of the study, which are all hallmarks of sound researcher and ensure that findings accurately reflect what the data

shows. Also, the methods allow for the highest level of rigor to be established for the study, which helps established the overall validity of the study.

The ethical treatment of study participants and collected data is a top priority. The ethical procedures start with obtaining permission to recruit participants from the Legal recreational marijuana states, Cannabis Control Commission and Cannabis Advisory Board. All data will be protected with a multilevel system of protection including (a) the removal of all information that can identify participants, (b) the encryption of all audio recordings, (c) password protection of the laptop and files associated with the data, (d) storing names and transcripts separate while also using a two-level security stem of a fireproof lockbox and foundation mounted safely. Also, while traveling with personal information all data will be secured in a backpack with a TSA approved lock and a manifest of all documents will be provided upon request to the TSA and American Airlines if the backpack needs to be inspected to comply with security measures for air travel. The section has established that in the event of an emergency that requires the aircraft to be evacuated, all efforts will be made to take the backpack as long as it does not put lives in danger.

In sum, the methods discussed in detail in the chapter are designed to ensure the highest level of academic rigor, while also protecting the study participants from undue the harm that could result from the mishandling of the data. The use of multiple methods helps established the overall validity of the study while mitigating the risk for bias and the unfair treatment of study participants. Also, the methods help address the criticism of qualitative methods being soft, by the establishment of the rigor in the methods.

Chapter 4: Results

Chapter 4 outlines the data collection and analysis of the research. The chapter outlines the background of the cannabis industry in the United States and the participants. The views of 22 individuals who work in the United States cannabis in some form are presented. The participants represented nine states that are at different stages in the process of legalization of cannabis, including fully implemented, on the ballot for the November 2020 election, considering regulation, drafting regulations, and partially implemented regulations. The chapter also includes a description of the data collection and data analysis process. The results of the analysis are then presented. The chapter concludes with a summary of the results and an overview of Chapter 5.

Purpose Statement

The purpose of this case study was to assess the perceived obstacles to the implementation and regulation of state-facilitated use of recreational cannabis. To address the gap, an online questionnaire was completed by individuals who work in the marijuana industry, to discover what the perceived obstacles to state-facilitated use of recreational cannabis are and how those obstacles impact the implementation and regulation of state-facilitated use of legal recreational cannabis. The questionnaire was created from documents from state agencies, federal agencies, media outlets, and cannabis trade publications to determine the relationship between how states can facilitate the use of recreational cannabis and the federal government prohibiting cannabis.

Research Questions

RQ1: What are the perceived obstacles in the cannabis industry among states that are considering and/or implementing laws related to recreational use of cannabis?

RQ2: How do the perceived obstacles impact the implementation of state-facilitated legal recreational cannabis?

Pilot Study

A pilot study was conducted to determine the accuracy of the questionnaire in answering the research questions. The pilot study was also designed to ensure that the target population, which comprised individuals working in the cannabis industry, could understand and answer the questions. Also, the pilot study was conducted to fine-tune the online questionnaire for clarity, including word choice, in the questions. It was essential to check for clarity and understanding of the questionnaire to avoid discrepancies between academic English and the language used by the target population of the cannabis industry.

The following sections address the pilot study. I describe the steps taken from the initial mailing of the recruitment material to the selection of the random sample of 93 dispensaries who received the questionnaires. The section also addresses flaws in the questionnaire that a participant identified while completing the questionnaire. The discussion then shifts to the implications of the pilot study, including changes to the recruitment strategy and changes to the questionnaire. Changes to the recruitment strategy focus on the impact of the COVID-19 pandemic, while changes to the questionnaire focus on word choice for clarity and understanding and on streamlining the

questionnaire with an emphasis on reducing the total number of questions, thereby reducing the length of time required to complete the questionnaire.

Conduct of Pilot Study

Ninety-three of the 100 permitted recruitment material packets (Appendices C and D) were mailed via the United States Postal Service on March 4, 2020. All recruitment packets were received by recreational cannabis dispensaries between March 7, 2020, and March 11, 2020. The first completed questionnaire came in on March 13, 2020, followed by three more on March 18, 2020. By March 18, 2020, COVID-19 had been designated a pandemic in the United States. At this point, the pilot study was stopped. Participant A113 emailed me and provided feedback on why the participant answered only the demographic questions. Participant A113 stated the following regarding the questionnaire:

The topic is important for the industry and for the state. However, the questionnaire is written in academic Gibberish. I had to use a dictionary to look up what half the words in each question even meant. The questions are too complicated and make no sense. The questionnaire itself is too long and each question is taking over 30 minutes to try to answer. If you write the questions in language that the cannabis industry understands, make the questions less complicated, reduce the number of questions, and reduce the time it takes to complete the questionnaire. I am more than willing to take the questionnaire again. I hope this helps you. Good job, though (Participant A113).

The feedback provided by the participant highlighted the fact that the questionnaire had some serious flaws with language and length, which were affecting the time it was taking participants to complete the questionnaire. The feedback also explained why, on all questionnaires, only the demographics were completed by study participants.

Impact of Pilot Study

The pilot study highlighted the fact that changes would be required in the recruitment strategy and the questionnaire. The pilot study highlighted the fact that the recruitment strategy of direct mailers to recreational cannabis dispensaries was ineffective due to stay-at-home orders, which closed nonessential businesses, including recreational cannabis dispensaries, to help prevent the spread of COVID-19. Second, the pilot study showed that the academic language had to be changed to accommodate the cannabis industry because the academic language was beyond the scope of the target population. In addition, the length of the questionnaire had to be reduced, and questions had to be streamlined for clarity and understanding. These changes were also required to reduce the total time it took participants to complete the questionnaire.

Changes to Recruitment Strategy

The pilot study showed that the recruitment strategy was effective until the COVID-19 pandemic became widespread in the United States by March 18, 2020. As a result of COVID-19 and state governors issuing stay-at-home orders, recreational dispensaries were closed to prevent the spread of the coronavirus in most of the states in which recruitment material had been mailed to dispensaries, including Massachusetts (see Baker, 2020; Collins, 2020). To recruit study participants, I employed Facebook Ad

Manager to post the recruitment flyer (Appendix C) on Facebook's social media site, which included Facebook and Instagram. Facebook Ad Manager allowed participants to be directed to the questionnaire on Survey Gizmo without having to enter the questionnaire URL into their web browser manually. The use of social media to recruit participants had the potential to produce a nationally representative sample for the main study, including states that are in the process of legalizing the recreational use of marijuana based on the determination made in the November 2020 national election. Also, the use of social media was the only way to recruit study participants as direct mailing to dispensaries was no longer an option due to the National COVID-19 pandemic.

Changes to Questionnaire

The pilot study highlighted the fact that the questionnaire (Appendix E) had to be streamlined because it was taking participants over 90 minutes to complete. As a result, participants were not answering most of the questions. In addition to streamlining the questionnaire, the academic language had to be removed from each question and replaced with the cannabis industry language to allow study participants to understand the questions. The demographic questions were changed from clear answers to drop-down boxes from which the study participants could select a response, except for the question on specific training in cannabis and what interest the participants had in recreational cannabis legalization because these questions required open-ended responses. The changes to the demographic's questions were made due to the absence of a full range of demographic questions noted in the pilot study.

I streamlined the questionnaire and made changes to allow the questions to be understood by study participants. In Question 1, the words “looked like for” were added. The word “cannabis” was replaced with “marijuana” at the end of the question. Finally, the subparts of the question were removed. Question 2 was rewritten for clarity. The subparts were removed because they complicated the question and made it unanswerable by the study participants. For Question 3, the phrase “please describe” was added to the beginning of the question, and the subparts were removed.

Finally, “cannabis” was replaced with “marijuana” because marijuana is the term used in the industry. Question 4 was removed because it was redundant. Question 5 was changed to Question 4. Additionally, the ending was changed for clarity and understanding, and the subparts were removed because they were incorporated into the principal question. Question 6 was changed to Question 5. The question was rewritten for ease of understanding because it was identified as being incomprehensible by the study participants. The subpart was changed to “Please consider the following areas when describing.” Question 7 was changed to question 6, and the directions were changed to enhance clarity. The definition of perceived obstacles was removed because the definition confused study participants and was replaced with “what do you view as obstacles....” This verbiage was added to each question to which the directions applied.

In addition, the first line of the question was changed, and I added “and how has the memorandum impacted recreational marijuana in your state?” to the end of the question. The subparts of the question were removed because the central question incorporated all the subparts of the question. Question 8 was removed because it provided

no additional information and was redundant. Question 9 was changed to Question 7, and the words “the perceived” was removed. The subparts of the question were removed for clarity and ease of understanding. Question 10 was changed to Question 8, and the words “do you view as” were added after the introduction of the question. Also, the phrase “was perceived” was removed, along with the subparts of the question for clarity and understanding. Question 11 was changed to Question 9, and the phrase “to the best of your abilities; what do you believe were the...” was added to the beginning of the question. The subparts were removed because they overcomplicated the question and were incorporated into the main question.

Question 12 was changed to Question 10. The word “cannabis” was replaced with “marijuana,” and the word “bud” was added after the word “flower.” Additionally, after the phrase “concentrated forms of cannabis,” the words “wax, shatter, caviar, crumble, RSO, hash” were added. The terms are industry terms that improve clarity in the question. The phrase “did you view” was added to the question along with the term “cannabis” being replaced with “marijuana.” The subparts of the question were removed because they were redundant. Question 13 was changed to Question 11. The industry terms were added to the question, along with the term “cannabis” being replaced with the term “marijuana.” The end of the question was reworded to “the regulations have changed and/or evolved to their present form.” The subparts of the question were removed because they did not provide any additional information. The change was made for clarity and ease of understanding. Question 14 was changed to Question 12. The

question was rewritten for clarity, and the subparts were removed because they provided no additional information.

Question 15 was changed to Question 13. The word “perceived” was removed from the question, and the end of the question was rewritten for clarity and ease of understanding by the target population. The subparts of the question were removed because they failed to provide any new information. Question 16 was changed to Question 14. The word “knowledge” was changed to “abilities,” the word “perceived” was changed to “view,” and the word “cannabis” was changed to “marijuana.” Finally, the subparts of the question were removed to enhance the clarity of the question. Question 17 was deleted because the question did not provide any new information that was not capturable in the previous question.

Question 18 was changed to Question 15 and rewritten, and the subparts of the question were removed. The change was made for clarity as the question was over-complicated and was too difficult to be answered by the target population. Question 19 was changed to Question 16, and the phrases “do you view,” “to prevent” and “transporting legally purchased” were added to the question. The term cannabis was changed to “marijuana,” along with the removal of the subparts of the question. The changes were made for clarity, ease of understanding, and to make the question answerable by the target population as the pilot study showed that the target population could not answer the question. Questions 20 and 21 were removed as they did not provide any additional information that the previous question did not capture. In the directions leading to the next question, the term cannabis was replaced with “marijuana” since

marijuana is the industry term that is commonly used and as a result of the fact that it allows for consistency within the questionnaire.

Question 22 was changed to Question 17, and the phrase “to the best of your abilities” was added to the beginning of the question, along with the removal of the term perceived. The subparts of the question were removed as they over-complicated the question and made the question too difficult to be answered by the target population. Question 23 was removed from the questionnaire as it was part of the previous question. The question did not need to stand alone and was already incorporated into the previous question. Question 24 was changed to Question 18. The only change that was made to this question was the replacement of the word “cannabis” with the word “marijuana” and the merging of the subpart into the body of the main question. The change was made for clarity and ease of understanding of the question by the target population.

Question 25 was changed to Question 19; the term perceived was removed, and the phrase “you identified” was added after obstacles. The term cannabis was replaced with the term “marijuana,” in addition to replacing the term “residing” with the term “live in.” The change was made for clarity. Question 26 was changed to Question 20, and the only change made to this question was that the term “cannabis” was replaced with the term “marijuana.” Question 27 became Question 21, and the phrase “Please provide an example,” was removed from the questions to streamline the question. Question 28 was removed from the questionnaire as the question was redundant and did not provide any additional information. Question 29 was changed to Question 22, with the phrase “in the

future” added at the end of the question. Question 30 was changed to Question 23, and the wording was kept the same.

Setting for the Main Study

The cannabis industry, located throughout the entire continental United States, is one of the fastest-growing industries within the United States. The industry as of 2019 has approximately 300,000 individuals working in the industry in various positions (Nunley, 2019), along with generating \$52,000,000,000 in sales for the fiscal year 2018 (Evans 2019). The cannabis industry is divided into five operation types, which are 1. Retail sales; 2. Packaging and labeling; 3. Growth and cultivation; 4. Production; 5. Manufacturing, with the majority of the individuals employed in the last three operations types. The industry at the individual state level is broken down into specific types of products that can be sold, grown, manufactured, and produced based on the state laws governing cannabis.

At the state level, the cannabis industry is focused on three main types of cannabis use permitted, which included: recreational use (adult-use), medical use/CBD, hemp, or some combination of the three types of use allowed. However, the main difference, regardless of state laws, is the maximum concentration of Δ^9 -Tetrahydrocannabinol (THC) that products can contain. Nonetheless, the total size of the cannabis industry at the state level is determined by the state laws governing cannabis, such as states that allow for both recreational and medical use of cannabis will have more massive industry within the state as compared to a state that only allows medical use of cannabis. The

cannabis industry at the national level highlights the broad overlap between the three primary forms of legalized cannabis.

Demographics

The sample population represented 11 states that have legalized recreational marijuana or are in the process of legalizing recreational marijuana based on the determination of the November 2020 national election. Table one provides a breakdown of the demographics and the number of occurrences for each of the demographic items. The states of California, Florida, Maryland, and New York account for 12 of 22 completed questionnaires or 54.54 percent of the total sample. The most frequent positions held by participants were General Manager, master grower, inventory manager, security, and trimmer. Also, nine of the participants had positions that were not listed in the questionnaire. The participant's training in handling cannabis ranged from specific training in cultivation to no training, with participants having no training accounting for 40 percent of all participants. The participant's primary reason for being interested in the legalization of recreational cannabis was legalization itself. However, 18 percent of participants had no interest in legalization.

Table 1

Demographics and Sum of Responses

State ¹	Sum	Position	Sum	Training	Sum	Interest in legalization	Sum
AL	1	GM	4	Cultivation	2	Legalization	13
CA	3	Master Grower	2	Bud Tending	1	Medical use	2
FL	3	Inventory Manager	2	Cannabinoid Systems	1	Does not harm individuals	1
GA	1	Security	2	Botany	1	Curiosity about marijuana	1
IA	1	Trimmer	1	No training	9	No interest in legalization ⁵	4
MD	3	Other Position not listed ⁴	9				
MO	1						
NY	3						
OK	1						
TX ²	2						
VA	1						
Global ³	1						

1. The states reported are from 22 completed questionnaires used in the study.

2. Texas 2019 Hemp Bill did not distinguish between hemp and marijuana-based on THC concentration and inadvertently legalized all forms of marijuana. *Edward, T. (2019, June 28). Texas county prosecutors dismiss hundreds of marijuana misdemeanors: Thanks to recent changes in law, misdemeanors are getting reviewed and dismissed. Retrieved from <https://hightimes.com/news/texas-county-prosecutors-dismiss-hundreds-marijuana-misdemeanors/>*

3. One participant went off the country of birth instead of the place of residence.

4. The questionnaire work position was not all-encompassing; therefore, positions were left out.

5. Indicates that the participants were only working in the industry as it was a job.

Data Collection

The recruitment flyer (Appendix C) was made active in the Facebook Ad manager on April 12, 2020, after receiving IRB approval on April 10, 2020. The recruitment flyer was kept active for 25 days, at which point the recruitment flyer was deactivated in the Facebook Ad manager due to 74 questionnaires were submitted, which was beyond the number required to conduct data analysis. The following sections will first describe the number of participants included in the study, along with providing the rationale for why participants were excluded from the study. Second, the duration of the data collection will be described in detail. The section will focus on the collection of submitted questionnaires and the collection of documents. Third, the steps in how data was recorded will be described in detail. The section will end by describing variation from the data collection methods in Chapter 3 will be described, with emphasis on how COVID-19 resulted in the deviation of the data collection methods.

Number of Participants

The study consisted of 74 total participants who were interested in participating in the study. Out of the total participants who were interested, 51 participants were excluded from the study, for (a) consent only being completed, (b) not wanting to participate after reviewing the consent form, (c) partially completing the questionnaire, (d) using YouTube video to respond; (e) response not written in English. Table 2 provides an exact breakdown of the number of participants excluded from the study by the reason for exclusion. After excluding 51 participants, the total sample size was reduced to 22 participants included in the study.

Table 2

Breakdown of Reasons Excluding Participants and Sum of Excluded and Included Percentages

Exclusion reason	Sum	Total Submitted	Total Excluded	% Excluded	Total Included	% Included
Consent Only	19	73	51	70	22	30
Don't want to Participate ¹	16					
Partially completed	14					
YouTube Video Response	1					
Response not written in English	1					

1. Survey Gizmo provided copies of all questionnaires, including participants who check off Don't want to participate in the study.

Duration of Data Collection

Data collection commenced on April 12, 2020, after receiving IRB approval on April 10, 2020. The recruitment flyer (Appendix C) was made active in Facebook Ad Manager on April 12, 2020, with the recruitment flyer being posted on Facebook and Instagram at 10 am that morning. The recruitment flyer was kept active for 25 days and was deactivated on May 7, 2020, when the total number of questionnaires submitted reached 74. Documents were simultaneously collected from state agencies that are involved in the regulation of recreational cannabis, along with documents from national

marijuana reform organizations, including the National Organization for the Reform of Marijuana Laws (NORML). Also, documents were collected from Hight Times and an array of media outlets, including local and national news outlets. The collection of documents concluded on May 21, 2020.

Data Recording

Survey Gizmo was checked daily starting on April 13, 2020, for submitted questionnaires. The following steps were completed daily:

1. Questionnaires were converted to PDF file in Survey Gizmo to be able to download
2. Questionnaires were re-titled with an alphanumerical questionnaire ID
3. Questionnaires were downloaded and placed into a file folder that was password protected.
4. Encryption was placed on each of the download questionnaires.
5. The questionnaires were uploaded to NVIVO and saved
6. Each questionnaire was open and printed
7. The questionnaire ID code was placed on the consent form and the questionnaire.
8. The questionnaires were placed into a file folder labeled with the questionnaire ID, and the consent forms were placed in a separate folder that contained all the consent forms from the submitted questionnaires.
9. The printed questionnaires and the consent forms were placed in separate locked file cabinets.

10. The total number of questionnaires submitted was documented in the field notes for the day.

Variations From Data Collection Plan: COVID-19

The COVID-19 pandemic by March 20, 2020, had become widespread within the United States, resulting in state Governors issuing stay at home orders which closed non-essential business including recreational cannabis dispensaries. As a result of the stay at home orders, the data collection methods, including participant recruitment strategy, has been deviated from the methods described in Chapter 3. In response to COVID-19 and the issuing of stay at home orders, the recruitment flyers that were mailed on March 4, 2020, to a random sample of 93 dispensaries became obsolete due to dispensaries were deemed non-essential business under the stay at home orders by state Governors. In the state of Massachusetts, which was included in the sample, all non-essential businesses were at noon on March 24, 2020, by Governor Baker *COVID-19 Order No. 13* (Baker, 2020; Collins, 2020). An IRB Change in methods form was submitted on March 30, 2020, to get IRB approval to use social media to recruit study participants, which was approved on April 10, 2020. Facebook Ad Manager was employed to post the recruitment flyer (Appendix C) on Facebook's own social media companies' site, which included Facebook and Instagram. Facebook Ad Manager allowed participants to be directed directly to the questionnaire on Survey Gizmo without entering the questionnaire URL into their web browser manually. The variation in the recruitment strategy from Chapter 3, was the only logical way to recruit study participants in light of the impact that the COVID-19 pandemic had on the recruitment of study participants.

As a result of changes in the recruitment strategy to social media, the target population was expanded to include all parts of the cannabis industry at the national level. The expanded target population produced a nationally representative sample for the main study, which included states that are in the process of legalizing the recreational use of marijuana in the November 2020 national election. The national representative allowed for themes to fully emerge that answer the research questions, as will be showed in the results section to follow.

Data Analysis

First-Round Coding

Descriptive coding was used to code all 22 included questionnaires in the study. Descriptive coding allowed for the responses to each of the questions to be categorized into topics, as all the responses consisted of no more than two full sentences. The use of Descriptive coding allowed the research to break the topics into subtopics. The coding was conducted first by hand-coding each questionnaire at the topics level. All topic codes and subtopics codes were organized in the field notes. I then used *NVIVO 12* to verify the topics and to organize the topics and subtopics based on my field notes. The first found coding produced a total of 370 topic codes based on the response from the completed questionnaires included in the study. It was at this point in the analysis that the discrepant case emerged.

Second-Round Coding

The first coding put the responses to the questionnaire into topics. Pattern matching was used to group the codes similar topics together through which the two

central themes emerged, which are: (a) obstacles for legalization, (b) impact of obstacles. At this point, the codes that comprise the themes that emerged were categorized by the central theme of the code, which produced two sub-themes for obstacles, which was (a) Federal Government, (b) State. Through the process one subtheme emerged for federal government. The codes that comprised the subtheme of “State” were further categorized by the central topic of the code, which resulted in four subsequent sub-themes to emerge. The four subthemes that emerged are (a) Obtaining an operation license, (b) transparent packaging of edibles with warning labels; (c) youth Access; (d) tourist divergence.

Discrepant Case

Don't See as Obstacle (DSO) emerged in the first round of descriptive coding of Participant A11 in question 14 as “I don't see any obstacles,” and subsequently appeared as “No obstacles” in response to question 20. The theme subsequently appeared in an additional eight included questionnaires in the study. Table 3 provides a breakdown of the discrepant case that was found in nine of the 22 completed questionnaires in the study. The discrepant case was not included in the second round of coding but left separate from the obstacles. The only possible explanation for the discrepant case was that participants failed to read the questions.

Table 3

Breakdown of Discrepant Case

Participant ID	Question Number	Response
A11	14	"I don't see as obstacles."
	20	"No obstacle."
A12	13	"I think it is awesome."
	16	"I don't know much about it but it hasn't been a problem for me."
	21	"I think they are fine."
A29	13	"I don't think it will have any bad effect on my state making it legal."
A33	17	"I don't think there is any obstacles"
	13	"No obstacle."
A35	13, 27, 29	"it's great."
A37	14-16, 18-26	"nothing"
	13	"Nothing"
A38	14-17, 19-29	"Nothing honestly."
	15, 25, 27,	"Excellent"
	16	"It is ok."
	17,19-20, 24	"It is nice."
A43	29	"It is fantastic."
	27	"Oretty cool."
A44		"Nothing needs to be improved."
	17	"this is very perfect."
	18	"so good."

Evidence of Trustworthiness

Credibility

To establish the credibility of the study, the original finds of the study were tested against documents, Federal marijuana laws, National organizations, trade publications, and media reports to find the intersection between the data from the questionnaires. I utilized *Title 21 United States Code (USC) Controlled Substances Act*, documents from The National Organization for the Reform of Marijuana Laws (NORML), documents from *High Times* which is considered the gold standard in trade publications for the marijuana industry, state agencies, and media in order identify the data that intersects with the data obtained from the questionnaires. That data collection protocol adhered to Yin (2018) and Stake (1995) triangulation protocols to ensure the credibility of the study and analysis of the data, along with to allow study replication with different data sets for future research.

Transferability

Transferability of the study was established through a detailed description of the background of the study, the research design and methodology, the development of the questionnaire, the data collection, and data procedures. The questionnaire was consistently applied to all study participants. The study followed the data collection procedures that are presented in Chapter 3 to ensure the transferability of the study. The entire research process was documented and described in detail to allow the study replication in future research and with other data sets.

Dependability

The dependability of the study was established through the audit trail and triangulation of the study findings. The audit trail included a detailed description of the literature that informed the creation of the questionnaire, the questionnaire data, documents, field notes, and reflective journals. According to Yin (2018), the construct validity of the study is increased with the use of the audit trail, which enhances the dependability of the study. The triangulation of the data was completed to ensure the dependability of the study by providing supporting evidence of the findings.

Confirmability

Confirmability was established through the use of reflective practices. According to Ortlipp (2008) and Krathwohl (2009), the process reflective of acknowledging personal views and bias of the researcher while establishing transparency in the study. A reflective journal was kept throughout the data collection and data analysis process to record my thoughts and views—the process allowed for my personal views to be acknowledged without biasing the results. Also, an audit trail was established to ensure the confirmability of the study by showing the chain of evidence through a detailed description of the data collection and data analysis process.

Results

Research Question 1

What are the perceived obstacles in the cannabis industry among states that are considering and/or implementing laws related to recreational use of cannabis?

Theme: Obstacles for the Legalization of Recreational Marijuana

First central obstacle: Federal government. The theme federal government as an obstacle emerged from the responses of six of the questionnaires completed for the study, along with three sub-themes. Federal law superiority status emerged from the analysis of the data. Participant A 4 stated “as states adapt recreational use, federal government does all they can to impeded it from happening” (Question 16) in response to Question 16 which asked the participant to describe to the best of your abilities how the obstacles for licensing of dispensaries, grow facilities and testing facilities continue to influence regulations and impact the implementing of the licensing regulations? Participant A 33 stated, “the law” for all questions that examined current obstacles for the legalization of recreational, including for stating “the law” will cause all future obstacles. The Controlled Substance Act states: “it shall be unlawful for any person to knowingly or intentionally- (1) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense a controlled substance”. The Cole Memorandum showed that the federal government has absolute control over marijuana by stating, “Marijuana is still illegal under federal law and is listed as a schedule one drug signaling to have no medical value and a high potential for abuse” (Cole, 2013). The analysis resulted in federal marijuana laws are superior to state laws that legalized marijuana.

Rule of law. The second central component that emerged was “The rule of law used to impede state marijuana legalization policies.” The analysis showed that the federal government used the threat of enforcing the rule of law to impeded state legalization of marijuana. Participant A33 stated, “the law” as the primary obstacle for legalization (Question 14) . U.S. Attorney General Session January 4, 2018 memorandum established rule of law in stating, “Given the Department’s well-established general principles, previous nationwide guidance specific to marijuana enforcement is unnecessary and is rescinded, effective immediately”(Sessions 2018 “*Memorandum For all United State’s Attorney’s*). NORML (2019) media reported the decision “return to the rule of law” (Congressman Matt Gaetz, quoted by NORML, 2019). The analysis showed that rule of law impedes state efforts to legalized and implement legalized marijuana. Participant A 4 stated, “as states adapt recreational use, federal government does all they can to impeded it from happening” (Question 16). Participant A30 stated in response to going back to the rule of law, “[It made it unsafe to sell it, but some people risked selling it at their own risk.]” (Question 16). Participant A9 stated that in response to going back to the rule of law, “It has made it harder to use” (Question 16). Senator Elizabeth Warren, as quoted by Justin Strekal NORMAL Political Director, stated in response to the rule of law, “These new policies have helped eliminate the black market sale of marijuana and allowed law enforcement to focus on real threats to public health and safety. This action by the Department of Justice has the potential to unravel efforts to build sensible drug policies that encourage economic development as we finally move away from antiquated practices that have hurt disadvantaged communities.” (Strekal, 2019). Congressman Matt

Gertz states “It highlights why the decision of the Attorney General to rescind the Cole memo was so deeply flawed because it highlights the arrogance of a Federal Government that believes that its policies should always stand in primacy to innovation at the State level” (Congressional Record, 2017).

Lack of financial services. The analysis revealed that the primary method that rule of law impeded state implementation through preventing financial institutions from accepting the cannabis industry as clients, resulting in cannabis businesses operating as cash-only businesses. Participant A4 stated that “if states are not protected from federal laws...banks will not want to do business with them, making them run a cash business, which starts making the system seem like dealers rather than a legal business” (Question 13). Participant A44 stated, “financial service and banking” (Question 13) as the primary way that the federal government impedes state legalization of marijuana. Participant A19 stated, “FINANCE” (Question 12) as the primary obstacle for state legalization of marijuana, along with Participant A43, stated, “Banking is cool” (Question 12), which indicates that lack of financial services as the primary obstacle for state legalization of marijuana. The Session Memorandum from January 4, 2018, made clear that financial institutions could face prosecution for money laundering by stating: “These activities also may serve as the basis for the prosecution of other crimes, such as those prohibited by the money laundering statutes, the unlicensed money transmitter statute, and the Bank Secrecy Act. 18 U.S.C. §§ 1956-57, 1960; 31 U.S.C. § 5318. These statutes reflect Congress’ s determination that marijuana is a dangerous drug and that marijuana activity is a serious crime” (Sessions, 2018 “*Memorandum For all United States Attorney’s*”).

A media article produced by Gilmer (2018) stated, “[most] banks have shied away from providing services for fear of running afoul of federal anti-money laundering laws” (x). A CNBC report also states, “Most financial institutions, such as banks, Visa and Mastercard, will not work the cannabis, fearing federal prosecution” (Sheng, 2019). Participant A6 stated that the primary obstacle is “Money up front” (Question 14), and Participant A31 stated, “lack of start-up funding” (Question 15) as the primary obstacles. In contrast, Participant A4 states as a result of lack of financial services are making the industry “run a cash business, which starts making the system seem like dealers rather than a legal business” (Question 13), which is the analysis showed is a direct result of lack of financial services. The CNBC report supports the finding by stating cannabis “businesses operating primarily as cash to pay staff, rent, equipment and taxes.” A report published by Politico (2019) stated “A lack of access to banking by cannabis-related business means many operate in a cash-only environment, which has serious consequences including increased violent crime, higher cost and reduces access to financial data for law enforcement” (Henry-Nickie, Hudak, & Klein, 2019). The analysis resulted in the finding that the federal government use rule of law to impede state efforts to legalize and regulate marijuana through means of restricting financial services for the marijuana industry.

Second central obstacle: State. The data analysis revealed across all participants (n=22) that the state is the central obstacle for implementing and regulation of state legal use of marijuana—the state as an obstacle which consists of four subthemes. First, obtaining an operations license emerged as a central component of the state as an obstacle

through the analysis. Participant A2 stated, “Trying to obtain a license for a certain amount of weed” has been the primary obstacle (Question 14). Participant A6 reiterated that obtaining a license is the central obstacle for legalization by stating, “Different license” (Question 14). Participant A28 stated that the obstacle is caused by “So many people are looking to gain a license that it has created a lot of competition for these licenses” (Question 14). A news article from the Las Vegas Sun stated, “Only a limited number of licenses are available for marijuana business. The numbers are staggering. In the last round of issuances, 462 applications from 127 applicants were filed completing for only 61 available license” (Jolley, 2019). Marijuana Business Daily reports similar findings in Illinois by stating, “Cannabis industry watchers expect extremely tough competition in the Illinois marketplace. The maximum number of adult use dispensaries allowed in Illinois in 2020 is 185, or 1.5 retail stores per 100,00 residents.... That means retail cannabis licenses will be will highly coveted” (McVey, 2019). Todd Brady, CEO and found of Rx Green Solutions, stated, “Competition is fierce” for operations licenses within state legal recreational marijuana” (Skye, 2016). Participant A43 showed that one area that the competition for licensing is effecting is laboratory testing by stating, “Testing is cool” (Question 12). McCoy (2019) stated that in California it is “estimated 50 to 60 California labs are needed to ensure a smooth, uninterrupted supply chain, but as of October 2018, nearly a year after the market launched, the state’s Bureau of Cannabis Control had issued only 36 temporary licenses for testing”. Cairns (2020) states Maine “doesn’t have any recreational testing facilities” Thompson (2020) stated that in Michigan, there “is a lack of accredited testing labs available for testing of cannabis in

Michigan. Only a half-dozen are listed on the state website as having been awarded licenses to handle medical and recreational cannabis for the state's approx. 300,000 patients and 7 million cannabis-enabled adults." The pattern is visible in Massachusetts the state is approving licenses, but McCoy (2019) stated, "Many facilities face challenges in obtaining local approval for testing licenses even before receiving their temporary state licenses." The analysis of the data and documents resulted in the licensing of commercial operations and laboratories to emerge as a central component of State as the obstacle for state legalization of marijuana.

Transparent packaging of edibles with warning labels. The transparent packaging of edibles with warning labels emerged as an obstacle for state legalization of marijuana from the analysis of the data. Participant A28 stated, "more transparent packaging" (Question 20) when asked about obstacles for edibles. Participant A29 stated, "Make sure packaging is labeled as such" (Question 20) when asked the same question. Participant A4 stated, "warning labels" (Question 20), are needed on edibles packaging. Participant A29 also stated, "I think labeling and packaging should be identified as such" (Question 21) when asked about obstacles for safe consumption of edibles. Participant A28 stated, "There needs to be more transparent education as it relates to edibles overall" (Question 21). The results of the analysis of the documents intersected the data at transparent labels and warning labels—the analysis of the document. Wedman (2018) stated, "Accurate testing and labeling needs to be required for the cannabis market to thrive and gain trust of the medical community and consuming public." Blaszcak-Boxe (2017), discovered upon conducting focused groups on concerns with edibles, one of the

primary concerns with edibles is “labels contained too much information.” Gruetzmacher (2017) stated, “the industry as a whole lacks a standardized testing and labeling system for all marijuana products” Warning labels emerged as the second intersection that the documents intersected the data. Blaszczak-Boxe (2017) stated that the study revealed: “common concern was that there was no clear indication that products contained marijuana.” Baked News report quoted Peggy More CEO of Love’s Oven marijuana edible bakery stated: “In Colorado, as well as other states, all cannabis products have to be marked with a universal symbol” (Spencer, 2019). State of Colorado website states: “The new universal symbol is a visual indicator that a product contains marijuana. The symbol will help both consumers and non-consumers easily identify marijuana products” (Colorado.gov, n.d.). Wedman (2018) stated that the passage of Colorado’s *No Edible Marijuana Product Shaped to Entice Kids* legislation of 2016 required “cannabis-infused edibles to have the universal symbol [!THC] within a diamond on the package”. As a result of the intersection, transparent packaging of edibles with warning labels emerged as an obstacle for state legalization of marijuana.

Youth access. Preventing youth from obtaining marijuana emerged as an obstacle for state legalization of marijuana through the analysis of the data at two points. The obstacle emerged first as edibles appealing to children. Participant A29 stated, “I think it would be like everything else that kids should not have. It is not legal for kids. Make sure packaging is labeled as such” (Question 20). Participant A1 stated, “Don’ make it look like candy or taste like candy” (Question 20). Similar Participant A6 stated, “packaged where they don’t look tasty” (Question 20). Analysis of documents produced similar

results by intersecting at edibles appealing to children. ABC News 13 (2020) stated, “[marijuana] edibles are generally in the form of sweets, such as baked goods and candy, making them especially appealing to children.” The committee on Substance Use and Prevention (2017) found “the availability of pastries, candy and other tempting treats infused with tetrahydrocannabinol (THC), the psychoactive active ingredient in marijuana, is on the rise-and so is the accidental poisoning risk these products pose to children who get hold of them,” indicating that the products look like regular food items. AAP News stated, “[marijuana] edibles look like regular food” which causes the products to appeal to children (Korioth, 2017). McKenna (2018) stated that Colorado had seen a rise in children’s accidental consumption because of “increased availability of tempting marijuana edibles-from lollipops to chocolates” that look like food that is not infused with marijuana. EMS 1 (2019) quoted Education Director at Poison Control stating the problem with cannabis-infused products with children is: “It looked like a brownie, it tastes like a brownie, it is a brownie.” As a result of the analysis of the data and the documents, edibles appealing to children emerged as an obstacle for youth access to marijuana.

Second, keeping marijuana away from children emerged from the analysis of the data. Participant A2 stated, “People placing edible out of the reach of children” (Question 20) when asked about edibles appealing to children. Participant A4 stated, “parents keep your stuff stored away from everyday kitchen foods” (Question 20) when asked the same question. Participant A6 stated, “These items need to be locked... Put your shit away, so no one gets ahold of it.” (Question 20). Participant A30 also provided a similar response

by stating, “IF THE PARENTS GET IT THEY WILL HAVE TO LOCK IT AWAY TO STAY SAFE !!” (Question 20). Analysis of documents produced similar results that were consistent across documents by intersecting at keeping marijuana products out of reach of children. deBara (2018) stated, “[store] your edibles on a high shelf, cabinet, or drawer that isn’t easily reach by children or pets.” McKenna (2018) stated, “one of the most important parts of smart storage is keeping your pot inaccessible to children, bets or anybody who might unwittingly indulge.” The Committee on Substance Use and Prevention (2017) stated: “Make sure the products are in out-of-reach or locked locations, in child-resistant packaging or container.” Koriioth (2017) stated that the American Academy of Pediatrics advised to “[keep] marijuana products out of reach or locked away in child-resistant packaging.” ABC 13 News (2020) report stated as well “[all] drugs, especially marijuana edibles, should be hidden and locked away from children and teens.” As a result of the analysis of the data and the documents keeping marijuana away from children emerged as the second obstacle for youth access of recreational marijuana in states that have legalized the recreational use of marijuana.

Tourist divergence. Tourist divergence of marijuana emerged from the analysis of the data as the theme crossing state lines. Participant A 28 stated, “It leads to people from our of state coming in to purchase what they can’t in their home states” (Question 22) when the overall impact of allowing tourist to purchase of recreational marijuana. Participant A29 provided a similar response and stated: “If people come in to our state to purchase it. if they are not from a state that allows it. They can not get it” (Question 22). Participant A7 response was similar but added the divergence component by stating:

“Should be allowed as long as they don’t take them to a state where it is illegal” (Question 22). Participant A14 stated, “There is not way to prevent tourists from crossing state lines with weed” (Question 23) when asked about preventing tourist divergence. Participant A4 expressed a similar response when asked about preventing tourist divergence of marijuana by stating, “it will be hard to enforce” (Question 23). The analysis of the documents resulted in the documents intersecting at crossing state lines. The Detroit Free Press article reported, “it should come as no surprise that a large percentage of the customers at marijuana retail shop that’s less than a quarter-mile north of Ohio border cross state lines to buy marijuana products (Gray, 2019). Jackson (2020) stated, “[cannabis] retailers in Illinois border towns are seeing a strong sales to customers from neighboring states, but are spending time and money to train their employees to warn people that it is unlawful to transport marijuana across state lines. Russell (2019) quoted an Iowa State Patrol officer stating: “I expect we’ll see a number of individuals venturing over to Illinois and bring illegal substance back...We saw a lot of that-people driving to Colorado and purchasing product and bring it back”. Pelzer (2019) found a similar response and stated: “[Marijuana] was fully legal in Michigan over the weekend. And while law-enforcement officials in Ohio say that will inevitable lead to more marijuana being brought over the state’s north border, there is no specific plans to monitor or crack down harder on transporters”. Data from the Rocky Mountain High Intensity Drug Trafficking Area (2019) showed that there were 308 roadway seizures reported from 2013-2018 (p.53). The result of the analysis of the data and the documents resulted in “*Tourist divergence of marijuana*” to emerge as an obstacle for legalization.

Discrepant case: Do not view as obstacle. The discrepant cases (Don't See as Obstacle) appear on 3 of the participant's responses a total of 45 times. It is the same answer on every question, including the last question that asks if there is anything else you would like to add. The following words and word groups are how DSO is appearing: "No obstacle," "Its excellent" "Excellent" "It's nice" "Its perfect" "no change needed" "Love it.". Table 3 provides all the responses. The responses are consistent with not reading the questions as that is the only explanation for the discrepant cases is that the participants did not read the questions.

Research Question 2

How do the perceived obstacles impact the implementation of state-facilitated legal recreational cannabis?

Theme: Impact of Obstacles

Child-resistant packaging. Requiring child-resistant packaging emerged from the analysis of the data as to how the obstacles impact the implementation of state facilitated legal recreational cannabis. Participant A14 stated, "Child proof containers would be the solution (like medicine)" (Question 20) when asked what needs to be overcome to prevent from accidentally consuming marijuana. Participant A9 responded in similar by stating, "Child safety canisters like for prescription medicine would make it safer" (Question 20). Furthermore, Participant A4 stated, "child proof packaging" (Question 20), as well as Participant A7, stated, "Childproof packaging" (Question 20). The analysis of the documents intersected directly with the child-resistant packaging of marijuana products. Blaszcak-Boxe (2020) found, "edibles should be packaged like

prescription medication to prevent people, especially children, from ingesting the products by accident.” Brand (2019) stated in California, “by January 2020 every orally-consumed product sold in a dispensary must come in primary packaging that is resealable and child resistant”. The Public Policy Institute (2019) stated that since the start of legal sales, “Colorado has required all marijuana come in child-resistant packaging and be marked with a special warning symbol about THC.” Similar to the Public Policy Institute, Rush (2019) stated that California “regulations required that cannabis and cannabis products must be child resistant, temper evident, resealable.” The product of the analysis and the and documents intercepting with the data resulted in requiring child-resistant packaging to emerge as an impact of the obstacle for implementing state-facilitated recreational marijuana.

Limiting purchases through tracking. Limiting the quantity purchased through tracking of customers emerged from the analysis of the data on tourist divergence impact on the implementation of state facilitated legal recreational cannabis. Participant A9 responded: “Limit the amount each person can buy” (Question 28) when asked about how to improve the current regulations. Participant A28 stated, “More regulations on who and how much each person can buy” (Question 28) when asked about how to improve current regulations. The participant also provided a similar response when asked about the overall implications from the obstacles identified by stating, “manage the amounts that people can buy” (Participant A28 Question 26). Participant A30 when asked about preventing tourist divergence, stated, “ONLY SELL THEM A LITTLE BIT, AND GET THERE NAME IN THE COMPUTER SO ALL PLACES HAVE IT TO KEEP TRACK”

(Question 23). Participant A30 also stated, “KEEP NAMES OF ALL WHO BUY IT !!!” (Question 25) in response to being asked what lessons can be learned from the obstacle of preventing divergence of recreational. The data converged at limiting quantity purchased through tracking, which resulted in limiting purchases through tracking to emerge—the analysis of the documents intersected at the conversion point of the data. Barajas (2018) shows the intersection by stating: “retailers must comply with regulations that limit the amount of cannabis sold to an individual per day, namely, one ounce of cannabis for recreational users, or up to eight ounces for medical patients. For this reason, retailers feel compelled to track who bought what”. Nichols (2019) stated a similar reason for tracking by stating in Michigan “[the] law allows recreational customers to buy 1 ounce of cannabis per day, which is enough material to fill a few dozen joints. Alternately, they can purchase up to 8 grams of cannabis concentrates found in marijuana edibles such as candies, brownies and breakfast bars”. Nicholas (2019) quotes Attorney Lauren Mendelsohn, who stated, “[they] need to keep track of who bought how much and when they were there” to comply with the regulations. Burns (2019) stated, “[the] state limits daily sales to 2.5 ounces of marijuana, including up to 15 grams of marijuana or THC concentrated form” as the reason that dispensaries are collecting personal data on customers. Greenson (2018) stated, “when the state [California] gets its secure statewide database up and running, all dispensaries will have to log their customers’ names and births, which will track purchases.” The documents showed that tracking of purchases is conducted to limit the quantity purchased, which intersected which the data at tracking to limit purchases. The intersection between the data and the documents resulted in tracking

to limit purchases to emerged as to how the obstacles for state-facilitated legal recreational marijuana impacts the implementation of recreational marijuana.

Summary

Collecting data for this research, the research employed a structured questionnaire with 22 individuals who work within the cannabis industry. The sample was nationally representative with states ranging from East to West coast and from northern to southern borders. The questionnaire revealed that a typical individual who works in the cannabis industry has little to no formal training in cannabis; however, five participants had formal training. The primary reason for working in the industry was, they support cannabis being legal; however, four of the 22 participants did state they had no interest in legalization, indicating that employment in the industry was just a job for the individual.

The data analysis indicated that obstacles for state-facilitated legal recreational marijuana are comprised of two central obstacles that are interrelated. The analysis indicated that federal law as an obstacle through the use of the superior status of federal law and the use of the rule of law to impeded state efforts to legalize marijuana by preventing financial services for the cannabis industry. Second, the analysis indicated that obtaining a license, transparent packaging of edibles with warning labels, youth access, and tourist divergence are the primary obstacles for state-facilitated legal. Finally, the analysis showed the need for child-resistant packaging and limiting purchases through tracking was the primary impact that the obstacles had on the implementation of state-facilitated legal marijuana. Chapter 5 will explain the relationship of the findings to the literature in Chapter 2. The chapter will further discuss the results, limitations,

recommendations for further research, the positive social change implications, and conclusions.

Chapter 5: Discussion, Conclusions, and Recommendations

The purpose of this case study was to assess the perceived obstacles to the implementation and regulation of state-facilitated use of recreational cannabis. To address the gap, an online questionnaire was completed by individuals who work in the marijuana industry, to discover what the perceived obstacles to state-facilitated use of recreational cannabis are and how those obstacles impact the implementation and regulation of state-facilitated use of legal recreational cannabis. The questionnaire was created from documents from state agencies, federal agencies, media outlets, and cannabis trade publications to determine how states can facilitate the use of recreational cannabis given the federal government prohibition on cannabis.

The findings indicated that the obstacles for state-facilitated recreational cannabis are the federal government's use of federal law to prevent financial institutions from conducting business with the marijuana industry, Obtaining an operations license from the state, transparent packaging with warning labels, youth access to marijuana, and tourist divergence of marijuana across state lines and into the black market. Furthermore, the analysis produced two key findings for how the obstacles impact the regulation and implementation of state-facilitated recreational marijuana, which included the need for child-resistant packaging and seed-to-sale tracking of who purchases and the quantity purchased to prevent cross-border transport of marijuana and divergence into the black market. Chapter 5 presents the findings, conclusions, and recommendations for this study.

Findings

The coding process of the data analysis revealed that the obstacles for the regulation and implementation of state-facilitated recreational cannabis fall within the federal government and state spheres. The two regulatory spheres are consistent with Cooter and Siegel's (2010) collective action federalism theory, which separates the federal and state regulatory spheres of control. Through secondary coding, one subtheme emerged for the federal government, along with four subthemes for the state, which were interconnected. In regard to the research questions, the themes indicated the obstacles for state-legal recreational marijuana and the impact that the obstacles have on the regulation and implementation of state-facilitated legal recreational marijuana.

Research Question 1

Research Question 1 was the following: What are the perceived obstacles in the cannabis industry among states that are considering and/or implementing laws related to recreational use of cannabis? The participants indicated that the most common obstacle for the theme of federal government as an obstacle was the federal government using the superior status federal law to prevent financial institutions from conducting business with the cannabis industry. This finding is consistent with the literature that indicated that the primary reason financial institutions are unwilling to provide services to cannabis business is the risk of being prosecuted for money laundering under federal law (Kamin, 2014; Sacco et al., 2017; Taylor et al., 2016). As a result of a lack of financial services, the business are financing their own operations. The finding is consistent with Taylor et al. (2016) who concluded that until financial institutions do not run the risk of being

prosecuted for money laundering and having assets seized, the cannabis industry will have to function in a cash-only environment.

The current study participants indicated that at the state level the most common obstacles are obtaining an operations license, transparent packaging of edibles with warning labels, youth access, and tourist divergence. The participants indicated the obstacle for obtaining an operations license is a direct result of competition for the operations licenses, which the states have limited. The finding is consistent with NORML (2019), which found stiff competition in Illinois for operations license in recreational marijuana. Bodwitch et al. (2019) determined that small-grow operations are left out of state cannabis legalization due to not being able to compete with large operations that create a monopoly on available licenses. As a result of the high demand for operation licenses and a limited number of licenses available, obtaining an operating license is an expected obstacle for state-legal recreational marijuana.

Second, the current study participants indicated that transparent packaging of edibles with warning labels is an obstacle for states that are facilitating the legal use of recreational marijuana. Specifically, participants indicated that current labeling is unclear. Kosa, Giombi, Rains, and Cates (2017) determined through conducting focus groups that the labeling of edibles contains too much information, which made understanding the labeling hard. These findings are supported by Leos-Toro, Fong, Mayer, and Hamond (2019), who determined that current warning labels that fail to include pictures are less effective and harder to understand than warning labels that include pictures. Kosa et al. found that the Colorado universal symbol for marijuana did provide a clear indication

that the product contained marijuana. My findings indicated that states that are facilitating the legal use of recreational marijuana have to ensure that cannabis product labeling is clear and transparent.

Youth access is a known obstacle for state-facilitated legal recreational marijuana. My participants identified youth access as a primary obstacle for state-facilitated legal recreational marijuana. The finding is consistent with previous research that showed a direct relationship between state legalization of recreational marijuana and youths obtaining access to marijuana (Davenport et al., 2015; Parnes et al., 2018). Current study findings indicated that youth access is continuing to be an obstacle for state-facilitated recreational marijuana.

Tourist divergence of marijuana was identified by current study participants as the final obstacle for state-facilitated legal recreational cannabis. Participants indicated that the obstacle is caused by tourists purchasing cannabis and driving back to their home state with their purchase. The finding is consistent with Ellison and Spohn (2017) who found that divergence of marijuana occurred in the counties that border Colorado and Nebraska after legalization of medical cannabis. Kreit (2017) concluded that divergence is most prevalent on the state borders and that the divergence of marijuana is hard to stop. However, this finding was expected because the divergence of marijuana by tourists is a direct consequence of allowing tourists to purchase recreational marijuana in states that facilitate the legal use of marijuana.

Research Question 2

Research Question 2 was the following: How do the perceived obstacles impact the implementation and regulation of state-facilitated recreational marijuana? For this question, the participants indicated two key findings. First, participants indicated a need to require child-resistant packaging of marijuana products to prevent youth access to marijuana. Grossman, Livingston, Wellington, and Barnes (2019) recommended after conducting a year-long study on cannabis packing and labeling that child-resistant packaging should be mandatory in all states that legalized marijuana. Wang, Hoyte, Roosevelt, and Heard (2019) found that more preventive measures need to be in place to prevent accidental consumption of marijuana by children to prevent emergency room visits. One area of concern was the lack of child-resistant packaging for marijuana products (Wang et al., 2019). Tsutaoka, Araya-Rodríguez, and Durrani (2017) also recommended that all marijuana products be packaged in child-resistant packaging after examining products from California and Colorado and finding that tamper-resistant packaging is not child resistant. The finding indicated that the overall impact is a greater need for regulations that mandate all cannabis products be packaged in a manner that is hard for youths to access.

Second, the participants indicated that limiting purchases through tracking to prevent divergence was how the obstacles impact the regulation and implementation of state-facilitated recreational marijuana. The finding of limiting purchases through tracking is consistent with literature on tracking and divergence of marijuana across state lines and into the black market. Hudak (2014) determined that if tracking of purchases is

done carefully, it will reduce marijuana being diverted across state lines and into the black market. Murphy and Carnevale (2016) determined that Colorado's tracking system was designed to track supply to prevent the divergence of recreational marijuana. Furthermore, Lawrence and Harrison (2019) concluded that seed-to-sale tracking of marijuana has to take place at the individual level (i.e., the consumer level) because it provides an effective means to track purchases while ensuring marijuana does not cross state lines and get diverted into the black market. The overall findings indicated that states that are implementing or regulating the legal sale of recreational marijuana need to have a seed-to-sale tracking system that tracks who purchases and how much is purchased to ensure compliance with state marijuana laws and to prevent the divergence of marijuana across state lines and into the black market.

Limitations

The study suffered from a lack of adequate funding for the research to reach its maximum potential. Ideally, the study required a budget of 15 to 20 thousand dollars, as opposed to the four thousand dollars that I spent on conducting the study due to not having funding sources available. The COVID-19 pandemic limited response rates as states closed dispensaries as part of the stay-at-home orders to prevent the spread of the coronavirus, which made the mailer that was used to recruit participants ineffective. The low response rate was also limited due to Facebook censorship all things marijuana related, including the recruitment flyer for the study that was used after stay-at-home orders were implemented. Facebook removed the recruitment flyer after 3 weeks, which stopped the recruitment of study participants. In addition, the quality of the responses was

poor, with the average response ranging from one word to no more than two full sentences. Furthermore, due to this research being qualitative, the findings are not generalizable to the general population of the marijuana industry. The results represent only a small cross-section of the marijuana industry that exists in the United States.

Recommendations

The academic literature has not addressed how states can facilitate the legal use of recreational cannabis and the obstacles associated with legalization. More research should focus on determining what the obstacles are for states that are considering legalization and how the obstacles impact the regulation and implementation of state legal marijuana. The quantitative research should continue; however, qualitative research will provide insight into issues including preventing youth access and accidental consumption (see Davenport et al., 2015), drugged driving, public consumption, tracking of purchases versus consumer privacy, and marijuana tourism, which is necessary to develop an understanding of the obstacles for state-facilitated recreational marijuana (see Caulkins et al., 2016). A more rigorous qualitative research agenda is needed to study the obstacles for state-facilitated legal recreational marijuana and the impact of the obstacles on the regulation and implementation of recreational marijuana.

There are issues the current study did not adequately address. Future research should address what state legislators view as obstacles that must be addressed while drafting the regulations for state-legal recreational marijuana. The impact of having places tourists can consume marijuana, and tourist divergence of marijuana, should also be addressed. In addition, a longitudinal study is needed to determine how obstacles

change over time and their impact on regulations for recreational marijuana. Furthermore, research needs to focus on how the Controlled Substance Act impacts the regulation and implementation of state-facilitated recreational marijuana. These are the issues that arose during the study, but due to the scope and nature of the study could not be addressed. Academic researchers must conduct more qualitative research on the legalization of marijuana and the prohibition of marijuana through the Controlled Substance Act.

Implications

This study on the perceived obstacles for regulation and implementation of state-facilitated legal recreational marijuana contributed to filling the gap in the literature on how states can facilitate the legal use of marijuana despite the Controlled Substance Act's prohibition of marijuana. Since 2012 when Colorado and Washington state became to first to legalize the recreational use of marijuana for adults 21 years and older, an additional 11 states have followed suit. Angell (2019) claimed that the 2020 National election could see up to 16 states legalizing recreational marijuana in addition to the 11 states that facilitate the legal use of recreational marijuana currently. If passed in the November 2020 election, there will be a total of 27 states that facilitate the legal use of marijuana for adults 21 years or older.

The findings from this study may have the potential to affect positive social change in several key ways; first, by providing policymakers at the state level information about the obstacles that may affect state legalization of the marijuana, including the impact of the obstacles on regulation and implementation of state-facilitated legal recreational marijuana. Policymakers may be able to utilize the findings from this

study, to craft legislation and regulations that may mitigate the obstacles such as requiring child resistant packaging of marijuana. Furthermore, the findings from the study may inform state governments that are considering legalizing the recreational use of marijuana by providing insight on what needs to be included in any legislation that facilitates the legal use of recreational marijuana. Also, the identification of the perceived obstacles for state-facilitated legal recreational cannabis contributes to the scholarly literature by addressing an area that has experienced a lack of research.

Finally, the findings may drive change in the cannabis industry as a whole; first, by providing information on where the industry needs to make modifications. The findings of this study showed that one area of concern is the appeal of marijuana edibles to children, with a need to create child-resistant packaging. Second, the findings can provide useful information on what information the industry should be included on the packaging of cannabis products, including instructions and warning labels. The findings overall can provide the cannabis industry with guidance that can reduce the risk of the federal government interfering within the cannabis industry operations.

Conclusion

This research investigated the perceived obstacles to the implementation and regulation of state facilitated use of recreational cannabis. The purpose of this inquiry was to assess the perceived obstacles to the implementation and regulation of state facilitated use of recreational cannabis. Data collection consisted of a qualitative structured online questionnaire that was completed by 22 individuals working in the marijuana industry within the United States.

Utilizing the qualitative case study methodology, the data lead to the discovery of the federal government's use of federal law superior status to prevent financial institutions from conducting business with the marijuana industry as an obstacle. Additionally, the data lead to the emergence of obtaining an operations license from the state as a central obstacle, along with transparent packaging with warning labels, youth access to marijuana and tourist divergence of marijuana across state lines and into the black market all emerging as obstacles for state-facilitated legal recreational cannabis. Furthermore, child-resistant packaging and seed to sale tracking of who purchases and the quantity purchased to prevent cross-border transport of marijuana and divergence into the black market emerged as to how the obstacles impact the regulation and implementation of state-facilitated recreational marijuana. Overall the findings indicate strong regulation by states that are facilitating the legal use of recreational cannabis is essential to mitigate the obstacles, along with marijuana reform is needed at the federal level.

The findings produced in this study, and the recommendations can provide valuable information to policymakers and stakeholders in states that are considering legalization, implementing state-facilitated legal recreational marijuana, or fully implemented. While the findings identified obstacles and how the impact of the obstacles on state-facilitated recreational, the findings are by no means all-inclusive of all the obstacles that impact state-facilitated recreational marijuana. However, the finding may offer valuable information to policymakers and key stakeholders, thus leading to positive social change.

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Appendix A: Slang Terms for Marijuana

1. Marijuana
2. Gage,
3. Mary Warner
4. Shuzzit,
5. Dugga
6. Indian hemp
7. Mota
8. Roach
9. Mary Jane
10. Goof butts
11. Reefer
12. Kif
13. Ganja
14. Marihuana

Appendix B: List of Recreational Cannabis Dispensaries by State.

This is my mailing list for all dispensaries with recreational cannabis. The list will be made available upon request. Also, the list can be found at the following websites.

Pot Guide (2019, December 29). Alaska marijuana dispensaries.

<https://potguide.com/alaska/marijuana-dispensaries/>

Pot Guide. (2019, December 29). California marijuana dispensaries.

<https://potguide.com/califronia/marijuana-dispensaries/>

Pot Guide. (2019, December 29). Colorado marijuana dispensaries.

<https://potguide.com/Colorado/marijuana-dispensaries/>

Pot Guide. (2019, December 29). Legal recreational marijuana states marijuana dispensaries.

<https://potguide.com/legal-recreational-marijuana-states/marijuana-dispensaries/>

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<https://potguide.com/nevada/marijuana-dispensaries/>

Pot Guide. (2019, December 29). Oregon marijuana dispensaries.

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Pot Guide. (2019, December 29). Washington marijuana dispensaries.

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Appendix C: Recruitment Flyer

**Study
Participants needed for study on
Perceived
Obstacles for the state
legal
Recreational
Cannabis.**

Ph.D. Candidate Robert Lino in Criminal Justice at Walden University School of Public Policy and Administration is seeking dispensary employees to complete a 30 to a 90-minute questionnaire on the perceived obstacles to the legalization and continued regulation of recreational marijuana.

Study Purpose

The purpose of this study is to: discover the perceived obstacles to the implementation and continued regulation of the state legal recreational marijuana. A questionnaire was developed to discover what are the perceived obstacles for state legal recreational marijuana, and how the obstacles impact the implementation and continued regulation of state legal recreational cannabis from the standpoint of individuals who work in dispensaries that sell recreational cannabis.

How to Participate

1. Go to: <http://sgiz.mobi/s3/Marijuana-study>
2. Enter the code: **CJresearch** and press next.
3. Read and Print the consent form,
4. Check the box that states you have read, understand the consent form and that you are willing to participate in the study.
5. Complete the questionnaire.

A summary of the study results will be posted on research site at the following address <https://robertlinocjresearch.com>

IRB approval number 10-09-19-0739587

Appendix D: Recruitment Letter.

December 29, 2019

Dear Owner/Manager

My name is Robert Lino, I'm a Ph.D. student at Walden University in the School of Public Policy and Administration. As part of my graduation requires I am required to conduct a large scale research project. For the project I am sought to understand what the recreational cannabis industry perceives as obstacles to the legalization, implementation, and continued regulation of recreational cannabis at the state level. The results of the study benefit the cannabis industry by identifying areas that could need improvement and or enhancement.

In order to complete the study, I am sought individuals who work in recreational cannabis dispensaries to complete an online questionnaire that will take between 30 to 90 minutes to complete. The questionnaire can be completed on the individuals own time. However I am asking that dispensary owners/managers please consider post the enclosed flyers where it will be visible to the employees. Posting the flyer is completely voluntarily and there is no obligation to post the flyer.

If you have any questions and or concerns please feel free to contact me at phone number and or email address provided at the top of the letter.

Sincerely,

Ph.D. Student.

Appendix E: Questionnaire

Questionnaire for dissertation
A Study on the Perceived Obstacles for State Facilitated Recreational Cannabis.

Introduction

Thank you for your interest in participating in my doctoral study. My name is Robert Lino. I am a doctoral student at Walden University in the School of Public Policy and Administration, where I am pursuing a Ph.D. in criminal justice.

The purpose of my doctoral study is to discover the perceived obstacles as to the implementation and the impact of the regulations of the state's facilitating the legal use of recreational cannabis. To address the gap in the research the questionnaire was developed to discover the perceived obstacles for state legal recreational cannabis and how the obstacles impact the implementation of state legal recreational cannabis. The benefit of the study is that it can help legislators and regulators overcome obstacles that they encounter when it comes to the regulation of recreational cannabis. The results of the study also benefit the cannabis industry by identifying areas that could need improvement and or enhancement.

Demographics

1. **What state are you located in?**
- 2.
3. **What is your position within the dispensary such as bud tender, manager etc?**
4. Are you Single, married, divorced, other?
5. What specific training or education do you have that relates to cannabis?
6. What interest you about state legal recreational cannabis?
7. How many years of experience do you have working within the cannabis industry?

Directions: For all the questions please provide as much detail as you can.

The next few questions will look at the political climate and early days following the legalization of recreational cannabis in your state.

1. Please describe to the best of your abilities that political climate in your state as it relates to recreational cannabis.
 - a. Who or what groups voiced support for legalization?
 - b. Who or what groups voiced opposition?
 - c. Please provide examples of the political climate in your state.

2. For groups that have voiced support for the legalization of recreational cannabis, what has been their response, and how has it shaped the political climate in the state?
 - a. Please provide examples of how what groups that support legalization response has been?
 - b. Please provide examples of how the support groups have shaped the political climate?
 - c. What impact has the support groups had on the regulations?
3. When looking at the groups that have opposed legalization and regulations of recreational cannabis, what have been their reasons for opposing legalization?
 - a. Please explain why the groups have opposed legalization?
 - b. What impact has the opposition had on the regulation of recreational cannabis?
4. In your best assessment, what has been the overall impact of the various group's impact on the regulation and implementation of recreational cannabis in your state?
 - a. To what has been the positive impact?
 - i. Please provide examples.
 - b. To what has been the negative impact?
 - i. Please provide examples.
 - c. To what has been the unexpected impact?
 - i. Please provide examples.
5. Thinking retrospectively on the initial regulations for recreational cannabis in your state, how have the various groups influenced the initial regulations?
 - a. What extent do you believe the various groups have impacted the initial regulations?
 - i. Please provide examples.
 - b. What extent do you believe the various groups have influenced the initial regulations?

Ins: This question is a transition question. Also, this question provides big picture information. The list provides some areas in your response that you might consider, however it is not required that you address any or all of them in your response.

6. What does it mean to have state legal recreational cannabis in your state?
 - a. What does it look like?
 - Tax structure
 - Testing
 - Product labeling
 - THC concentrations
 - Unit defines as
 - Security
 - Inventory tracking
 - Packaging
 - Out of state visitors purchase and use

- Public safety-driving
- Underage access
- Zoning
- Licensing
- Public health
- Inventory control
- Enforcement
- Banking

Directions: Please keep the following definitions in mind for the next sets of questions. Obstacles are issues that pose a challenge that must be overcome or issues that arise in the course of making recommendations for regulations of recreational cannabis. Perceived obstacles are issues or things that you believe pose a challenge that must be overcome in the course of regulation implementation, perceived obstacles can be challenges in the implementation of the regulations for recreational cannabis.

7. When the January 4, 2018 memorandum was issued by then U.S. Attorney General Jefferson B. Sessions in which he removed all federal protections for states that experiment with the legalization of recreational cannabis which was established by the Cole memorandums from 2013 and 2014, what did or would you perceive as obstacles as a result of the memorandum?
 - a. How do you think the perceived obstacles influence the regulation of recreational cannabis in your state?
 - b. How did you the perceived obstacles impact the current regulations for recreational cannabis in your state?
 - i. Please provide examples of both positive and negative impacts.
8. Please describe to the best of your ability the overall impact from the perceived obstacles that were a result of the Sessions memorandum?

Directions: The following questions are going to focus on specific areas of the regulations of recreational cannabis. The questions are going to ask you to look from the initial regulations to the present form of the regulations. Please keep in mind the definitions of the obstacles. Please provide as much detail as possible.

9. Keeping with the same topic of licensing, what have been the perceived obstacles for licensing of growing facilities in your state?
 - a. What about zoning?

- i. Distance from school.
 - ii. Distance from parks and playgrounds.
 - iii. Distance from places of worship and libraries?
 - b. What have been the perceived obstacles from inventory tracking and security?
 - i. Tracking plants from seed to harvest
 - ii. Access to growing facilities
 - iii. Access to growing rooms
 - iv. Security
 - 1. Fencing
 - 2. Cameras
 - c. Why were the obstacles identified as perceived as obstacles to growing facilities?
 - d. How have the obstacles influenced the regulations?
 - e. How have the obstacles impacted the implementation of regulations?
 - f. Which perceived obstacles have been the hardest to overcome and why?
- 10. Keeping with the same, though, what obstacles were perceived for the licensing of testing facilities in your state?
 - a. What about the regulations for facilities?
 - i. tracking of samples
 - ii. storage of samples to be tested
 - iii. Security at the facility

- b. What about the regulations for personnel working at the testing facilities?
 - i. Educational requirements
 - ii. Experience
 - iii. Criminal records/ Background checks.
 - c. What about the regulations for reporting test results?
 - d. Why were the obstacles perceived as obstacles?
 - e. How do the perceived obstacles influence the regulations for testing facilities? Please provide examples.
 - f. How have the perceived obstacles impacted the implementation of the regulations? Please provide examples.
11. Please describe how the perceived obstacles for licensing of dispensaries, grow facilities, and testing facilities continue to influence regulations and impact the implementing of the licensing regulations?
- a. Which ones continue to influence and impact the regulations?
 - b. Why do they continue to influence and impact the regulations?
 - c. What steps and procedures have been taken to mitigate them?
 - d. What do you think needs to be done to overcome the perceived obstacles?
12. The last few questions have focused on the perceived obstacles for licensing. I would like to shift the focus to cannabis flower and concentrated forms of cannabis. Think back to the formation of the initial regulations. What obstacles did you perceive as obstacles that need to be addressed when creating the

regulations for the percentage of THC that could be in cannabis flowers and concentrates?

- a. Why were the obstacles perceived as an obstacle to the creation of the regulations?
- b. What impact did the perceived obstacles have on the formation of regulations for the percentage of THC found in cannabis flower?
- c. What impact did the perceived obstacles have on the formation of regulations for the percentage of THC that could be in cannabis concentrates such as wax, hash, shatter, crumble, sugar wax?

13. Now looking at both flower and concentrated forms of cannabis please explain how the perceived obstacles have changed/evolved from the initial regulations to the regulations in the present form?

- a. What new perceived obstacles have emerged? To the best of your ability, please explain what you believed caused the new obstacles to forming?
- b. How have the new perceived obstacles influenced the regulations for the percentage of THC found in cannabis flower and concentrated forms of cannabis?

Directions: Considerable media attention has focused on the concerns with edibles and the packaging of edibles. The following questions are going to focus on the perceived obstacles that relate to the establishment of regulations for edibles and the packaging of them. Please provide as much detail as possible.

14. With the current regulations for edibles and packaging what do you perceive as obstacles for edibles and the packaging of them?

- a. Out of the perceived obstacles identified which ones were considered primary obstacles and which were considered secondary obstacles?
 - b. What factors contributed only to the primary obstacles?
 - c. How did the primary obstacles influence the initial regulations?
 - d. How do the primary obstacles influence decisions for recommendations for the current form of the regulations?
 - e. What factors contributed only to secondary obstacles?
 - f. How did the secondary obstacles influence the initial regulations?
 - g. How do the secondary obstacles influence decisions for recommendations for the current form of the regulations?
15. One of the primary concerns with edibles is that they appeal to young children and minors in that it is hard to distinguish between food that is infused with cannabis and food that contains no cannabis. Please explain what you believe were the primary perceived obstacles as they relate to edibles appeal to young children?
- a. How have the perceived obstacles influenced recommendations for edibles regulations?
 - b. How have the perceived obstacles influenced recommendations regulations for the packaging of edibles?
16. A second concern that has been identified is the overconsumption of cannabis-infused products because of the delayed effect time from consumption of cannabis-infused edibles. To the best of your knowledge, what do you perceived

as obstacles for the regulations of edibles as they relate to the safe consumption of cannabis-infused products?

- a. Why were they consider obstacles to the regulation of cannabis-infused products?
- b. How did they influence the regulation of edible forms of cannabis, such as dosing, serving size, and the total amount of THC allowed?

17. What has been the overall impact of the perceived obstacles for cannabis-infused products on the regulation and implementation of recreational cannabis in your state?

Directions: The past few questions have focused on cannabis-infused edibles and packaging. I would now like to shift focus on the perceived obstacles for allowing out of state residents to purchase cannabis. Please provide as much detail as possible

18. Visitors to the state generates a considerable amount of revenue. What do you perceived obstacles for allow tourists to purchase and use of recreational cannabis?

- a. What factors contributed to the obstacles being perceived as an obstacle to the regulation of recreational cannabis?

19. What effect, if any did the lawsuit brought by Nebraska and Oklahoma against Colorado have on the perceived obstacles for tourist purchase and use of recreational cannabis? One of the primary concerns with allowing the sale of recreational cannabis to tourists has been the purchased product being transported back to the tourist home state. When thinking about the regulations for tourist purchases of recreational cannabis, what did you perceive as obstacles for tourist

transportation of cannabis between a state where it is legal to one where it is illegal?

- a. What about the tracking of all purchases?
- b. What about the saturation of enforcement along the state borders?
- c. How have the perceived obstacles to the spillover of cannabis influence the regulations for tourist access to recreational cannabis?

20. The second area of concern with allowing tourists to purchase and use cannabis is having a place to use the cannabis that was purchased. Please explain what you perceived as obstacles as they relate to the tourist consumption of cannabis?

- a. What factors contributed to the obstacles?
- b. How did the obstacles influence decisions on recommendations for regulations?
- c. How are the obstacles reflective in the current regulations for tourist consumption of cannabis?

21. To the best of your abilities explain what you view as the overall impact the obstacles had on the regulations for tourist purchase and consumption of recreational cannabis.

- a. How has the obstacles impact changed from initial regulations to the present form?

Directions: While the previous section focused on the purchase and consumption of recreational cannabis. The literature has showed that in other states with legal recreational cannabis that the cannabis is being diverted to illegal markets. The questions to follow will focus on the perceived obstacles that relate to preventing the

divergence of recreational cannabis to illegal markets. Please provide as much detail as possible.

22. Please explain in as much detail as possible what you and or your workgroup viewed as the perceived obstacles to prevent the divergence of state legalized recreational cannabis to the illegal markets?
- a. Why were the obstacles identified as perceived obstacles?
 - b. How did they influence the initial regulations for recreational cannabis?
 - i. what impact did they have on the initial regulations?
 - c. How do they influence the current regulations?
 - i. What impact do they have on the current regulations?
 - d. How are the obstacles mitigated?
23. How have the perceived obstacles for the prevention of cannabis being diverted to illegal markets changed over time?
- a. Please explain how you believe they are similar.
 - b. Please explain how you believe they are different.
 - c. What factors do you believe have contributed to the change?
24. What do you believe will be the obstacles in the future for the regulations that prevent recreational cannabis from being diverted to illegal markets?
- a. What lessons can be learned from the current perceived obstacles that can be applied in the future?

Directions: The final few questions of the are going to focus on the regulations for recreational cannabis in its current form. The final questions ask you to think in the broadest terms possible. Please provide as much detail as possible.

25. Please explain what you believe are the overall implications from the perceived obstacles on the current regulations for recreational cannabis in the state you reside in?
26. What do you think will be obstacles in the future for recreational cannabis? Where do you think improvement needs to be made to the current regulations? Please provide an example.
27. Please explain to the best of your ability who or what group will be driving the creation and enhancement of regulations for recreational cannabis.
28. How do you think the cannabis industry will drive changes to regulations and identify obstacles that need to be addressed through regulations?
29. Is there anything you would like to add that has not been addressed in the questionnaire?

Debriefing

Thank you for taking your time to participate in this questionnaire on the perceived obstacles for state legal recreational cannabis and how they impact the implementation and regulations of state legal recreational marijuana. Upon study completion the results will be posted on my research webpage which can be found at: <https://robertlinocjresearch.com/>.

If you need to reach me for any questions, comments and concerns please email me at

Thank you again for your time.

Sincerely,

Robert A. Lino.