



We have previously pointed to Massachusetts' economic empowerment designation criteria and other similarly structured eligibility requirements and suggested considering race as one of several factors, based on settled law up until now. In light of the decision in *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, we are updating this recommendation.

Our Updated Recommendations

We start by highlighting what has not changed with this decision. The War on Drugs destroyed lives, shattered families, and devastated local communities, all with an [intentional, disproportionate focus on communities of color](#). The ruling does not change this. Neither does it change that cannabis legalization has been the result of a grassroots, people-powered movement for health, freedom, and economic empowerment.

And so we are left with the continued responsibility to focus our cannabis-related public policy on repairing the lasting social and economic harms that our racist drug policies have wrought. And we must do so in a way that empowers people and communities over already-wealthy corporations.

Given this, we still strongly support prioritizing benefits for those disproportionately harmed by the War on Drugs, through proactive social equity programming and investment. And given the ruling, we continue to recommend identifying eligible participants based upon multiple factors, and not solely residency or race (find our webinar on residency requirements [here](#)). However, we also emphasize the court's ruling that academic institutions may consider in admissions decisions how race may have shaped an applicant's life, and we encourage cannabis policymakers to enact eligibility requirements that examine this.

We also encourage the consideration of [race-neutral alternatives to achieve equity](#), such as:

- Arrests, convictions, and incarceration
- Criminal consequence that affected a person's immediate family and therefore their life
- educational opportunities or lack thereof

We continue to encourage jurisdictions to reinvest tax revenue in communities most harmed by the drug war and to ensure that their legal cannabis programs are not perpetuating further harm by continuing unfair punishment and disparate enforcement for consumers and workers. And crucially, we remind regulators, elected officials, and advocates to ensure that communities of color are strongly represented at all decision-making tables regarding cannabis policy.