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CANNABIS NEWS

NEW JERSEY COURTS NOW TACKLE HUNDREDS OF THOUSANDS OF CANNABIS CASES FOR DISMISSAL, VACATING AND EXPUNGEMENT ON THE HEELS OF THE STATE'S SUPREME COURT ORDER

New Jersey courts have either dismissed or vacated an estimated 362,000 marijuana cases since July 1, according to data provided by the state judiciary.

Background

New Jersey enacted The Marijuana Decriminalization Law [L. 2021, Ch. 19] (TMDL) which codified relevant sections of the New Jersey statues, provides for the dismissal, vacating and expungement of certain marijuana and hashish cases involving specified offenses as defined in that legislation. The Administrative Office of the New Jersey courts made a determination on the heels of passage of TMDL that up to 360,000 cases in the Superior Courts (both criminal courts and family law courts) and in the Municipal Courts that likely qualify within the dictates of TMDL. (*See:* https://www.njcourts.gov/notices/2021/n210702h.pdf)

The Supreme Court's Findings and Order

The New Jersey Supreme Court issued an Order that set forth automated processes which apply only to cases involving the following specific cannabis or hashish offices, including cases involving convictions for "attempts" to the commission of relevant crimes and conspiracty convictions, as follows:

- Distribution of less than one ounce of cannabis or less than 5 grams of hashish;

- Possession of more than 50 grams of cannabis or more than 5 grams of hashish;

- Disorderly offense for possession of 50 grams or less of cannabis or 5 grams or less of hashish (*Ibid*)

The Court made clear that:

- The. . . specified offenses are eligible for the actions directed by the new statute whether they exist in the case alone, in combination, or in combination with one or more of the [listed offenses] including attempts or conspiracies. . . . (*Ibid*)

The Court also determined in its Order that 1. Possession of drug paraphernalia, 2. Use or being under the influence of controlled substances; 3. Failure to make lawful disposition of controlled substances, and 4. Operating a motor vehicle while in possession of a controlled substance offenses committed, in conjunction with the above specified offenses, would also be eligible for the "actions directed by the new statute." (*Ibid*)

The Court then grouped "eligible" cases into the categories of cases pending adjudication; adjudicated cases pending sentencing; select cases post sentencing and other cases disposed of.

The Court's Order of Remedies

The Court's specific Order, in relevant part, stated:

- *For Cases in which adjudication is pending*, and where only the specific offense(s) remain active as of the date of this order, including cases in which the defendant is currently subject to a conditional discharge. . . such cases shall be dismissed, expunged, associated warrants for failure to appear rescinded, associated violations or probation or violations of pretrial monitoring be vacated and associated court-ordered driver's license suspensions or revocations for failure to appear be rescinded.

- *For Cases adjudicated but pending sentencing or disposition* and that that been adjudicated through entry of guilty plea, through adjudication of delinquency, through guilty verdict or diversion program(s) in such cases shall be vacated or dismissed and/or expunged.

- *For Select cases post sentencing* convictions those convictions will be vacated, incarcerated persons

shall be released, relevant probations terminated with dismissals and expungements and warrants dismissed as appropriate.

The Court further ordered that the Administrative Director of the Courts shall also provide the Attorney General with lists of all cases currently pending adjudication that include the specific cannabis or hashish offenses listed above with the Attorney General sharing those lists with county and municipal prosecutors "so that they can take appropriate action. . ." (*Ibid*)

Finally, the Court, in its Order, allowed for cases not captured by the automated processes to bring motions to dismiss, vacate and/or expunge as appropriate.

Conclusion and Implications

With some 360,000 identified cases, not to mention the motions that will likely follow the N.J. Supreme Court's Order, the courts in New Jersey have their work cut out for them for some time to come. It has been reported that as many as an additional 150,000 New Jersey residents could also be eligible to have their cannabis-related records automatically expunged by the courts, said MaryAnn Spoto, a spokeswoman for the judiciary

The Court's Order in detail is available online at: https://www.njcourts.gov/notices/2021/n210702h.pdf. (Robert Schuster)

LEGISLATIVE DEVELOPMENTS

NEW CALIFORNIA LAW INCREASES FINES FOR WATER THEFT

California Senate Bill 427 (SB 427), sponsored by State Senator Susan Eggman (D-District 5), was recently signed into law enabling water agencies to impose enhanced penalties for water theft, a problem that has increased dramatically throughout the state. Though, not the main subject of this article, illegal "grows" are frequent illegal appropriators of water and hence it's inclusion in this Reporter.

Background

Senate Bill 427 proponents report that at least 1.8 billion gallons of water have been stolen in California since 2013. The American Water Works Association suggests water suppliers assume for budgeting and management purposes that 0.25 percent of the volume supplied is withdrawn unlawfully. The California Legislature finds that a significant portion of water theft is related to unlawful cannabis grow operations. According to the author's argument in support of the bill,

> ...water theft poses a serious public health and safety risk and an economic risk to communities. During water theft, contamination can occur when non-potable sources are illegally connected to a drinking water system … Protecting the safety of water systems is a crucial issue, and this bill does that without allowing for excessively punitive fines relative to the ability to pay.

Additionally, water agencies often pass on the lost revenue from water theft to customers who effectively absorb those costs through the water supplier's rate structures.

Existing Law

Under California Government Code §§ 25132 and 36900, a violation of a local ordinance is a misdemeanor unless by ordinance it is made an infraction. In general, every ordinance violation that is determined to be an infraction is punishable by: 1) a fine not exceeding one $100 for a first violation; 2) a fine not exceeding $200 for a second violation of the same ordinance within one year; and, 3) a fine not exceeding $500 for each additional violation of the same ordinance within one year.

Senate Bill 427 Enhanced Penalties

SB 427 authorizes local agencies that provide water service to adopt ordinances prohibiting water theft and to modify and enhance fines and penalties.

If water theft is committed via meter tampering in violation of an ordinance adopted under this section, it is punishable by: 1) a fine not exceeding $130 for a first violation; 2) a fine not exceeding $700 for a second violation of the same ordinance within one year of the first violation; and 3) a fine not exceeding $1,300 for the third violation and each additional violation of the same ordinance within one year of the first violation.

All other forms of water theft in violation of an ordinance adopted under this section are punishable by: 1) a fine not exceeding $1,000 for a first violation; 2) a fine not exceeding $2,000 for a second violation of the same ordinance within one year; and 3) a fine not exceeding $3,000 for each additional violation of the same ordinance within one year.

The new law defines water theft to mean "an action to divert, tamper, or reconnect water utility services" and references § 498 of the Penal Code for definitions of the terms "divert," "tamper," "reconnect," and "utility service."

SB 427 requires the local agency to adopt an ordinance that sets forth the administrative procedure that governs the imposition, enforcement, collection, and administrative review of the fines or penalties for water theft.

Hardship Waiver

SB 427 provides that a hardship waiver may be obtained to reduce the amount of the fine upon a showing by the responsible party that payment of the full amount of the fine would impose an undue financial burden. The phrase "undue financial burden" is

not defined and appears to be left to the discretion of the local agency.

Conclusion and Implications

With California in the midst of extensive drought conditions, greater deterrence to water theft is needed to maintain sufficient and safe water supplies. Municipalities, water agencies and other government agencies throughout the state are grappling with the challenges of widespread, unlawful cannabis grow operations. Though SB 427 imposes stiffer penalties, the "profitability" of such operations raises a question of whether the penalties are sufficiently high. Meanwhile, millions of California residential water bills have gone unpaid for many months due to Covid-19 hardship claims. Water agencies and their managers face increasing challenges in providing a service that many California residents might take for granted—a clean, reliable and affordable water supply.
(Gabriel J. Pitassi, Derek R. Hoffman)

CALIFORNIA ASSEMBLY BILL 45 AIMS TO BRING CLARITY TO INDUSTRIAL HEMP SALES

California Assembly Bill 45, a measure which has been in the works for years, passed the California Legislature on the final day of its 2021 session. The bill will have major ramifications for cannabis and hemp companies in California. The legalizes adding hemp extracts to food, drinks, and beauty products and now heads to Governor Gavin Newsom's desk for signing.

Background

Since recreational cannabis legalization, commercial cannabis dispensaries have been prohibited from selling many hemp products, and industrial hemp purveyors have been pushing to overturn California's prohibition on selling CBD outside dispensaries. The bill passed the California Legislature on September 9, 2021 and now heads to the governor's desk for signature.

Recent amendments to the bill eliminated one of its most contentious aspects: a ban on smokable hemp. Even with this amendment the bill has drawn criticism from many industry organizations, including the National Industrial Hemp Council, the Hemp Farmers Guild, and the California Hemp Coalition. In its current form, the bill will likely create confusion in the hemp industry, as its language prohibits production of "inhalable products" unless they are being manufactured for sale out of state, but also contains regulations for the manufacture of inhalable products and their sale. Essentially, Assembly Bill 45 adopts regulations for inhalable hemp products in the event the legislature later enacts taxes governing the sale of these products, but presently places regulations on an area of the market which remains illegal in California. Hemp industry analysts indicate this continues to treat smokable CBD products as equivalent to cannabis products, despite the drastic differential in THC levels between the products.

Redefining THC Limits

AB 45 implements THC limits which are more strict than those at the federal level. The federal Agriculture Improvement Act of 2018 (better known as the 2018 Farm Bill) defines hemp as all parts of the cannabis plant "with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis."

The U.S. Department of Agriculture's final rule dictates hemp should be tested prior to harvest for its "total THC levels." Assembly Bill 45, however, says the total THC in its final products may not exceed 0.3 percent THC—a more stringent requirement than the 0.3 percent delta-0 THC limit required for final products under the 2018 Farm Bill.

A Collision of Industries

The bill also mandates the preparation of a report to the Governor and the California Legislature before July 1, 2022 outlining the steps necessary to allow for the incorporation of hemp cannabinoids into the cannabis supply chain. Many in the hemp industry are concerned this will bring the entire industrial hemp industry under the regulatory authority of the newly consolidated Department of Cannabis Control, and leaves sales restricted to commercial cannabis dispensaries.

Though not without controversy, AB 45 will essentially end a *de facto* CBD prohibition in California by enacting rules governing the sale of CBD products and will permit the sale of many products and remove the fear of embargoes and product seizures. Hemp industry advocates claim the bill was drafted in concert with cannabis industry lobbyists and has excluded them from the process. However, with Governor Newsom having voiced support, the bill is expected to be fully enacted in short order.

Conclusion and Implications

AB 45 contains an emergency provision, which means it will take effect immediately upon the governor's signature. Even taking into account the issues the industry has and will continue to raise, passage of the bill will create a regulatory framework for hemp and hemp products in California that is far beyond the FDA's present system for regulating hemp and CBD products. Some confusion surrounding the bill is likely to be worked out in court or through future legislative amendments, but the clarity it will provide on many issues indicates a new day is dawning in the California industrial hemp industry. The full text and history of Assembly Bill 45 is available online at: https://leginfo.legislature.ca.gov/faces/billHistoryClient.xhtml?bill_id=202120220AB45.
(Jordan Ferguson)

TEXAS LEGISLATION MODIFIES THE STATE'S MEDICINAL CANNABIS PROGRAM BY INCREASING THE ALLOWABLE THC CONTENT AND ADDING QUALIFYING MEDICAL CONDITIONS

Recently, in September 2021, the Texas Legislature, signed into law by the Governor, raised the allowable THC content for medicinal cannabis. The content increase was not a lot.

Background

Texas's medicinal cannabis legalization began with passage of Senate Bill 339 in 2015. (*See:* https://capitol.texas.gov/tlodocs/84R/billtext/pdf/SB00339F.pdf) In 2021, the state expanded which conditions were permissible under the state's Compassionate Use Program (CUP) under House Bill 1535. (*See:* https://legiscan.com/TX/bill/HB1535/2021)

Texas's Compassionate Use Program allows certain physicians to prescribe low tetrahydrocannabinols (THC) cannabis for medical purposes.

Low-THC comes from the plant Cannabis Sativa L. All parts of the plant and any resulting compounds, salts, resins, oils and derivatives that contain no more than 0.5 percent by weight of THC are considered Low-THC. Medical use of these substances is limited to swallowing, not smoking, the prescribed dose of low-THC.

By law, CUP is limited to Texas patients with:

- Epilepsy
- Seizure disorders
- Multiple sclerosis
- Spasticity
- Amyotrophic lateral sclerosis
- Autism
- Terminal cancer or
- An incurable neurodegenerative disease.

Patients may get Low-THC cannabis prescribed if:

- The patient is a permanent resident of Texas
- The patient has one of the medical conditions listed above
- A CUP registered physician prescribes
- That qualified physician decides the benefit outweighs the risk

Legalization measures have been slow in the realm of medicinal cannabis use and non-existent as to recreational cannabis.

• Today, complete removal of prohibition is difficult, as the Texas Constitution doesn't allow for voter referendum, AKA changes to the law must go through the legislative process. Senate leader and Lt. Gov. Dan Patrick has regularly blocked bills attempting to expand medical cannabis and decriminalize possession, as he sees these as potential pathways to recreational legalization. Despite these efforts, some things are happening that are favorable to the industry for Texas cannabis legalization. (*See*: https://cannacon.org/texas-cannabis-laws/)

House Bill 1535

HB 1535 was signed into law by Texas Governor Abbott. The new expansion of the CUP went into effect on September 1, 2021. This legislation expands the medical conditions allowable under the CUP and increases the THC content allowable under the new law, from less than .5 percent to 1 percent. One implication of this change is that less "carrier oils" will be needed for medicinal dosing. Consumption of cannabis flower products via smoking remains prohibited under the CUP.

Despite the fact that about 85 percent of Texans believe recreational cannabis should be legalized, lawmakers here have chosen to move slowly. And the program will grow only as much as the legislature allows it to grow. (*See:* https://www.houstonpublicmedia.org/articles/news/politics/2021/09/02/407648/new-medical-marijuana-law-goes-into-effect-expanding-access-to-cancer-patients-and-texans-with-ptsd/)

Comments in Support of HB 1535

Jax Finkel, the executive director of Texas NORML has stated on the bill's passage into law as follows:

> Texans support a robust and inclusive medical cannabis program that allows doctors and patients to decide their treatment and formulations . . . .But then when we look at the Legislature, they're only there every two years. So any patients that aren't included, have to languish for two years. . . . I think there are some easy things they can do next session to put power in the hands of doctors and patients . . . .That [included] allowing the Department of State Health Services to allow petitions, add new conditions, evaluate them and add them on a regular basis. To allow them to deal with dosing, because those are the medical professionals

Conclusion and Implications

Some have pointed to Texas' ban on cannabis dating back to 1915 as having a connection to immigration patterns from Mexico. Texas Legislature has been slow to move back from cannabis' total ban in the state. Despite the move in the nation to on the state level to legalize recreational cannabis Texas has decided to focus on medicinal cannabis only—and there is no indication that recreational cannabis legalization is anywhere on the horizon. The complete text of House Bill 1535 is available online at: https://legiscan.com/TX/bill/HB1535/2021.
(Robert Schuster)

REGULATORY DEVELOPMENTS

CALIFORNIA DEPARTMENT OF CANNABIS CONTROL UNDERTAKES EMERGENCY RULEMAKING TO CONSOLIDATE STATE'S CANNABIS REGULATIONS

The Department of Cannabis Control (DCC) is itself a relatively new consolidation of California's previous mesh of regulatory agencies that oversaw the state's legal cannabis industry. On July 1, 2021, DCC was formed to consolidate the work of the Department of Consumer Affairs' Bureau of Cannabis Control, the Department of Food and Agriculture's CalCannabis Cultivation Licensing Division, and the Department of Public Health's Manufactured Cannabis Safety Branch. On September 7, 2021, the newly-formed DCC issued notice that is likewise undertaking a consolidation of the state's cannabis regulations. If approved, the new regulations will take effect at the end of the month on September 30, 2021.

Objectives of the Consolidated Cannabis Regulations

In combining the cannabis regulations originally promulgated by the three prior state agencies tasked with regulating the cannabis industry, DCC is seeking to not only consolidate the regulations but also provide consistency in the requirements that license applicants must comply with in order to obtain a state license. This consolidation also proposes a unified set of terminology across the various license types.

Finally, this emergency rulemaking also seeks to implement rules to govern the designation and handling of trade samples as authorized by Assembly Bill 141.

The following changes from previous agency/bureau regulations are as follows:

- *Changes to Regulations Promulgated by CalCannabis*
  Section 8111 of Title 3 of the California Code of Regulations which covers priority application review for cannabis cultivation license applications is proposed to be removed. Section 8407 describing track and trace system registration requirements for new cannabis plants is likewise proposed to be removed.

- *Changes in Regulations Promulgated by State Department of Health Services*
  Section 40156 of Title 17 of the California Code of Regulations which covers priority application review for cannabis cultivation license applications is proposed to be removed.

- *Changes in Regulations Promulgated by the Bureau of Cannabis Control*
  Section 5016 of Title 16 of the California Code of Regulations which covers priority application review for other license applications is proposed to be removed.

New Regulations Proposed by the Department of Cannabis Control

Under the DCC, cannabis regulations are to be unified within Title 4, Division 19 of the California Code of Regulations.

Defining Industry Terms

The biggest change proposed by DCC in the consolidated regulations is a much more extensive list of definitions for various industry-relevant terms. In addition to maintaining some pre-existing definitions, the following terms are being added to § 15000 of Title 4:

Applicant
Batch
Cannabis Concentrate
Cannabis Product
Cannabis Product Quality
Cannabis Waste
CBD
Commercial Cannabis Activity
Commercial Grade, Non-Residential Door Lock
Cultivation
Cultivation Site

Designated Responsible Party
Distribution
Dried Flower
Edible Cannabis Product
Extraction
Final Form
Flowering
Immature Plant
Indoor Cultivation
Informational Panel
Infusion
Infused Pre-Roll
Ingredient
Labeling
Licensee
Light Deprivation
Lot
Manufacture
Manufacturing
Mature Plant
Mixed-Light Cultivation
Nonmanufactured Cannabis Product
Nonvolatile Solvent
Nursery
Orally-Consumed Concentrate
Outdoor Cultivation
Person
Pest
Premises
Primary Panel
Processing
Product Identity
Quarantine
Serving
Tablet
THC
Tincture
Topical Cannabis Product
Track and Trace System
Unique Identifier
Universal Symbol
Volatile Solvent

While some of these terms were previously covered by other definitions in the regulations, most are terms that were previously undefined at the state level, which had proven difficult or confusing at the local level when processing cannabis application.

A Unified Approach to Provisional Licensing

Another substantive change proposed in the consolidated regulations is a unified approach to provisional licensing. Under the proposed regulations, the requirements for all provisional licenses are adherence to the application requirements for a full license. Notably, the provisional licensing scheme is phrased in a somewhat more permanent way than previously. Originally, provisional licenses were intended only as a short-term bridge designed to only be a part of the regulatory structure during the initial years of the cannabis industry becoming established. Now, some provisional license types are to be issued well into 2023. Finally, a new substantive provision with respect to provisional licenses is that where DCC denies renewal of a provisional license, no right of appeal accrues from such a denial.

With respect to annual licenses, the proposed regulations set forth a whole host of new application requirements ranging from information about agents for service, to tax identification numbers, to DOJ fingerprinting information. Cannabis businesses with 20 or more employees are now also required to provide representations about a labor peace agreement. Individual stakeholders are now also required to be disclosed based on a broader set of criteria. To ensure compliance, cannabis businesses should carefully review DCC application materials to comply with these requirements as additional information is required over what has previously been required.

Trade Samples

Under the proposed regulations, trade samples are introduced for the first time. Under these new regulations, licensees will be permitted to designate and exchange trade samples for certain specified purposes. Trade samples must be identified in the track and trace system, they may not be exchanged for money, and they must at all times be clearly marked as "TRADE SAMPLE. NOT FOR RESALE OR DONATION." Trade samples may not be designated or exchanged with all licensees so each cannabis licensee must carefully verify their license type authorizes them to engage with trade samples. The quantity of trade samples are also regulated, with different restrictions imposed on different product types.

Conclusion and Implications

The regulation of legalized recreational cannabis use and sales is no easy task. Even early state adopters of recreational cannabis, like California, is still finding its way as it tackles regulation. The recently formed Department of Cannabis Control—which follows in the work of the state's Department of Consumer Affairs' Bureau of Cannabis Control, the Department of Food and Agriculture's CalCannabis Cultivation Licensing Division, and the Department of Public Health's Manufactured Cannabis Safety Branch—is now in the process of consolidating the many regulations adopted before it into a single agency, single system of regulatory oversight. The link to the Department of Cannabis Control's pages on proposed changes is available here: https://cannabis.ca.gov/about-us/consolidation/.
(Andreas Booher)

NOW THAT MONTANA HAS LEGALIZED RECREATIONAL CANNABIS, THE STATE LOOKS TO FINALIZE REGULATIONS FOR DISPENSARY SALES FOR THE JANUARY 1, 2022 DEADLINE

Montana State regulators are drafting rules for Montana's recreational marijuana market, which takes effect January 1, 2022. Recreational cannabis use was approved to begin in January 2021 but with no system of dispensaries and related regulation in place, the practical date for legalization will begin on January 1, 2022.

Background

Initiative I-190 (legislation) and matching constitutional amendment initiative were submitted by New Approach Montana to the Montana Secretary of State in January, and approved for signature gathering as of May 1, 2020. Following a lawsuit and a declaration from the Montana Supreme Court, the Montana Secretary of State determined that mail-in voter signatures would be allowed for all initiatives without requiring notary seal, and starting May 9, the sponsors made a downloadable mail-in form available. On June 19, groups collecting voter signatures for the legalization initiative said they had submitted almost twice the minimum to the Secretary of State by the deadline. The sponsors announced in July that they had reached the threshold for ballot inclusion, based on county-level voter certification. On August 13, the Montana Secretary of State announced it had qualified for the November ballot. The initiative was approved by voters on November 3, 2020. (https://en.wikipedia.org/wiki/2020_Montana_Initiative_190)

Update on Regulating Sales

Following passage of Initiative 190 in November 2020, recreational cannabis became legal on January 1 2021 for adults to possess no more than one ounce of marijuana for personal use in the state of Montana. Presently, the only legal way to acquire cannabis for adult-use purposes is to grow it yourself—traveling to a state where recreational cannabis is legal to buy and bringing it back to Montana would implicate federal interstate commerce prohibition. I-190 allows residents to have up to four marijuana plants of their own, but that will be reduced to two plants per person or four plants per household once HB 701 is signed. (https://montanafreepress.org/2021/05/07/legal-cannabis-whats-next-and-what-can-you-do-now/)

Now the regulators in Montana look to implement the sale of cannabis in the state. Officials at the Montana Department of Revenue are already preparing to take over the state's medical marijuana program, which is currently part of the Department of Public Health and Human Services, and establish a newly legalized adult-use market as outlined in House Bill 701, and signed by Governor Greg Gianforte on May 18. (https://montanafreepress.org/2021/04/27/marijuana-bill-passes-montana-house/)

House Bill 701, the primary implementation law, passed by state lawmakers this year to set up a framework for marijuana legalization, calls for a 20 percent state tax on all non-medical cannabis sold in the state, and also allows local voters to tack on an extra

3 percent municipal tax. Recently, Missoula County announced it will let voters decide in November whether they would add that extra tax. Commissioner Josh Slotnick said the money raised from the tax, which the city and county would split, would go toward property tax relief and affordable housing programs. (https://montanafreepress.org/2021/08/05/montana-cities-legal-weed-detail/)

Montana state regulators have introduced a set of proposed rules for medical marijuana providers, as they continue to prepare for the start of recreational sales in January.

The Montana Department of Revenue, which is now overseeing both the adult-use and medical marijuana programs in the state, announced the rule proposals last month. They will be taking public comments on them for the next several weeks.

The most notable provisions would adjust rules for how medical marijuana businesses can advertise:

- Businesses would be limited to two outdoor signs, each 11 square feet or smaller, and required to include disclaimers about risks of marijuana use.

- Outdoor signs would have to be attached to a building or permanent structure, and billboards, banners, and flags wouldn't be allowed.

- Businesses would not be allowed to advertise on TV, radio, or newspapers–or on social media.

- Marijuana businesses could have websites but would have to take "appropriate measures" to make sure people younger than 21 don't visit.

- Businesses wouldn't be able to offer promotional items or sponsor charitable events or sports.

The new rules will be enforced starting January 1, 2022—the same date that adult-use sales are set to begin. (https://missoulacurrent.com/government/2021/08/rules-marijuana-advertising/)

Conclusion and Implications

State passage of laws legalizing recreational cannabis use, possession and sales is always an uphill challenge, but once passage has been secured, the real challenge of regulating cannabis begins. Montana legalized recreational cannabis but the system for sales won't take effect until January, 2022. That deadline is fast approaching and the powers that be are working to make the process as smooth as possible—no doubt with a view to how other states have accomplished this, weighing the pros and cons of those states that have come before them.
(Robert Schuster)

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