



HOT BOXED

AS OUR NEIGHBORS ON ALL SIDES
REAP THE BENEFITS OF
LEGAL CANNABIS,
MANY FEEL IT'S HIGH TIME
WISCONSIN ADOPTS A PROGRAM OF ITS OWN.
SO WHY HASN'T IT HAPPENED YET?

Written by Jeff Oloizia



Photos by Christine Dopp

ILLUSTRATION BY TIM BURTON/GETTY, INSPIRED BY "LET'S LEGALIZE IT, WISCONSIN!" ILLUSTRATION
PRODUCED BY OFFICE OF SENATE DEMOCRATIC LEADER MELISSA AGARD, DESIGNED BY LAUREL NOACK

“The will of the people is the law of the land.”

—Inscription on the ceiling of the Governor’s Conference Room in the Wisconsin State Capitol

“It’s 4:20 somewhere.”

—Unknown

Have you noticed a certain skunky aroma wafting through Madison more frequently these days? Maybe you’ve stumbled into one of the city’s rapidly multiplying weed-friendly establishments or – as my 70-year-old mother did – bought a beverage from your local bottle shop only to realize, too late, that it contains THC. 🌿 Yes, cannabis is in the air, both literally and figuratively. In May, a study conducted by the nonprofit Society for the Study of Addiction revealed that weed has surpassed alcohol as the daily drug of choice for Americans. Everyone from teachers to politicians to grandparents seems to be lighting up, making certain parts of our city – and, indeed, the entire country – smell like the parking lot at a Phish concert.

But while Madison decriminalized the possession and use of small amounts of cannabis and its derivatives in 2020, the rest of the state hasn’t followed suit. As of publication, Wisconsin remains just one of 12 states – and the only one in the upper Midwest – without a legal cannabis program, rendering it an island of prohibition.

Meanwhile, dispensaries in Michigan and Illinois are happily raking in millions of dollars in tax revenue, offering safe and legal weed to those willing to make the drive across state lines. It used to be that people traveled to Amsterdam for a legal high. Now they just head to South Beloit.

So what can be done about it?

If I were writing this article 10 or even five years ago, I might have spotlighted the veteran using weed to manage PTSD or the cancer patient smoking to quell nausea to convince you of its benefits. (In fact, this magazine ran a terrific piece by Joel Patenaude in 2018 on just that topic.) But today, such debates are largely settled. According to a Marquette Law School



poll released in February, 86% of registered voters in Wisconsin support legalizing medical cannabis, while 63% support full recreational use—up from 46% in 2014. Even a majority of Republicans, who are typically more conservative on the issue, have stated their support.

The question, then, isn't whether we should legalize cannabis, but why it hasn't happened yet.

PROGRESSIVES AND PROHIBITIONISTS

On April 20, 2023, Wisconsin Senate Minority Leader Melissa Agard stood in front of a group of media assembled inside the Capitol and announced her “Grass Routes Tour” to push for cannabis legalization in Wisconsin. As political maneuvers go, it was a shrewd one. Agard would traverse the state by car, engaging with people from diverse political backgrounds in venues ranging from libraries to liquor stores, all to highlight the benefits of cannabis. The name was clever, too—a nod to both the devil's lettuce and Wisconsin's history of grassroots activism.

Her staff was optimistic that the road trip would provide the momentum needed to finally push legalization across the finish line. It still didn't make a difference. Agard's proposed bill, introduced last September, met the same fate as those she brought forward during the previous four sessions—it stalled. And Agard is acutely aware of who is to blame.

“I know that probably an awful lot of people are tired of hearing this, but it really has to do with the gerrymander in the state of Wisconsin,” Agard told me. “Over the last 10 years, not only have ordinary people been more comfortable

talking about this and cheering on the work that we've been doing, rank-and-file legislators in this building that have Rs next to their names are more interested in seeing it get done. But their leaders are not.”

That resistance may soon become irrelevant. In February, Gov. Tony Evers signed new legislative maps into law, potentially reshaping the state's political landscape and giving Democrats their first real chance at controlling the Legislature in over a decade. The move was cheered by legalization advocates, though it does little to break the current stalemate.

When I visited her office, Agard showed me a large map she and her staff have color-coded to show the status of cannabis laws across the country. Among the states left blank, only Wisconsin and Georgia voted for Joe Biden in the last presidential election.

“There are many things that are not considered partisan issues to normal people in the state of Wisconsin, but as soon as you set foot in this building, they turn partisan,” Agard says.

As of press time, Agard was leaving the Senate to run for Dane County executive. Her successor would be wise to cultivate a relationship with Republican Sen. Mary Felzkowski. The website *Smoke the Vote*, which grades politicians based on their stance on cannabis, awarded Felzkowski an A-, the highest grade among state Republicans and a noteworthy achievement given her rural constituency. (Felzkowski has since dropped to B+. Agard herself received an A.) Despite their shared interest in cannabis reform, tensions arose between the two senators when Felzkowski, a cancer survivor and advocate for medical cannabis, suggested Agard's support for adult-use legalization was hurting the state's ability to enact more incremental reforms.

“Melissa is very much in favor of this, and she can do, you know, whatever,” Felzkowski told PBS Wisconsin. “But it does make it harder in our caucus, and I think a lot of our caucus members are looking at this going, you know, ‘We don't want to be Illinois. We don't want to be Minnesota.’”

When I mentioned this, Agard accused GOP members of making excuses, stating, “In this building, [Republicans] can get anything done that they want with the snap of their fingers, and no one person... can prevent them from doing it.”

Despite their public squabble, it struck me that the two senators share more in common than they publicly acknowledge. Both have personal motivations for their advocacy: Agard lost her younger brother to fentanyl poisoning during the COVID-19 pandemic and argues that a well-regulated legal market would enhance public safety. They also share a common adversary in Speaker Robin Vos (*Smoke the Vote* grade: D-), who, while professing support for medical legalization, has offered little more than stall tactics. In January, Vos unveiled a medical cannabis bill proposing state-run dispensaries and restricting cannabis to nonsmokable forms only—legislation that would have imposed the country's

ON THE ROAD:

As part of “The Grass Routes Tour,” Sen. Melissa Agard (*pictured left*) traversed the state in 2023 extolling the benefits of cannabis.

PHOTO FROM THE OFFICE OF SEN. MELISSA AGARD





TRAILBLAZER:

Rob Pero (pictured below), a member of the Bad River Band of the Lake Superior Tribe of Chippewa Indians, is the founder of Canndigenous, an organic hemp farm in Cambridge.



most stringent regulations. Yet the bill floundered without so much as a hearing, underscoring its lack of bipartisan backing in the Senate. (Vos' office did not respond to multiple requests to participate in this article.)

"Robin does not like marijuana. I mean, he just doesn't," Felzkowski says, noting that half of Wisconsinites reside within a 75-minute drive of a dispensary and could access legal cannabis regardless of Wisconsin's legalization status. "His goal was to disincentivize the state from going full legal."

That political gambit could carry significant financial repercussions. Globally, legitimate cannabis production is a \$34 billion industry. In some states, the per-ounce value is greater than that of white truffle and beluga caviar. According to the Legislative Fiscal Bureau, Wisconsin stands to gain approximately \$166 million annually in tax revenue from recreational legalization. Meanwhile, Illinois garnered \$36 million in tax revenue from Wisconsin residents in 2022 alone.

Expressing frustration over the situation, Evers wrote via email, "I talk to governors of other states surrounding Wisconsin all the time, and they always thank me for the revenue that Wisconsin's missing out on because we won't legalize marijuana."

It could get worse. According to Robin Goldstein, an economist at the University of California, Davis, states that adopted legal weed early, such as Washington and Colorado, have a competitive advantage in capturing market share compared to other states.

"That's not just because of lower taxes and regulations," Goldstein told TIME earlier this year. "It's also because those two states have been open for recreational and adult use the longest. Over time, companies get more efficient at regulations, and regulators and legislatures adjust things over time, learning from early mistakes."

In other words, the longer Wisconsin waits to legalize, the more it risks falling behind.

NOT GETTING BOXED OUT

But wait, you might be thinking. If cannabis is illegal in Wisconsin, what's with all the stores selling weed? The answer can be traced back to the 2018 Farm Bill, which legalized industrial hemp (derived from the same cannabis sativa plant as marijuana) so long as it contains less than 0.3% THC.

The bill—intended to encourage the cultivation of hemp for commercial products, including biofuels and textiles—created a loophole, allowing for the production of products that mimic the effects of marijuana by converting nonpsychoactive CBD into delta-8 THC. It also provided a testing ground for those looking to enter the legal cannabis field ahead of full legalization.

One such trailblazer is Rob Pero. A member of the Bad River Band of the Lake Superior Tribe of Chippewa Indians, Pero began smoking weed at 17, struggled with college, served in the Navy and later returned home. “Cannabis was always a safe space for me,” he says. Shortly after the 2018 Farm Bill passed, he founded Canndigenous, an organic hemp farm in Cambridge. As the first independent Indigenous-owned hemp company in Wisconsin, Canndigenous grows hemp for industrial purposes and offers CBD-only products like flower, pre-rolls and tinctures.

“Everybody dreams of growing weed in their backyard, right?” Pero told me. “As an entrepreneur, it was really exciting to have a chance to grow hemp and just get my hands dirty.”

Pero went on to establish the Indigenous Cannabis Industry Association, or ICIA, a nationwide platform facilitating connections among tribal communities, entrepreneurs and the cannabis industry. In February, the ICIA hosted its second annual Wisconsin Cannabis Industry and Policy Summit at Ho-Chunk Gaming Wisconsin Dells. The gathering brought together over 150 Indigenous cannabis experts, tribal leaders and non-Native partners for discussions on public policy, legalization, industrial hemp and medicinal cannabis. With key players prepared for and in support of legalization, Pero sees cannabis as an opportunity for tribes to gain a foothold in a new industry while caring for their own.

“When you think about it bigger picture, this is a really beautiful opportunity for the tribes and Indian country to wrap their arms around this plant, which has so many healing benefits and also so many economic and workforce de-

velopment benefits that could really right the ship, both from a mental health, a community health and well-being perspective, [and] also [as] an economic instigator,” Pero says.

ICIA's influence has already been felt. In May, the Ho-Chunk Nation decriminalized cannabis on tribal lands, exercising its sovereignty. Pero hopes other tribes will follow suit.

“It will take a collective effort, but I do think the tribes are positioning themselves in a responsible way to [make sure they're] in the market when it comes,” he says.

Similarly, Madison cannabis activist and entrepreneur Alan Robinson is dedicated to empowering Wisconsin's Black community. I met Robinson at the westside outpost of the dispensary he co-founded, Herbal Aspect, where a doormat greeted me with the message, “COME BACK WITH A WARRANT.” As I entered, a budtender in black latex gloves was portioning plump nuggets of THCA flower from glass apothecary jars. A table in back offered free Narcan and fentanyl test strips. Robinson's enthusiasm was palpable: At one point, he leapt up mid-conversation to retrieve a series of coasters depicting different cannabinoids, arranging them like tiles from the game Settlers of Catan to demonstrate how they interact. Yet, he remained pragmatic about the barriers Black business owners face in attaining the financial and political capital necessary to enter the legal market.

“Eighty to 90% of cannabis businesses are owned and operated by white people, and that is untenable,” says Robinson. “We're talking about an industry that generates \$34 billion annually. To put that in context, the largest police force on the planet [New York City Police Department] has an annual budget of more than \$5 billion. So ‘big cannabis,’ which is largely owned by whites, generates enough money to run the NYPD for years...while Black and brown people are largely locked out of the industry and locked up for participating.”

Robinson and Pero both shared the challenges of obtaining funding, as banks have been skittish about engaging with the cannabis industry while it remains federally illegal. However, that may soon be changing. In May, the Biden ad-

In May, the Ho-Chunk Nation decriminalized cannabis on tribal lands, exercising its sovereignty. Rob Pero hopes other tribes will follow suit.





BUDDING BUSINESS: Matt Nelson and Alex Gish (*pictured top, left to right*) co-founded Herbal Aspect, a dispensary with three Madison locations, with Alan Robinson (*pictured below*).



PHOTOS BY CHRISTINE DOPP / NATURAL INTUITION PHOTOGRAPHY

ministration announced plans to reschedule cannabis, aligning with state-level reforms and scientific research. The rescheduling would move the drug from a Schedule I substance—the same as heroin—to Schedule III, alongside FDA-approved meds such as ketamine, or Tylenol with codeine. Meanwhile, Agard's bill, should it eventually pass, would allocate 60% of the money made from cannabis sales in Wisconsin to reinvestment grants, which aim to help marginalized people get licensing or startup funds and support those reintegrating into society after incarceration or dealing with substance misuse. Both moves could signal a seismic shift in cannabis equity, provided nonpoliticians like Pero and Robinson are willing to step up to the plate.

"If we're going to see comprehensive reform, the kind of reform that's going to reinvest tax dollars into the communities that have been most negatively impacted by cannabis prohibition, we're going to have to get engaged [in advocacy]," says Robinson. "And there's no reason for us to do that, because every time we engage, we get a handful of nothing in return. Well, my hand ain't out just for a handout. My hand is out and I'm taking shit."

CROSSING THE BORDER

On a Sunday afternoon in May, still mulling over Evers' remark about losing tax revenue to our neighbors, I decided to see the situation firsthand, so I drove an hour to a dispensary just across the Illinois border. Pulling in, I couldn't help but notice that roughly three-quarters of the 60 or so cars in the lot had Wisconsin plates.

In another calculated move, Agard announced her 2021 cannabis legalization bill in this very lot. Photos from that day show her posing in front of the building with a sign proclaiming, "Wisconsin is ready to grow our future." That was three legislative sessions ago.

Was the dispensary what I expected? It's hard to say. The crowd was mostly middle-aged and white. Everything, from the signs warning about the dangers of

breastfeeding while stoned to the rows of rolling papers lining the walls, bore the pastel-hued branding of an organic grocery store. I had planned only to purchase two eighths of flower for a friend but, perhaps influenced by the store's welcoming vibe, decided to add a single pre-rolled joint to my order at the last minute.

A “wellness advisor”—ponytailed and exceedingly polite—walked me through the more than 180 pre-roll options in the digital marketplace while a woman in front of me, wearing a Coldplay T-shirt and Birkenstocks, checked out. “This one’ll knock your socks off,” the wellness advisor said, scrolling past the Layer Cakes and Grape Guavas to something called Head Cracker. “One hit and you’ll be so high you’ll almost want to throw out the rest.”

I confessed, somewhat sheepishly, that pot made me paranoid, so I tended to avoid it. “How about this one?” I asked, pointing to a baby joint with the least intimidating name.

My total for the two eighths and the joint came to \$123.60—\$23.72 of which went to Illinois in taxes.

In his book “Weed Rules: Blazing the Way to a Just and Joyful Marijuana Policy,” Boston University law professor Jay



WEED ABOUT IT:
“Weed Rules” by Jay Wexler came out in April 2023.

HIGH TIME:
Back in 2021, Sen. Melissa Agard (pictured below) chose a dispensary parking lot just over the Illinois border in which to announce her cannabis legalization bill.

Pulling in, I couldn’t help but notice that roughly three-quarters of the 60 or so cars in the lot had Wisconsin plates.



PHOTO FROM THE OFFICE OF SEN. MELISSA AGARD

Wexler calls for states to move beyond their “grudging tolerance” of legal weed to embrace what he terms “careful exuberance.” “Careful because of the public health risks,” Wexler writes, “but exuberant because, after nearly a century of discrimination and needless suppression of happiness, we can finally look forward to righting those wrongs and making the country a better, more equitable, less stressed-out and increasingly joyful place to live.”

Already, there are signs that this shift is underway. Edibles from Dank of America, a shop selling CBD and THCA on Williamson Street, are now available in Woodman’s grocery stores. The once-modest Great Midwest Hemp Fest, held in Madison, has flourished, drawing over 10,000 attendees with multiple music stages over two days. April 20—weed culture’s high holiday, named “4/20” after the slang term popularized in the early ’90s—has evolved into a shopping event on par with Record Store Day or Small Business Saturday. And thanks to redistricting, Wisconsin voters may soon wield greater influence over the substances they can enjoy legally.

Still, there are moments that remind me how much further we have to go.

Six days after my trip to Illinois, I logged onto Reddit to find that dozens of cannabis plants had been spotted in a tulip garden just outside the state Capitol. The only comment was a wry one: “Pot in Madison? Say it ain’t so! Never heard of that in my life.” Maybe it’s a sign, I thought. I closed my laptop and resolved to walk to the Capitol that afternoon to see it for myself.

But when I arrived, the plants were already gone, uprooted by workers from the state.

Jeff Oloizia is a contributing writer at Madison Magazine. @jeffoloizia