

Marijuana and its Legalization
What it is and What it Means for Society?

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Abstract

In this paper, the topic that is being researched is the risks and benefits of the legalization of medicinal and recreational marijuana use. I will also explore the process by which marijuana becomes legalized. In addition, I will look at how marijuana legalization impacts the use of the drug by adolescents and how several aspects of society are affected. Based upon my findings, I was able to conclude that several risks and benefits come with the legalization of marijuana such as generating millions of dollars in tax revenue but also decreasing the age at which kids begin to use the drug. I also discovered that the process by which marijuana becomes legalized happens in three stages. These stages are decriminalization, legalization of its medicinal use, and finally, its full legalization for recreational use.

To begin this paper, I will give a brief background on the history of marijuana use as well as a general idea of what marijuana is. Following this, I will provide details as to how the government goes about legalizing marijuana and the different regulations that surround the drug once it is legalized. After this, it will be important to examine the consequences, both positive and negative, of its legalization for medicinal and recreational use. I will look at how it impacts substance abuse by adolescents, the economic impacts, what legalization means for society, how society feels about it, and how the number of crimes being committed is affected.

History of marijuana

For more than 5,000 years, marijuana has been used for several reasons, including medicinally, recreationally, and ritually. Marijuana goes by many different names, such as pot, bud, reefer, and weed, just to name a few. Throughout history, seemingly originating in Central Asia, marijuana has been used as a cure for minor and major sicknesses. By 1840, it became a part of mainstream Western medicine that was used for different problems. Uses include appetite stimulation, opioid addiction withdrawal treatment, and the suppression of nausea. Things began to change in the West starting in 1928. Marijuana was starting to be criminalized when the United Kingdom passed the Dangerous Drugs Act and the United States followed that up with the Marihuana Tax Act of 1937. The U.S. commissioner of the Federal Bureau of narcotics Harry Anslinger demonized marijuana and as a result, the sale and use of marijuana were both blocked and heavily taxed (Shively, 2016).

What exactly is marijuana?

Marijuana, also known as cannabis, comes from the plant called *cannabis sativa*. Herbal cannabis is the most commonly used form, but cannabis comes in many different forms and levels of potency. The main active ingredient in cannabis is tetrahydrocannabinol, or simply THC. The level of THC in cannabis is what determines its potency. The more THC it contains, the more potent it will be and less will be needed to feel the effects of it (Gerpen, Vik, & Soundy, 2015). While marijuana contains more than 400 chemical compounds, THC is the one that provides the psychoactive components. The potency of marijuana has more than doubled over the past 15 years and high potencies can lead to negative side effects. Marijuana is most commonly smoked and high potencies can reach the brain very quickly (Shively, 2016).

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The legalization process

Marijuana is classified as a Schedule I Controlled Substance, classified by the federal government, meaning it's illegal under federal law and has no accepted use as a medicine. It is also a federal crime to grow, sell, or possess marijuana. Violators of the *Controlled Substances Act* may face various penalties such as the loss of assets and restrictions on citizens' rights, including access to banking services, employment, housing, and much more (Homel & Brown, 2017).

While states maintain the right to make their marijuana laws independent of federal legislation, the Supremacy Clause gives the federal government authority over the states. For example, in 2005 the Supreme Court ruled that the federal government has the right to criminalize marijuana production even where medical marijuana had already been legalized. However, it's important to note that the production, sale, and use of the drug are not top priorities for federal law enforcement agencies (Homel & Brown, 2017). Now we will look at how marijuana makes its way to recreational legalization.

The legalization of marijuana begins with its decriminalization. Decriminalization means that the states will remove the criminal penalties that come along with possessing or using small amounts of marijuana, usually an ounce or less. The possession of a small amount leads to a civil infraction rather than a criminal one. The penalty is usually a ticket or a fine. After the decriminalization process, the state will attempt to legalize the medicinal use of marijuana where doctors can prescribe medical marijuana for certain ailments and sicknesses. When it is legalized to be used as a medicine, it is considered a commodity and can be taxed. The next and final phase is full legalization for recreational use, where it is legal for an individual to possess marijuana

and smoke it in specified legal smoking venues (Shively, 2016). After marijuana becomes legalized recreationally, many questions arise as to how it will impact several aspects of society.

The first state to come up with a real medical marijuana law was California in 1996. The law allowed for the use of medical marijuana for nausea, weight loss, pain, muscle spasms, and several other conditions. As of 2016, 30 states and the District of Columbia have implemented some sort of medical marijuana laws. As for recreational marijuana, only a small number have legalized that, but that number is on the rise. Colorado was the first to legalize its recreational use, followed by Alaska, Washington, Massachusetts, and several others. While some of these states are still in the developmental stages of lawmaking, they have nonetheless legalized its recreational use (Homel & Brown, 2017).

Once marijuana is legalized, whether recreationally or medicinally, it still needs to be regulated. Legalization allows for black and grey markets to develop as well as create incentives for corrupt practices linked to distribution and supply. For example, a small-scale study in Denver, Colorado showed that 48.8 percent of 15-19-year old's obtained marijuana from an individual with a medical marijuana license. As for recreational marijuana, the United States is going about its regulation just as they do with alcohol. Just like alcohol, states are trying to regulate the production, sale, distribution, and consumption of marijuana. The logic behind this is that marijuana is a social drug like alcohol, so they are similar substances. Also, because states are already experienced in regulating those aspects of alcohol, it should be easy for them to quickly adapt to the regulation of marijuana. While the adaption of this model sounds good, it receives criticism from police and the public health sector, who argue that protecting public health is at the bottom of the list of priorities of this model. They say that the large producers, attempting to maximize their profit, can easily manipulate the public and protect their own

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interests. Licensed marijuana sellers will ultimately be promoting marijuana use which would create new users, ultimately leading to greater sales and marijuana production and distribution would expand (Homel & Brown, 2017).

Legalization and its impact on adolescents

Many questions are surrounding the legalization of marijuana, which is why many policymakers are hesitant to legalize it. Some of the questions policymakers look at are how the number of automobile accidents will be affected, what will happen to the black market, who benefits financially, what happens to the criminal justice system, and many more. Perhaps one of the most important questions a policymaker will look at is how adolescents will be impacted by the legalization of marijuana (Shively, 2016).

Use by adolescents is one of the primary concerns for policymakers. Adolescent use has been linked to several impairments including impaired cognitive functions, increased risk of dependence on marijuana, risk of dropping out of school, becoming involved in dangerous behaviors, and much more. Following discontinuation, heavy marijuana users demonstrated persisting deficits in the areas of memory and learning. However, it is unclear as to whether or not marijuana use contributed to these deficits (Hopfer, 2014).

Not only does the legalization of marijuana potentially increase use by adolescents, but it also seems that frequent use tends to be a precursor for substance abuse. Over two-thirds of users under the age of 18 who have been admitted to substance abuse programs have said that marijuana is their drug of choice. According to the Treatment Episode Data Set, among those who started using marijuana at age 14 or younger, 13.2 percent went on to develop drug

dependence or abuse problems. This number is six times higher than those who began to use marijuana at age 18 or older (Gerpen, Vik, & Soundy, 2015).

In a California study of middle school students, researchers have found that great exposure to advertisements for medical marijuana is associated with the potential for marijuana use with strong intentions to use one year later. In conclusion, the researchers decided that this evidence was significant enough to implement certain marijuana prevention programs that are specifically aimed at younger people. They also decided that there should be some sort of regulation on medical marijuana advertising (Homel & Brown, 2017).

How does society feel?

People, especially marijuana backers, like to compare marijuana realization to gay marriage, meaning it's on a path to social and legal acceptance. More Americans are beginning to realize that marijuana prohibition is a failure. In an October 2013 Gallup poll, it was found that 58 percent of Americans feel that marijuana should be legalized, a 10-point increase from the year before. This was the first time Gallup reported majority support for this subject. While many are clearly concerned about the impact this will have on the youth, the public opinion is that marijuana is no different from alcohol. Among taxpayers and lawmakers, there is a sense that prosecuting marijuana-related infractions is a waste of money and that this money could go towards other areas of need. Robert Calkin, the founder of the Cannabis Career Institute, believes that marijuana use is a lifestyle choice and it can be incorporated into one's life just like any other herb or supplement. People need to be just as careful with marijuana as they are with aspirin and other medications. In both Washington and Colorado, marijuana can only be sold to

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those 21 and older and one can possess or transfer an ounce or less, a law meant to regulate and keep it under control (Milligan, 2014).

Michael Elliott, the executive director of the Marijuana Industry Group in Denver, said that legalization isn't a choice of whether marijuana is going to be sold within the communities, because it already is. Instead, it's a choice of who the government wants to sell it. If it comes down to buying marijuana from someone who uses violence and intimidation or someone who has been through a background check and has done financial disclosures, most would choose the latter. It may not be that easy, but in the end, marijuana is being sold whether it's legal or not. And, while parents generally don't want their kids to be smoking, they also don't want their lives to be destroyed with a criminal record (Milligan, 2014).

How crime is impacted

While one of the main arguments for the legalization of marijuana is that it will reduce crime rates, this necessarily may not be the case. Many questions are surrounding the impact legalization will have on prison populations. Of course, marijuana-related offenses will be greatly reduced, but it could make it harder for those who have high rates of substance abuse to stabilize their lives. Being impaired while high may cause crimes to be committed that are non-drug related. It could also motivate street dealers to compete with licensed retailers. Finally, it is still unclear how recidivism will be affected as well as the rates of parole and probation success at this point in time, these are just hypothetical questions, but it may take years of research to find the answers (Shively, 2016).

Economic impacts

When assessing the impact of legalization in Colorado, it is easy to say that it can be very beneficial to the economy. One of the most obvious benefits is that it will create various employment opportunities. It also brings in millions of dollars, and those dollars can be used in extremely useful ways. In Colorado's first year of legalization, the state was able to bring in over \$70 million in tax revenue. This money went towards school construction, youth and substance abuse programs, and the remaining funds went into an account that is associated with running the marijuana tax program. However, the final remaining question is this: do these economic benefits offset the potential harms of marijuana legalization, such as the increase in new crimes, more impaired driving, increased use, and the health impacts (Homel & Brown, 2017).

It's clear that the legalization of marijuana, both medicinally and recreationally, has several potential harms and benefits. Legalization can increase use among adolescents and create new crimes, but it can also bring in millions of dollars that could be used in many ways that are beneficial to society. However, there are still many unanswered questions. There are currently 8 states that have legalized both medicinal and recreational marijuana with many more headed in the same direction. These states may find it useful to analyze the impacts legalization had on these states rather than thinking in a hypothetical sense.

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