

The Effects of the Legalization of Recreational Marijuana

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2018

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As of 2018 there have been eight states in the United States legalize the recreational use of Marijuana: Colorado, Washington, Nevada, California, Oregon, Alaska, Maine and Massachusetts. This research paper is going to discuss the history of marijuana and why it was originally made illegal throughout the United States. It will discuss the effects legalization of marijuana has had on the states' economy, crime, traffic violations, poverty and social impact. There were and are still many assumptions that the effects of legalizing marijuana have, some of which have been proven to be true and other that were proven over time to not be true.

History of Marijuana

To understand how we ended up here, it is important to go back to what was happening in the United States in the early 1900's just after the Mexican Revolution. At this time we saw an influx of immigration from Mexico into the states like Texas and Louisiana. Not Surprising, these new Americans brought with them their native language, culture and customs. One of these customs was the use of cannabis as a medicine and relaxant. Mexican immigrants referred to this plant as "marihuana". While Americans were familiar with "cannabis" because it was present in almost all tinctures and medicines available at the time, the word "marihuana" was a foreign term. So, when the media began to play on the fears that the public had about these new citizens by falsely spreading claims about the "disruptive Mexicans" with their dangerous native behaviors including marihuana use, the rest of the nation did not know that this "marihuana" was a plant they already had in their medicine cabinets.

The demonization of the cannabis plant was an extension of the demonization of the Mexican immigrants. In an effort to control and keep tabs on these new citizens, El Paso, TX borrowed a play from San Francisco's playbook, which had outlawed opium decades earlier in an

effort to control Chinese immigrants. The idea was to have an excuse to search, detain and deport Mexican immigrants. That excuse became marijuana.

This method of controlling people by controlling their customs was quite successful, so much so that it became a national security for keeping certain populations under the watch and control of the government.

During hearings on marijuana law in the 1930's, claims were made about marijuana's ability to cause men of color to become violent and solicit sex from white women. This imagery became the backdrop for the Marijuana Tax Act of 1937 which effectively banned its use and sales. (Dr. Malik Burnett and Amanda Reiman, 2014)

Specific States Dealing with Marijuana

Below is a list of states that have dealt with Marijuana specifically over the years:

1911: Massachusetts requires a prescription for sales of "Indian Hemp".

1913: California, Maine, Wyoming and Indiana ban marijuana.

1915: Utah and Vermont ban marijuana.

1917: Colorado legislators made the use and cultivation of cannabis a misdemeanor.

1923: Iowa, Oregon, Washington and Vermont ban marijuana.

1927: New York, Idaho, Kansas, Montana and Nebraska ban marijuana.

1931: Illinois bans marijuana.

1931: Texas declared cannabis a "narcotic", allowing up to life sentences for possession.

1933: North Dakota and Oklahoma ban marijuana. By this year 29 states have criminalized cannabis. (Wikipedia, 2018)

The Last Six Years

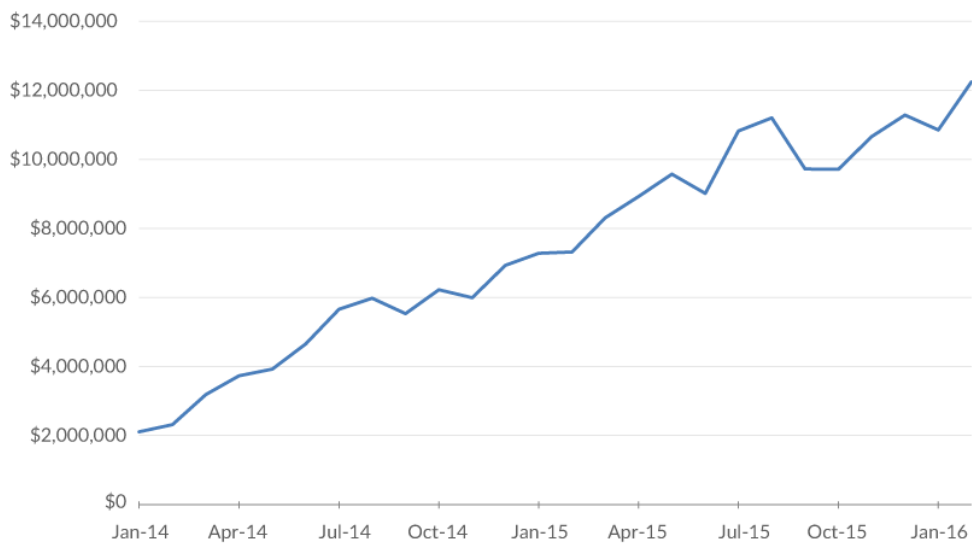
Since 2012 the legalities of marijuana have changed drastically throughout the United States. There have been eight states completely legalize the use of recreational marijuana (some have restrictions on public use), others take steps towards that by legalizing medicinal use and others decriminalizing the possession and sale of cannabis. Colorado was the landmark state that in 2012 legalized the use of recreational marijuana. Although, there have been ordinances passed there in certain cities in Colorado that ban the use of marijuana in their city, the possession of such is still legal. The violation for the use of marijuana in public in Colorado can be compared to that of a parking ticket. Other states such as Washington have legalized the drug and made it legal for the use in public. I have travelled to Seattle, Washington myself and witnessed people sitting on the street corners smoking marijuana and large crowds of people gathered in city parks smoking their marijuana together that they purchased just down the street. Throughout the United States many people that oppose the legalization of marijuana have made assumptions that the legalization would increase the criminal element, the homeless population, increased traffic violations and cause youth to use marijuana (more than what they normally would anyway). So the big question is: Is it worth it? Many still believe it is not and others that have seen the increased revenue for states that have legalized it have changed their opinions.

The Economic Effects

The marijuana legalization advocates have argued that whether the direct costs of legalization are outweighed by economic benefits depends on the following economic concerns: (a) estimated savings from reduced spending on the criminal justice costs of marijuana law enforcement and revenue losses from shifts in law enforcement policies; (b) projected revenues from additional taxes and streams of income; (c) immediate and projected expenditures to

address the known harms of marijuana use and to implement and enforce policy reforms. (David G. Evans) Better than expected sales of marijuana in Colorado and Washington over the past several years have resulted in buoyant tax revenues. In 2015, Colorado collected more than \$135 million in taxes and fees on medical and recreational marijuana. The total tax revenue specifically for recreational marijuana looks like this in Colorado from 2014 to 2016:

Colorado Retail Marijuana Tax Revenue by Month



Source: Colorado Department of Revenue.

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(Joseph Bishop Henchman, 2016)

Sales in the state have totaled over \$996 million. Sales in North America grew 30%, to \$6.7 billion, in 2016, and is projected to increase to \$20.1 billion by 2021, according to Arcview Market Research.

That is the carrot that dangled before many states. California, which is much larger in size and population than Colorado, could exceed \$15 billion in sales revenue and \$3 billion in tax revenue, according to an April 2016 study by ICF International. A special senate committee in Massachusetts estimated tax revenues from marijuana sales in the range of \$50-60 million.

Budgetary Saving and Revenue

Criminal justice budgets typically do not list the costs of enforcing particular drugs laws, however, Harvard economist Jeffrey Miron has written a series of policy papers estimating various government expenditures associated with marijuana criminalization. According to Miron, legalization will reduce the need for prosecutorial, judicial, correctional, and police resource spending by approximately \$7.7 billion – \$13.7 billion per year, even though some revenue from court fines and asset forfeitures would be lost. Miron claims his estimates can be verified empirically and his calculations are adjusted for economic inflation and growth in enforcement spending over the past decade. Accordingly, Miron cited to argue for a cost-minimizing approach to criminal justice. (Krishna, 2017)

Other states outside of Colorado have certain plans to implement their revenue gains to save on other budgets such as California, Massachusetts, Maine and Nevada have laid out their plans for their increase in tax revenue.

California (15% tax on the drug generating up to \$100 billion in tax revenue annually projected).

- \$10 million goes to a public university in California for research on legalization.
- \$10 million (increasing annually for five years until it reaches \$50 million) will support efforts to help communities disproportionately harmed by the war on drugs, which data shows are typically black and Latino.
- \$3 million gets distributed to the California Highway Patrol for five years to help establish protocols on how officers might identify drivers under the influence of marijuana.
- \$2 million will be spent on medical marijuana research at University of California at San Diego's Center for Medicinal Cannabis Research.

- The California bureau that oversees marijuana control and other state bodies will receive funds "for their reasonable costs."
- Remaining funds will go toward youth drug prevention, education, and treatment; environmental restoration and protection; and state and local law enforcement.

Maine (10% tax on the drug)

- The money enters the state's general fund.
- The tax revenue will support education and other vital services, while the full text of the ballot measure clarifies it may be set aside for the Maine Criminal Justice Academy so it can train law enforcement on the rules and regulations around marijuana.

Massachusetts (3.75% tax on the drug)

- "We can put that money to good use to strengthen our schools, fund veteran services, or bolster our law enforcement and treatment efforts," reads a statement from the campaign.

Nevada (15% tax on the drug which would generate a projected \$1.1 billion annual revenue)

- That extra money will funnel into the state's general fund and support Nevada schools and public education, as well as implementation and control over the adult-use program, Nevada State Senator Tick Segerblom told The Las Vegas Sun. (Robinson, 2016)

The Effects on Crime

The presumption by most opposed of legalizing marijuana was and still is that there would be an increase in crime in those areas that the drug was legalized. This presumption thus far has been found to be untrue in relation to most violent crimes (homicides, aggravated assaults and robberies) in most states. A report published in 2016 found that cannabis-related crime had increased in Washington state post legalization. The report was based on data from both Spokane Valley and Seattle police departments, and it showed a rise in unlicensed distribution and

possession of illegal cannabis following legalization, most of which was destined for states where prohibition was still in force.

However those statistics represent only a small portion, geographically speaking, of just one state. On the whole, crime statistics for Washington state reached a 40-year low in 2014, with violent crime down 10 percent and a 13 percent drop in the state's murder rate. Colorado also saw decreases in overall crime rates, violent crimes, and property crimes. (Johnstone, 2017)

With all this said, we are still so early in the generation of legal marijuana and many predict that these lower crime statistics will reverse and spike back up. Colorado has shown a spike back up in major crimes recently along with thefts as people become to get addicted to the drug and are getting desperate for money to pay for their addiction. Others also point to the fact that transients that have migrated to the states are causing crime numbers to spike recently. Overall it is a little too early to make a determination on what the full affects legal marijuana will have on crime.

Impaired Driving

A study produced by the Insurance Institute for Highway Safety, which has received criticisms from legalization advocates, found that in 2014 (the year in which the first legal recreational cannabis shops actually opened for business) overall claims for traffic incidents rose by 14 percent in Colorado, and 4.6 percent in Washington. While a certain amount of annual increase was expected regardless of legalization, even after researchers accounted for controls including rates of increase in nearby states where cannabis remained illegal, a rise of 2.7 percent was attributed to the legalization of cannabis.

But reports emphasize that while more drivers who had been involved in insurance claims in Washington and Colorado admitted to consuming cannabis before operating their vehicle, that may not reflect actual changes in usage, due to extremely limited data prior to legalization.



Colorado Officer at a sobriety checkpoint. (Fimrite, 2016)

Nevertheless a correlation has been observed, showing an increase in traffic-related insurance claims in states where cannabis has been legalized. (Johnstone, 2017)

Criminalization

While overall crime rates dropped in both states, significant increases in cannabis-related arrests were reported in a number of jurisdictions within each state.

Conversely, a noteworthy observation comes from Stanford University, whose Open Policing Project reported that based on data from over 130 million roadside traffic stops throughout the US, the rates of traffic stops leading to drug searches dropped dramatically in both Colorado and Washington following legalization.

While those traffic stops that did lead to drug searches still show a disproportionate rate of enforcement towards drivers depending on race, the stop-and-search rate decreased 34 percent between 2011 and 2015 for black drivers, and 25 percent for hispanic drivers.

But for the thousands of cannabis users who have already incurred criminal records, or are still serving prison sentences for cannabis offenses committed prior to legalization, both

Colorado and Washington fall short of the examples set by their more recently legalized counterparts, Oregon and California.

California's cannabis legislation includes a system that provides for existing cannabis offenses to be reclassified and/or expunged from criminal records, and for those currently serving sentences to have the opportunity for re-sentencing under the new regime.

Meanwhile in Oregon, a resolution passed in 2015 allows anyone with a cannabis-related conviction to apply for their record to be expunged if the act for which they were convicted is no longer classified as a crime.

Unfortunately for Washington and Colorado residents, the same can't yet be said for their states. Instead of moving toward an atmosphere of non-criminality, 2015 saw the ratification of Washington state's Senate Bill 5052, which allows minors under the age of 21 to be charged with a felony for cannabis possession, carrying sentences up to five years in prison. (Johnstone, 2017)

Poverty

Throughout the states in the lower 48 of the U.S. where marijuana has become legal, the larger cities have seen their homeless populations spike since legalization. Homeless shelters throughout Colorado have seen an 8% rise since legalization, seeing up to 300 new faces each month. Not all of these people are marijuana smokers but many have said they migrated to the state because of legal marijuana. The majority of these people choose to smoke it recreationally but there are a few that smoke it for medical purposes even though they are buying it at recreational marijuana dispensaries. Reports show that a small percentage of these people suffer from medical conditions such as multiple sclerosis, chronic pain, depression, post-traumatic stress disorder or social anxiety and have no means to pay for medical treatment or medication to treat their medical conditions. Most others simply enjoy smoking marijuana recreationally and

have migrated to states where it is legal to avoid arrest. There are also reports that many others in the “lower class” have become even more poor because their money is now being spent on



Picture shows “homeless village” in Olympia, Washington. (Unknown, 2016)

legal marijuana rather than paying bills.

Other cities in Colorado are seeing major changes throughout lower and middle class neighborhoods that once were full of thriving families with children riding their bikes down the streets where everyone knew everyone. Pot growers are now buying and renting these homes turning the houses into in-door grow facilities. People are leaving the neighborhoods due to the fact that you cannot pull into the subdivisions with an extremely strong smell of fresh growing marijuana.

Opportunities Created by Legal Marijuana

We have previously discussed some of the opportunities created by tax revenues throughout different states and the different ways those states are utilizing the millions and sometimes billions of dollars in revenue. Other opportunities are the jobs created by dispensaries, manufacturing plants, grow operations and governmental branches that have been

developed by the industry. Overall the projection is that the marijuana industry will create 123,000 new jobs nationwide in the eight states alone that have legalized the drug. The states leading in those jobs number are:

California: 43,374 jobs thus far

Colorado: 23,407 jobs thus far

Washington: 22,952 jobs thus far

(Unknown, Report: Legal Marijuana Industry Has Created 123,000 Full-Time Jobs , 2017)

We can only expect these numbers to continue to go up as the industry and the states' economies grow. It is relatively early in the stages of the implementation of in other states as they are still in development of manufacturing plants, grow facilities, dispensaries and governmental branches to manage the industry. As mentioned, other opportunities will be created because of the amount of revenue coming into the states that have legalized the drug.

Other Social Impacts

The legalization of marijuana throughout the United States continues to be a controversial issue. One of the issues that those who oppose the legalization argue is the impact on society. The following sections will discuss some of those issues.

Marijuana Use in Adolescents

Marijuana use in adolescence is associated with altered brain development, a decline in cognitive function and poor academic performance. Adolescents who use marijuana perform worse on tests of problem solving, with problems also in areas of attention, memory and learning. After 28 days' abstinence from marijuana use, there was still diminished performance in areas of complex attention, verbal memory and planning in some studies. It is also thought

that cannabis use in susceptible adolescents and young adults may lead to schizophrenia or other psychotic disorders.

Marijuana and alcohol are frequently used together, with 58% of adolescents who drink also using marijuana.

Does Marijuana Help or Hurt?

Marijuana is the most frequently abused illegal drug in the country. The legalization of marijuana in some states remains a controversial issue, and there continues to be a lot of debate about whether or not marijuana is harmful to one's health.

Contributing to the debate is the fact that marijuana is frequently used for medicinal purposes. Many people use it to ease the discomfort caused by cancer and other chronic diseases. According to the National Institute on Drug Abuse, scientists have found that marijuana offers therapeutic effects that can relieve nausea, ease pain and stimulate appetite.

Still, chronic marijuana use may also contribute to the development of mental health issues, as well as lung and heart disease. And marijuana can be addictive. Although it rarely (if ever) causes death, it can cause many social effects.

According to the National Institute on Drug Abuse, marijuana use can have a number of negative effects on a user's daily life. It has been associated with decreased motivation, which can affect one's school or work performance. Marijuana use has been connected to increased absences and decreased work performance. There are also more work accidents, which lead to more workers' compensation claims. These factors can eventually lead to a marijuana user losing his or her job over drug use.

It can also affect one's social life and cognitive abilities, leading to problems with memory, slowed reaction times, anxiety and panic, as well as social and interpersonal deficits.

Further physical effects of marijuana use include a suppressed immune system and respiratory problems stemming from the fact that marijuana contains greater amounts of tars than those found in tobacco smoke, as well as many of the same cancer-causing chemicals. Chronic use of marijuana can also reduce fertility and sexual potency in men and menstrual cycles in women. Finally, THC can cross the placenta, affecting a baby's developing brain and cause other prenatal stresses on the fetus. (Patrick Condron, n.d.)

More Significant Social Issues

Marijuana affects perception and judgment and is associated with low achievement. Marijuana also causes memory and learning problems, which can especially affect those in high school or college. Marijuana use can also cause delinquent behavior, aggression, rebellion and poor relationships with family, especially parents.

According to *The Social Impact of Drug Abuse*, the effects of drugs in the workplace depend on the specific tasks being performed. Highly technical tasks that require concentration and memory are more likely to be affected by drug use than manual labor.

While some components of brain function recover completely with the passage of time after an individual stops marijuana use, research has shown that there are other areas in which problems persist. Some of the affected brain processes include decision-making, concept/idea formation and planning. These effects are most likely to occur in people who began regular marijuana use as adolescents and engaged in heavy use for a very long time. Daily or persistent use of marijuana at intoxicating doses can lead to chronic problems in areas of social functioning, including problems in school, sports, work and the ability to sustain healthy relationships. (Patrick Condron, n.d.)

Conclusion

The legalization of marijuana is and will continue to be a controversial issue throughout the United States and will continue to be debated back and forth amongst those that are for it and against it. Different people will always have their own opinions as to whether the benefits outway the negative impacts. People have to ask themselves, is the money that important? Are the large amounts of tax revenues, jobs and the things that money is being used for important enough or outweigh the social, criminal and intellectual impacts it brings with it?

Unfortunately, many of those that vote for it don't always look at the BIG picture of everything the legalization of a drug brings with it. They tend to lean more towards how it affects them and their lifestyle. Also unfortunately that is overall in today's society how our focus has shifted, we don't appreciate others as much as we used to it seems. The concern for others and others' lives seems to not be as important as it used to be. We see this in other areas as well, not just legalizing marijuana. From murder rates in certain parts of the country to school shootings, people don't value another life like they once did. As our country moves forward and many states take measures of decriminlizing and legalizing marijuana I hope and pray that everyone that makes that decision looks at the big picture and takes into account how their decisions affect others and not just themselves. I'll close with this phrase: Don't let BIG marijuana profits overshadow public safety and our communities.

References

- David G. Evans, E. E. (n.d.). *The Journal of Global Drug Policy*. Retrieved from <https://jpo.wrlc.org/bitstream/handle/11204/3240/TheEconomicImpactsofMarijuanaLegalization.pdf?sequence=3>
- Dr. Malik Burnett and Amanda Reiman, P. M. (2014, October 8). How Did Marijuana Become Illegal in the First Place? .
- Fimrite, P. (2016, July 30). *Amid weed wars, stoned-driving laws still half-baked*. Retrieved from San Fransisco Chronicle: <https://www.sfchronicle.com/science/article/Amid-weed-wars-stoned-driving-laws-still-8765516.php>
- Johnstone, S. (2017, November 13). *Five years in: The effects of legalization in Colorado and Washington state* . Retrieved from Lift News: <https://news.lift.co/five-years-effects-legalization-colorado-washington-state/>
- Josheph Bishop Henchman, M. S. (2016, May 12). *Taxfoundation*. Retrieved from <https://taxfoundation.org/marijuana-taxes-lessons-colorado-washington/>
- Krishna, M. (2017, April 20). *The Economic Benefits of Legalizing Weed*. Retrieved from Investopedia: <https://www.investopedia.com/articles/insights/110916/economic-benefits-legalizing-weed.asp>
- Patrick Condron, M. M. (n.d.). *Facts About Marijuana Use and Abuse*. Retrieved from Rehabs.com: <https://luxury.rehabs.com/marijuana-rehab/social-impact-and-effects-of-marijuana/>
- Robinson, M. (2016, November 12). *Business Insider*. Retrieved from 4 states legalized recreational weed this week — here's how they'll spend the extra tax money: <http://www.businessinsider.com/recreational-marijuana-tax-revenue-allocation-2016-11>
- Unknown. (2016). *Addressing Homelessness in Olympia, Washington*. Retrieved from Office of Policy Development and Research (PD&R): https://www.huduser.gov/portal/casestudies/study_08312015_1.html
- Unknown. (2017, January 12). *Report: Legal Marijuana Industry Has Created 123,000 Full-Time Jobs* . Retrieved from Norml: <http://norml.org/news/2017/01/12/report-legal-marijuana-industry-has-created-12300-full-time-jobs>
- Wikipedia. (2018). *Timeline of cannabis laws in the United States*. Retrieved from Wikipedia: https://en.wikipedia.org/wiki/Timeline_of_cannabis_laws_in_the_United_States