

Senate Committee on the Judiciary

“Conflicts between State and Federal Marijuana Laws”

September 10, 2013

Questions for the Record from Ranking Member Charles E. Grassley

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1. Do you oppose the legalization of marijuana or are you merely concerned about some of its effects? Does opposing the legalization of marijuana mean that you support prison sentences for low-level users of marijuana who have not been involved in any other criminal activity? Is that something that is actually occurring either at the federal or state level?

I, and my organization, Project SAM, unambiguously oppose the legalization of marijuana. We oppose marijuana precisely because we are very concerned with the consequences of such a policy. We know legalization would dramatically lower the price of the drug, commercialize the substance, and thereby increasing its use. That we oppose legalization does not mean we support prison time for low-level users who have not been involved in any other criminal activity. We think that low-level users should be assessed for a health problem and dealt with accordingly. It is important to note, however, that low-level marijuana users do not constitute our state or federal prisoners. In fact, research has found that less than 0.3% of state prisoners are there for smoking marijuana.

2. In states that legalize the recreational use of marijuana, do you expect that the number of individuals that have contact with the criminal justice system as a result of marijuana use will rise or fall? Why?

An ironic and unintended consequences of legalization could very well be an *increase* in the number of people having contact with the criminal justice system. Legalization would mean more use, and thus more violations of marijuana-related regulations, more public intoxication violations, and an increased probability of drivers high on marijuana on the roads. To examine this argument in greater detail, we can see how another intoxicating, but legal, drug, alcohol, fares in the criminal justice system. Last year there were 2.7 million arrests for alcohol-related violations, *not* including violent crime. These 2.7 million arrests came from public drunkenness, the violation of liquor laws (like drinking-age limits), and driving while intoxicated. In contrast, arrests for marijuana violations stand at *less than one-third* of alcohol arrests. Indeed, our experience with alcohol indicates that laws and regulations around legal marijuana could result in *much higher costs* to the criminal justice system, in addition to increasing healthcare costs. This is a rarely discussed paradox.

Additionally, if alcohol and marijuana are used together, this compounds our problems. While it isn't a clear-cut case, the majority of studies investigating whether alcohol and marijuana are substitutes or complements suggest that the two drugs are used in a complementary way. This is consistent with the literature on tobacco and marijuana, which suggests that they too are complements, not substitutes.

Today in the United States there are about 15 million marijuana users compared to 129 million alcohol users and 70 million users of tobacco. The legalization of marijuana will result in a huge expansion in the number of its users. And with this increase, comes an increase in its potential harms.

3. In states that legalize and tax the recreational use of marijuana, do you expect governments to realize a net financial gain? Why or why not? What do studies tell us about whether governments realize a net financial gain from the availability of alcohol and tobacco, given the public health, safety, and other social costs that result from these legal drugs?

States that legalize marijuana can expect a net *loss* for their budgets. Our legal drugs – alcohol and tobacco – bring in about \$40 billion of state and federal tax revenue each year. However, to society, they cost us more than \$400 billion in lost social costs due to lost productivity for employers, school dropouts and truancy, healthcare costs, and, yes, criminal justice costs. We can expect the harms of marijuana to go up as we increase use through legalization – costs related to driving while high, coming to work high on marijuana, healthcare costs due to the ever-increasing panic attacks and anxiety issues related to today's high potency marijuana, and other social and healthcare costs.