

# Why Legalizing Marijuana is the SMART Choice:

## The Benefits of Ending Marijuana Prohibition

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**States with legal marijuana have benefited from a dramatic decrease in marijuana arrests and convictions, as well as increased tax revenues. At the same time, these states did not experience increases in youth marijuana use or traffic fatalities, as opponents had predicted.**

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### Beyond Prohibition

The history of marijuana prohibition in the United States and the State of New York has been well documented since its inception in the late 1920s. The harms of enforcing prohibition policies, especially racial disparities in arrests for marijuana possession, have also been thoroughly examined.<sup>1</sup> For many years New York has been the marijuana arrest capital, arresting more people for simple possession than any other state – almost 800,000 in the last 20 years.<sup>2</sup>

Other states stepped away from this practice of wasteful and inefficient low-level marijuana enforcement noting that it is a drain on state resources – for example, New York spent \$675 million enforcing marijuana prohibition in 2010 alone.<sup>3</sup> Currently, 21 states and 41 major cities have taken steps to either decriminalize low-level marijuana possession or make it a lowest police priority.<sup>4</sup> This decriminalization movement represented the first challenges to marijuana prohibition.

While other states called off their arrest crusades and began to move beyond prohibition, New York, despite being one of the first states to decriminalize possession in 1977, has continued to arrest people for low-level possession using a loophole in the law, a practice that has disproportionately impacted young people of color.<sup>5</sup>

### Movement Toward Legalization

California was the first state to make marijuana legally available for purchase in 1996 with the start of its medical program; 28 states, including New York, have since followed suit by implementing a medical program of their own. Much of the existing data collected around impacts of marijuana reform is based on changes that occur in relation to use following the implementation of a medical program. However, the

movement of states toward comprehensive legalization for recreational use has provided a whole new data set.

In 2012, residents of Colorado and Washington State voted, with overwhelming public support, to end marijuana prohibition in their respective states via ballot initiative. Two years later, in 2014, the states of Oregon and Alaska and the District of Columbia followed suit by also passing ballot initiatives. And most recently, in 2016, California, Massachusetts, Nevada, and Maine decided to do the same.

Each of these states has approached legalization differently and has created distinct regulatory structures designed with different outcomes in mind. However, there are general trends across each of these states that will inform policy makers in other states as they consider their own regulations.

### Youth Use Has Not Increased Post Legalization

Marijuana legalization has long been inaccurately characterized as a mode for increasing access to marijuana for young people. Supporters for ending prohibition have pointed out that the regulated marijuana markets have actually made it possible for states to create barriers to access for young people.

Statewide surveys of junior high to high school age students living in states with a recreational market have shown no significant increase in marijuana use among young people.<sup>6, 7, 8</sup> Lifetime use has remained stable as well as recent use.<sup>9, 10</sup>

### Minimal Change in Adult Use

Marijuana use by adults has increased only slightly since legalization.<sup>11</sup> Some states have seen no apparent change in use,<sup>12</sup> other states have experienced marijuana use to be only 5 percent higher than the national average.<sup>13</sup>

However, evolving public opinion on marijuana and marijuana use should be considered as a contributing factor to that increase. The Colorado Department of Public Safety agreed,

saying “Furthermore, the decreasing social stigma regarding marijuana use could lead to individuals being more willing to report use on surveys and to health workers in emergency departments and poison control centers, making marijuana use appear to increase when perhaps it has not.”<sup>14</sup>

### **The Economic Benefits of Legalization Have Far Exceeded the Costs of Prohibition**

Marijuana prohibition is expensive. Enforcement costs include police time, court costs, and administrative fees. Because of this, the decriminalization of low-level marijuana offenses is considered to be a cost-saving measure for states and their municipalities. Allowing for the creation of legal markets goes a step further and has proven to be revenue generating.

Each state has a different tax structure established for their newly formed markets. So far, each of the states currently operating those markets (Colorado, Washington,<sup>15</sup> and Oregon) has exceeded their initial estimates; the legal marijuana market has yielded a combined \$550 million in tax revenue.<sup>16, 17</sup> This revenue will be used to rebuild crumbling infrastructure,<sup>18</sup> support local governments,<sup>19</sup> and provide health care access, among other allocations.

Taxes imposed on marijuana for adult use in Colorado and Washington have been overwhelmingly successful in generating revenue.<sup>20</sup> While revenue collection began slowly during the first year of retail sales – as state and local governments and consumers became familiar with the new system – revenue exceeded initial estimates by the second year.<sup>21, 22</sup> Oregon and Alaska began collecting taxes in the last months of 2016.

### **Roads Remain Safe**

Studies show that the roads are no less safe in states post-legalization, as traffic fatality rates have remained stable in Colorado, Washington, Alaska, and Oregon.<sup>23, 24</sup> The states that have legalized marijuana for adult use have been clear that driving while impaired is still prohibited in an effort to promote road safety that has shown to be effective overall.<sup>25</sup> In fact, DUI arrests actually decreased in both border counties and non-border counties following legalization.<sup>26</sup>

### **Sharp Decrease in Traffic Stop Searches—But Work Remains**

A recent analysis of traffic stops conducted by state patrol units between 2011 and 2015 reveals the steep decline in stops-resulting-in-searches that occurred in both Washington and Colorado following legalization.<sup>27</sup> The study suggests that removing marijuana possession from the penal code decreases the likelihood a car will be stopped and searched.<sup>28</sup>

However, despite the significant decrease in searches by state patrol units of people from all racial and ethnic groups, Black and Latino people continue to be searched at considerably higher

rates than white people.<sup>29</sup> In Washington, the search rate of black drivers fell 34 percent, yet Black drivers remained twice as likely to be searched as white drivers.<sup>30</sup> Latino drivers in Washington did not fare much better as they were still 1.7 times more likely to be searched than white drivers despite a drop in their search rate of about 25 percent.<sup>31</sup>

The disparities are even more glaring in Colorado, where the state patrol’s search rates of Black and Latino drivers were reduced by more than half, yet the respective likelihoods of these groups being searched remained 3.3 and 2.7 times higher than that of white drivers.<sup>32</sup> Similarly, in 2016, the Colorado Department of Public Safety reported that although the state’s total number of marijuana arrests dropped by nearly 50 percent following legalization, Black Coloradans remain almost three times as likely to be arrested for marijuana as white Coloradans.<sup>33</sup>

While these findings certainly appear to reinforce a common understanding that ending prohibition alone will not be enough to put an end to racially biased law enforcement practices altogether, the decrease in total interactions between officers and drivers means fewer opportunities exist for abuse to occur.<sup>34</sup>

### **Growing Public Support**

Throughout this time, public support for legalization has continued to grow. In 1996, when California passed their medical marijuana law, national support for marijuana legalization remained immaterial at 26 percent.<sup>35</sup> As prohibition has come to a close in states across the country, support for continued reform has increased dramatically, now reaching 60 percent nationally.<sup>36</sup>

### **The Sky Didn’t Fall**

There remain significant questions that are yet to be answered around marijuana legalization, but the lessons learned from Colorado, Washington, Oregon, and Alaska are many. New York Legislators should be paying close attention to the decisions made by regulators in those states and the outcomes of their decisions.

**The NY State Legislature should make the SMART choice: End prohibition, create a system to tax and regulate marijuana, and repair and reinvest in communities most harmed by the war on marijuana and communities by voting for the Marijuana Regulation and Taxation Act.**

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