



MPP Rebuttals to Claims from Opponents of Cannabis Regulation

Like alcohol Prohibition 100 years ago, cannabis prohibition has been a costly policy failure with a significant human toll. More than 15 million Americans have been arrested for cannabis — resulting in trauma, interrupted lives, family separation, dreams derailed by criminal records, and even deaths in jail. Nearly half of America admits to having used cannabis, but enforcement has been staggeringly unequal, with Black people more than 3.5 times as likely to be arrested as white people, despite similar use rates.

Legalization dramatically reduces these harms while also allowing for sensible regulation, like lab testing, consumer education, and safe packaging. Only legal regulation allows the state to control where, when, and to whom cannabis is sold. Legalizing and regulating cannabis for adults has generated nearly \$20 billion dollars in new tax revenue and created hundreds of thousands of jobs. It displaces the illicit market and frees up law enforcement resources to focus on serious crime, all while increasing personal freedom.

Here are some responses to common concerns against legalizing cannabis:

Concerns about Impaired Driving / Road Safety

Legalization has not harmed road safety. Data from the Fatality Analysis Reporting System (FARS) shows there was an overall *decrease* in road fatalities, comparing each legal state's pre-legalization FARS data to 2019 FARS data — the last year before COVID changed driving patterns.

It is illegal to drive while impaired by cannabis in every state. Legalization laws often include funding to increase the number of officers with Drug Recognition Expert (DRE) training to improve detection of drivers impaired by medications, cannabis, and illicit drugs. This increased investment in detection may create a misperception that there is an increase in impaired driving. One of the 12 steps of a DRE analysis is a fluids test to determine whether a driver has consumed cannabis or another substance. Cannabis can stay in one's system for 30 days, so a positive test does not mean the driver is impaired. It is considered alongside other evidence (such as the smell of recently burnt cannabis, behavior indicating impaired driving, and field sobriety results) to determine impairment.

Concerns about Youth Using Cannabis

Cannabis prohibition fails miserably at keeping cannabis out of the hands of teens. Pre-legalization, from 1975-2012, 80-90% of 12th graders consistently reported that cannabis was “fairly easy” or “very easy” to obtain. For the first time since the survey began 40 years ago, high school seniors’

perception of cannabis's availability has dipped below 80% — *after* states began to legalize cannabis. Now, with half of Americans living in legal states, the 2023 survey found the number has dropped to 72.7%.

As the head of the federal National Institute on Drug Abuse, Nora Volkow, testified in the U.S. Senate in March 2022, "legalization by some states of marijuana has not been associated with an increase in adolescents' marijuana use." Since then, new CDC data came out showing teen use has *decreased* in almost all legal states since legalization. This is unsurprising since illicit cannabis sellers have no incentive to ask for ID, while licensed businesses have a huge incentive to do so. Compliance checks show legal, regulated businesses are following the law and not selling to minors.

Concerns about Violence and Crime

A 2022 review of data on crime and legalization found, "Much of the literature regarding the impact of marijuana legalization on crime shows promising effects, including decreases in violent and property crime, reductions in drug-related arrests, and an improvement in crime clearance rates." Studies have also found an increase in clearance rates (crimes solved) as states legalize cannabis.

Like alcohol Prohibition before it, cannabis prohibition puts buyers and sellers at risk of violence. There are numerous tragic examples of cannabis-related armed robberies resulting in death, violence being used to solve cannabis-related disputes, and even of police informants being discovered and murdered. Legalizing cannabis reduces the inherent risk in an underground product, while freeing up police time.

Concerns about Potency

A study published in the *Journal of the American Medical Association* found, "compared with no legalization policy, states with legalization policies experienced no statistically significant increase in rates of psychosis-related diagnoses or prescribed antipsychotics."

Education, product labeling, and sensible regulations — not handcuffs, jail cells, and driving cannabis underground — are the most compassionate and effective ways to address cannabis' risks. Patients are much more likely to have an honest conversation with their physicians in the context of legalization, which allows medical providers the opportunity to counsel patients.

Concerns about Addiction and Gateway

Cannabis is far less addictive than alcohol and tobacco, and the "gateway theory" has been debunked repeatedly. In 2017, the National Academies of Sciences, Engineering, and Medicine reported that there is no substantial link between cannabis use and the use of other illegal drugs. Moreover, studies show many cannabis consumers are able to reduce or eliminate their use of other drugs, including opiate prescriptions.

Claims a Study Found for Every Dollar in Taxes, Colorado Spends \$4.50 in Social Costs

This “study” has been widely lambasted as junk science, which it is. The bulk of the study’s cited costs of legalization in Colorado result from a supposed increase in dropout rates. In reality, the cannabis use for teens has decreased, and graduation rates are up.

Concerns about Developing Brains of Adults Under 25

Cannabis regulation can and should include education about the risks related to cannabis, including risks specific to younger adults. That said, the claims related to cognitive function for young adults have been exaggerated. A systemic review of scientific literature that was published in *JAMA Psychiatry* found cannabis exposure in adolescents and young adults is not associated with any significant long-term detrimental effects on cognitive performance. Alcohol is far more dangerous to the brain and the entire body than cannabis, and it is legal for adults 21 and older. More than 2,000 Americans die every year from acute alcohol intoxication, whereas cannabis has not been shown to cause overdoses. Adults who are of legal age to drink alcohol should be allowed to choose the less damaging substance.

Claim “The Illicit Market Won’t Go Away”

Consumers prefer legal cannabis. A recent survey found only 6% of cannabis consumers in legal states buy cannabis from dealers. Even of those living in prohibition states — without medical or adult-use legalization — 29% report buying cannabis from brick-and-mortar stores.

In most cases where there is still significant illicit market activity after legalization, it is in municipalities that have banned stores or is for export to the states that still prohibit cannabis. In other words, in mature legalization markets, the vast majority of illegal activity is due to the continuation of prohibition, not due to legalization. Excessive taxes and onerous regulations can also make legal cannabis less competitive.