



Do Harsh Penalties for Marijuana Possession Reduce Teen Use?

When legislation is proposed to reduce or eliminate penalties for marijuana possession, some invariably object that the reform — while perhaps warranted based on marijuana’s relative safety and other considerations — might “send the wrong message” and result in increased teen use.

A large and growing body of data shows that these fears are unfounded. Data collected from government surveys demonstrates that severity of penalties for marijuana possession is not a significant factor in whether or not teens choose to use marijuana. In addition, a March 2013 Pew Research Center poll found that “there is no significant difference in lifetime or recent use between people in states with some form of legalized marijuana and those in other states.”

The Substance Abuse and Mental Health Services Administration (SAMHSA) has published statistics on teen (12-17) marijuana use every year since 1999. Since the 1970s, 21 states have decriminalized (or in eight of those cases, legalized) modest amounts of marijuana. Ample data is available to show that these reforms have not caused problems.

In early 2015, the American Academy of Pediatrics came out strongly in support of decriminalization, noting, “Several studies have compared the rates in the initial 11 states that decriminalized marijuana in the 1970s before and after criminal laws were changed. None of these studies have supported the concern that rates would increase sharply in states with decriminalization.”

Additionally, criminalization of marijuana possession can be very destructive to minors who are arrested and prosecuted. As the AAP notes, the “ongoing criminal prosecution [for marijuana possession] has led to serious and often permanent legal problems.” It notes the potential dangers of pre-trial and post-conviction detention, which “remove a person from needed roles in society,” and places people in “environments where they are likely to have close contact with people who have committed serious violent offenses or are repeat offenders.”

Mississippi vs. Alabama

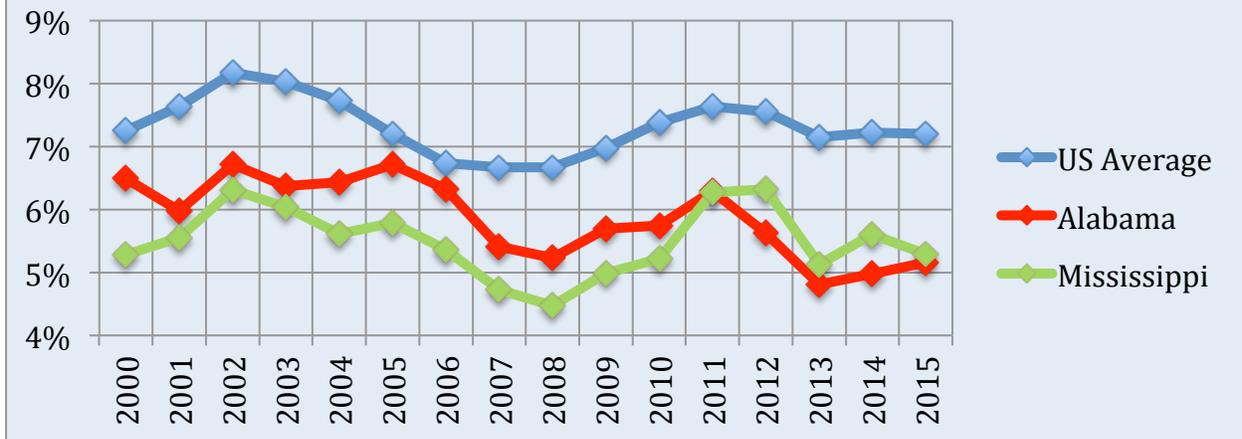
Mississippi and Alabama are similar in many ways, but Mississippi’s penalties for marijuana possession are much less severe than Alabama’s. Mississippi passed its law “decriminalizing” marijuana back in 1976, and since then the two states’ penalties have stood as follows:

Mississippi: Possession of 30 grams or less of marijuana is punishable by a fine of \$100 to \$250 for the first offense (with no arrest, under most circumstances). The fine is doubled for second and subsequent offenses.

Alabama: Possession of any amount of marijuana under one kilogram (2.2 lbs.) is an arrestable criminal offense punishable by *up to a year in jail and a fine of up to \$6,000.*

Based on the logic offered by proponents of harsh criminal penalties, Alabama would be expected to enjoy a lower rate of teen use, right? Well, here’s the relevant survey data:

Teen use remains low in Mississippi



(Data from <http://oas.samhsa.gov/states.htm>)

It's clear from this data that Mississippi's decision to reduce marijuana penalties in 1976 did not result in higher rates of teen use decades later.

It's also clear that Alabama's decision to maintain harsh criminal penalties for marijuana possession did not result in lower rates of teen use than those found in Mississippi.

Regardless of relative penalties, teens in Mississippi and Alabama consistently used marijuana less often than the national average, suggesting that societal and cultural differences play a much greater role than laws in governing teens' behavior.

There is no way to calculate how much time and money Alabama police have spent dealing with marijuana users since 1976. It's also not clear what, if anything, they might have gained by maintaining such harsh penalties against marijuana users.

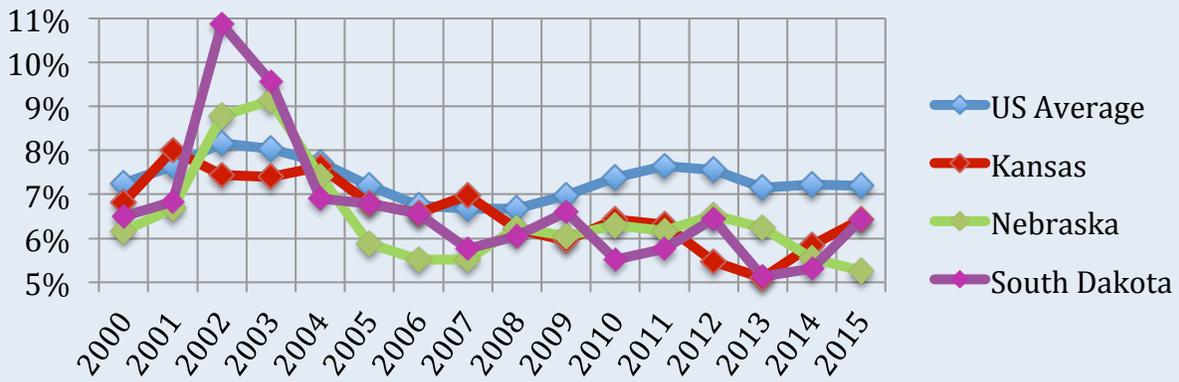
Middle America

Nebraska reduced its penalties in 1978, removing the threat of arrest for individuals caught with one ounce or less of marijuana. By contrast, its neighbors to the north and south continued arresting users and maintained harsh criminal penalties.

In South Dakota, possession of two ounces or less of marijuana remains punishable by ***up to one year in jail and a fine of up to \$1,000***. In Kansas, possession of any amount of marijuana for personal use is punishable by ***up to one year in jail and a fine of up to \$2,500***.

In Nebraska, possession of one ounce or less of marijuana (for a first offense) is a civil citation with a fine of up to \$300. Has Nebraska experienced higher levels of use by 12-17 year-olds? According to the data collected by SAMHSA, Nebraska's teen marijuana use rates are below the national average, with rates nearly identical to neighboring states:

Nebraska teens still not interested



(Data from <http://oas.samhsa.gov/states.htm>)

North Carolina versus South Carolina and Virginia

In 1977, North Carolina passed an alternative to incarceration for marijuana possession. Since then, a first offense for possession of up to a half ounce results in a \$200 fine. For contrast, both Virginia and South Carolina have harsh penalties for possessing marijuana. Based on SAMSHA data from 2013 to 2015, North Carolina's usage has been at or below the U.S. average for all three of those years and has also been below usage in South Carolina for two of the three years.

North Carolina versus Virginia and South Carolina

