



Testimony for the House Judiciary Committee February 24, 2015

HB 911 – Marijuana Control and Revenue Act of 2015

SARA N. LOVE
PUBLIC POLICY
DIRECTOR

SUPPORT

The ACLU of Maryland supports HB 911. The War on Marijuana has failed. It is time for a new, more rational approach to marijuana, one based in health, personal autonomy and science and one that does not ruin lives—primarily the lives of people of color.

Whether you agree with marijuana use or not, it is a commonly used substance. In 2013, there were 19.8 million past-month users in the United States.¹ There is a vast industry of plant varieties, edibles, cigarettes, machinery, grow lights, lotions and balms for pain relief, and more.² Marijuana use spans race, ethnicity, gender, socio-economic status. Given this widespread use, the question then is: do we continue marijuana prohibition, or change the paradigm?

Citizens in Colorado, Washington, Alaska and Oregon all voted to change the paradigm. If given the opportunity, Maryland voters would as well. Polls show that a majority of Marylanders believe we should move to a system of taxation and regulation.³

In Colorado and Washington, the fears of leaving prohibition are not coming true. Crime is down.⁴ Traffic fatalities are down.⁵ Further, the National Traffic Highway Safety Administration just released a 20-month study that found no evidence that marijuana use leads to a higher risk of getting into a traffic crash.⁶ Teen use is the same⁷ or down.⁸

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

MAIN OFFICE
& MAILING ADDRESS
3600 CLIPPER MILL ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
or 240-274-5295
F/410-366-7838

FIELD OFFICE
6930 CARROLL AVENUE
SUITE 610
TAKOMA PARK, MD 20912
T/240-274-5295

WWW.ACLU-MD.ORG

OFFICERS AND
DIRECTORS
COLEMAN BAZELON
PRESIDENT

SUSAN GOERING
EXECUTIVE DIRECTOR

C. CHRISTOPHER BROWN
GENERAL COUNSEL

¹ 2013 National Survey on Drug Use and Health: Summary of Findings, <http://www.samhsa.gov/data/sites/default/files/NSDUHresultsPDFWHTML2013/Web/NSDUHresults2013.pdf>

² Marc Fisher, *Marijuana's rising acceptance comes after many failures. Is it legalization's time?* THE WASHINGTON POST (Jan. 23, 2014), http://www.washingtonpost.com/politics/marijuanas-rising-acceptance-comes-after-many-failures-is-it-now-legalizations-time/2014/02/22/9adc8502-98dd-11e3-80ac-63a8ba7f7942_story.html. See also, www.dixielixers.com.

³ In an October 2013 poll by ACLU of Maryland and the Marijuana Policy Project, 53% of Marylanders supported a system of taxation and regulation like Colorado and Washington, <http://www.mpp.org/assets/pdfs/download-materials/Maryland-Poll-Results.pdf>. A recent Washington Post Poll asked a different question and found a different result (49% of Marylanders support legalizing marijuana). Frederick Kunkle and Scott Clement, *Poll: Nearly half of Marylanders back legalizing pot; 43 percent are opposed*, THE WASHINGTON POST (Jan. 23, 2014), http://www.washingtonpost.com/local/md-politics/poll-nearly-half-of-marylanders-back-legalizing-pot-43-percent-are-opposed/2014/02/22/b63f6ffc-9a64-11e3-b931-0204122c514b_story.html?hpid=z5

⁴ http://www.huffingtonpost.com/2014/07/17/marijuana-crime-denver_n_5595742.html

⁵ <http://www.forbes.com/sites/jacobsullum/2014/08/11/as-colorado-loosened-its-marijuana-laws-underage-consumption-and-traffic-fatalities-fell/>, citing https://www.codot.gov/library/traffic/traffic-manuals-guidelines/safety-crash-data/fatal-crash-data-city-county/Colorado_Historical_Fatalities_Graphs.pdf/view

⁶ [http://www.detroitnews.com/story/news/nation/2015/02/06/us-evidence-marijuana-leads-higher-crash-risk/23004549/;](http://www.detroitnews.com/story/news/nation/2015/02/06/us-evidence-marijuana-leads-higher-crash-risk/23004549/)

⁷ <http://www.samhsa.gov/data/sites/default/files/NSDUHresultsPDFWHTML2013/Web/NSDUHresults2013.pdf>

⁸ [http://www.forbes.com/sites/jacobsullum/2014/08/11/as-colorado-loosened-its-marijuana-laws-underage-consumption-and-traffic-fatalities-fell/;](http://www.forbes.com/sites/jacobsullum/2014/08/11/as-colorado-loosened-its-marijuana-laws-underage-consumption-and-traffic-fatalities-fell/)

http://monitoringthefuture.org/pressreleases/14drugpr_complete.pdf

On the other hand, the War on Marijuana has taken a tremendous financial and personal toll on Marylanders. Maryland taxpayers spend over \$1.1 billion per year to maintain a bloated prison system; a system that has tripled in size since 1980. In 2010, Maryland spent approximately \$106 million enforcing marijuana possession laws. As for the people behind these numbers, on average, from 2008 – 2012, the State of Maryland arrested 24,065 people per year for marijuana possession. In 2010, when we arrested 23,663 people, we had the 7th largest number of raw arrests for marijuana possession, outranking more populous states like Pennsylvania and Ohio.⁹ In 2013, 24,043 people were arrested for marijuana possession.¹⁰

Those arrests fell disproportionately on communities of color. Despite comparable rates of use, African Americans in Maryland are 3 times more likely than their white counterparts to be arrested for marijuana possession. This is true in every county across our state from Worcester (1.8x) to Prince Georges (2.5x) to Garrett (6.5x). And it doesn't matter whether the county is majority white or majority black, the racial disparity in the arrest rates is consistent.¹¹ In 2013, Baltimore was 64% African American, but 91% of all minor marijuana arrests were African American.¹² In 2010, Montgomery County was 18% African American but 46% of all marijuana possession arrests were of African Americans.¹³

While the decriminalization law the General Assembly passed last year¹⁴ should help to reduce the numbers of arrests for minor marijuana possession, it does not go far enough. The criminal market is untouched. Those selling marijuana in Maryland today do not care – they sell to kids. They sell other drugs. They buy guns and other drugs with their proceeds. By removing marijuana from the criminal market, we remove those users from that criminal element. Not only will that keep them safer, but it also will prevent their introduction to other drugs. For it is not marijuana that is the “gateway,” but the criminal environment. Those individuals buying marijuana in Colorado aren't buying from criminals who are also trying to sell them other drugs.

Furthermore, marijuana users – the millions of them among us – will not go to going to criminals to buy their medicine (as it is an effective medication for many people suffering from chronic pain and other conditions) or their recreational drug, so they will know what they are getting. Relegating people to getting their medicine or their choice of recreational substance from a criminal means they are at risk of the marijuana being laced with dangerous chemicals or other drugs.

Moreover, putting marijuana in a controlled environment would be a better way to keep it from our kids. Right now, kids report that marijuana is easier to buy than beer. Beer is

⁹ The ACLU of Maryland, *The Maryland War on Marijuana in Black and White* (October 2013), http://www.aclu-md.org/marijuana_reform.

¹⁰ <https://www.mdsp.org/LinkClick.aspx?fileticket=Ynu0iNFwsVE%3D&tabid=429&mid=3218>. The 2014 numbers are not out as of 2/21/15.

¹¹ *Id.*

¹² *Baltimore Mayor 'Appalled' at Disproportionate Marijuana Arrest rates for African Americans*, FOX45 (Feb, 21, 2014), <http://foxbaltimore.com/news/features/top-stories/stories/baltimore-mayor-appalled-at-disproportionate-marijuana-arrest-rates-african-americans-25690.shtml#.Uwn47aU7VBW>.

¹³ The ACLU of Maryland, *The Maryland War on Marijuana in Black and White* (October 2013), http://www.aclu-md.org/marijuana_reform.

¹⁴ http://mgaleg.maryland.gov/2014RS/chapters_noln/Ch_158_sb0364E.pdf

regulated by the government, and no seller wants to risk their license by selling to underage drinkers. Statistics indicate this is more than a theory. In addition to the citations above, previous statistics from Colorado show this is the case as well. In 2010, Colorado went to a controlled medical marijuana market. From 2009-2011, youth usage rates of marijuana in Colorado declined by 11%.¹⁵ By contrast, during that time period nationwide youth usage rates of marijuana rose by the same amount.¹⁶

Finally, taking marijuana out of the criminal system and putting it in the health system can only benefit everyone. For those youth users who we want to discourage use, we can look to the successes of the decline in usage of alcohol and tobacco.¹⁷ We were able to reduce teen usage of alcohol and tobacco through education, without arresting a single one of them.

For those who do become addicted to marijuana (studies show it is far less than those addicted to alcohol or cigarettes¹⁸), with a system of taxation and regulation we can focus our efforts on helping them get the health care they need to beat their addiction. Arresting addicts does nothing to help them with their addiction; they need health care, addiction treatment and counseling.

Taxing and regulating marijuana also makes economic sense. In Colorado, in 2014, they received \$76,152,466 from taxes, licenses and fees on marijuana alone.¹⁹ This does not include all of the other monies received from new jobs or from other, supporting industries (construction, transportation, tourism, legal, etc.) Saving money from not having to enforce possession laws, redirecting our law enforcement's energies into violent crimes, taking the new revenue created and using it for mental health treatment, drug and alcohol treatment, schools, infrastructure and more, is simply good sense.

Following the lead of Colorado, Washington, Alaska and Oregon, makes sense. It makes sense for the safety of our people, our kids and our communities. It makes economic sense. And the majority of Marylanders agree with it.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on HB 911.

¹⁵ Centers for Disease Control and Prevention, *High School Youth Risk Behavior Study, 2009-2011 Results*, <http://apps.nccd.cdc.gov/youthonline/App/Results.aspx?TT=K&OUT=0&SID=HS&QID=H48&LID=LL&YID=YY&LID2=&YID2=&COL=&ROW1=&ROW2=&HT=&LCT=LL&FS=1&FR=1&FG=1&FSL=&FRL=&FGL=&PV=&TST=False&C1=&C2=&QP=G&DP=1&VA=CI&CS=Y&SYID=2009&EYID=2011&SC=DEFAULT&SO=ASC>;

<http://www.samhsa.gov/data/sites/default/files/NSDUHresultsPDFWHTML2013/Web/NSDUHresults2013.pdf>;

¹⁶ *Id.*

¹⁷ See, Johnston, L.D., O'Malley, P.M., Miech, R.A., Bachman, J.G., & Schulenberg, J.E (2014) *Monitoring the Future, National Survey Results on Drug Use 1975-2013; Overview, Key Findings on Adolescent Drug Use*. Ann Arbor: Institute for Social Research, The University of Michigan. <http://www.monitoringthefuture.org//pubs/monographs/mtf-overview2013.pdf>

¹⁸ Maia Szalavitz, *Is Marijuana Addictive? Depends on How You Define Addiction*, TIME: HEALTH & FAMILY (Oct. 19, 2010)(addiction rate for cigarettes 20-30%; addiction rate for alcohol 15%; addiction rate for marijuana 9-10%), <http://healthland.time.com/2010/10/19/is-marijuana-addictive-it-depends-how-you-define-addiction/>.

¹⁹ <https://www.colorado.gov/pacific/revenue/colorado-marijuana-tax-data>