



## **Ending Prohibition: Why the ACLU of Vermont supports the taxation and regulation of marijuana for adult use**

When it comes to establishing safe and fair drug policy, Vermont is falling behind. A growing number of states are discovering that ending prohibitions on marijuana reduces criminal justice system costs, prevents collateral consequences of drug-related criminal records, mitigates the pronounced racial disparities in criminal justice systems, and better protects individual rights.

While Vermont's recent attempts at partial decriminalization are important first steps, they are not enough. Many who are thought to possess marijuana are still stopped, frisked, and searched, and have had their cars and other property seized. In the midst of difficult economic times, nearly 5,000 Vermonters have paid close to \$1 million in fines for possessing under one ounce of marijuana since 2013, and post-decriminalization data from Massachusetts suggest that racial disparities in marijuana-related arrests persist even *after* decriminalization.<sup>i</sup>

These are some of the reasons why more law enforcement officials, including Vermont officials like Windham County Sheriff Keith Clark, are now in favor of reform: in a recent national study, about one out of every three police officers supported ending the prohibition on marijuana.<sup>ii</sup> As more states move to a system of full legalization and/or tax and regulate, Vermont should not be left behind.

### *Addressing Racial Disparities*

- The war on drugs has disproportionately affected communities of color. Before the 2013 decriminalization law, African-Americans in Vermont were nearly **four times** more likely than whites to be arrested for marijuana possession, though both groups use marijuana at roughly the same rate.<sup>iii</sup> In some parts of the state, the racial disparities are even higher—in Rutland County, for instance, before decriminalization, African-Americans were nearly seventeen times more likely to be arrested for marijuana possession than whites.<sup>iv</sup> Vermont has the third highest racial disparity in drug possession arrest rates in the country, with African-Americans more than seven times more likely to be arrested for drug possession alone.<sup>v</sup> When it comes to marijuana, these disparities could be eliminated immediately by ending prohibition and establishing a system to tax and regulate.

### *Public Health*

- After decades of study, there is no evidence that marijuana is a 'gateway drug' or that legalizing and regulating it will lead to an increase in drug use, including the use of opioids or heroin. The U.S. Drug Enforcement Agency (DEA) has stated that "research does not support a direct causal relationship between regular marijuana use and other illicit drug use."<sup>vi</sup>

- Recent studies have shown that access to marijuana may **decrease** opioid abuse and fatalities.<sup>vii</sup>
- Studies show that marijuana is comparatively safer than alcohol and tobacco.<sup>viii</sup>

### *Youth Safety*

- In other states that have regulated marijuana, legalization has had **no impact** on teen use.<sup>ix</sup>
- By limiting access to marijuana through strict regulation, Vermont can reduce teen involvement in illegal marijuana sales via the underground market where more dangerous drugs are also available.
- When marijuana is sold in strictly regulated and controlled stores, the market for—and youth participation in—underground sales is greatly reduced.

### *Public Safety*

- Driving while under the influence of drugs is already illegal in Vermont, and that will not change with legalization.
- There is no evidence that legalizing marijuana has caused an uptick in traffic fatalities in states that have legalized.<sup>x</sup>
- While some officials have said Vermont must wait for the development of a roadside test for marijuana inebriation before ending marijuana prohibition, the good news is **we already have such a test**. The standard field sobriety test (stand on one foot, finger to nose, walk a line, etc.) has been used for decades to test for driving under the influence of any substance, and has been shown to be accurate and effective.
- Vermont has regularly increased the number of Advanced Roadside Impaired Driving Enforcement (ARIDE) and Drug Recognition Expert (DRE) certified officers on the roads, improving road safety in a way that works: through more and better trained officers.

### *Economic Benefits*

- Taxing and regulating marijuana would bring much needed revenue to Vermont. A 2015 study by the RAND Corporation found that by taxing and regulating marijuana sales, Vermont could generate \$20-\$75 million annually in revenues.<sup>xi</sup>
- One study estimates that legalization in Colorado generated \$2.4 billion in revenue and created over 18,000 new jobs in 2015.<sup>xii</sup>
- Tourism dollars are at risk: Massachusetts and Maine have both legalized marijuana, and Canada will soon follow suit. Tourists may soon decide to pass up Vermont in favor of visiting these other states due to the illegal status of marijuana.

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- <sup>i</sup> ACLU of Massachusetts, *THE WAR ON MARIJUANA IN BLACK AND WHITE: A MASSACHUSETTS UPDATE* 6 (2016), <https://aclum.org/wp-content/uploads/2016/10/TR-Report-10-2016-FINAL-with-cover.pdf>.
- <sup>ii</sup> Christopher Ingraham, *Survey: Two-thirds of cops say marijuana laws should be relaxed*, THE WASHINGTON POST, Jan. 11, 2017, [https://www.washingtonpost.com/news/wonk/wp/2017/01/11/survey-two-thirds-of-cops-say-marijuana-laws-should-be-relaxed/?utm\\_term=.2f074edc725f](https://www.washingtonpost.com/news/wonk/wp/2017/01/11/survey-two-thirds-of-cops-say-marijuana-laws-should-be-relaxed/?utm_term=.2f074edc725f).
- <sup>iii</sup> ACLU, *THE WAR ON MARIJUANA IN BLACK AND WHITE* 180 (2013), <https://www.aclu.org/report/report-war-marijuana-black-and-white>.
- <sup>iv</sup> *Id.*
- <sup>v</sup> ACLU, *EVERY 25 SECONDS: THE HUMAN TOLL OF CRIMINALIZING DRUG USE IN THE UNITED STATES* 46 (2016), <https://www.aclu.org/report/every-25-seconds-human-toll-criminalizing-drug-use-united-states>.
- <sup>vi</sup> Bob Egelko, *DEA dismissed its own misconceptions about pot, group says*, SFGATE, Dec. 11, 2016, <http://www.sfgate.com/nation/article/The-DEA-refuted-its-own-misconceptions-about-pot-10786964.php>.
- <sup>vii</sup> Melissa Healy, *Medical marijuana could reduce painkiller abuse, study suggests*, LA TIMES, Aug. 25, 2014, <http://www.latimes.com/nation/la-sci-medical-marijuana-20140826-story.html>.
- <sup>viii</sup> Dirk W. Lachenmeier & Jürgen Rehm, *Comparative risk assessment of alcohol, tobacco, cannabis and other illicit drugs using the marginal exposure approach*, SCIENTIFIC REPORTS 5 (2015), <https://www.nature.com/articles/srep08126>; Aaron E. Carroll, *Alcohol or Marijuana? A Pediatrician Faces the Question*, N.Y. TIMES, March 16, 2015, <https://www.nytimes.com/2015/03/17/upshot/alcohol-or-marijuana-a-pediatrician-faces-the-question.html>.
- <sup>ix</sup> Kevin Loria, *New data shows that teens aren't using marijuana more after it's been legalized*, BUSINESS INSIDER, March 22, 2017, <http://www.businessinsider.com/washington-state-survey-shows-marijuana-legalization-didnt-affect-teen-use-rates-2017-3>.
- <sup>x</sup> Christopher Ingraham, *Here's how legal pot changed Colorado and Washington*, WASHINGTON POST, Oct. 13, 2016, [https://www.washingtonpost.com/news/wonk/wp/2016/10/13/heres-how-legal-pot-changed-colorado-and-washington/?utm\\_term=.40d720c62046](https://www.washingtonpost.com/news/wonk/wp/2016/10/13/heres-how-legal-pot-changed-colorado-and-washington/?utm_term=.40d720c62046).
- <sup>xi</sup> RAND CORP., *CONSIDERING MARIJUANA LEGALIZATION: INSIGHTS FOR VERMONT AND OTHER JURISDICTIONS* (2015), [http://www.rand.org/pubs/research\\_reports/RR864.html](http://www.rand.org/pubs/research_reports/RR864.html).
- <sup>xii</sup> MARIJUANA POLICY GROUP, *THE ECONOMIC IMPACT OF MARIJUANA LEGALIZATION IN COLORADO* (2016), <http://www.mjpolicygroup.com/pubs/MPG%20Impact%20of%20Marijuana%20on%20Colorado-Final.pdf>.