

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/legalizing-marijuana-doesnt-mean-its-legal-for-everyone>

Public Facing Advocacy Writing

New marijuana legislation must address the damage that criminalization has done to Black and brown communities.

Last month, New York State passed the most progressive marijuana legislation in the country dubbed the [gold standard](#) for marijuana justice. Since then, New Mexico and Virginia have also legalized the drug, bringing the number of states [with legalization laws on the books to 17](#), plus Washington, DC.

Marijuana criminalization laws like many other measures have been disproportionately enforced against people of color. Although white and Black people use marijuana at roughly equal rates, Black people are [almost four times](#) and in some states as many as 10 times more likely to be arrested for possession. The consequences of the [hundreds of thousands of arrests every year](#) for marijuana offenses extend far beyond fines or even outrageously long sentences. Even [an arrest that does not result in a conviction](#) can stay on a person's record for years, impacting future prospects for jobs, housing, child custody, loans, and more.

New York's bill takes much-needed steps to address the stark inequities levied by the historical criminalization of marijuana, and as other states [inevitably follow suit](#), they too should think of legislation as an opportunity to help repair the harms that criminalization has perpetrated against Black and brown communities.

What does New York's law get right? A few things. People who have been convicted of now-decriminalized marijuana-related offenses will have their records automatically expunged. A tax on marijuana sales is also expected to generate \$350 million a year, with 40 percent of revenue going to communities hurt most by drug arrests and the rest [allocated to public education and drug treatment and prevention programs](#). The new Office of Cannabis Management will be charged with ensuring that half of all business licenses go to people of color, women, distressed farmers, and service-disabled veterans. And people who have been incarcerated for drug-related convictions may also be eligible for licenses.

Advocates have [heralded the law](#) as a model for other states. Significantly, it addresses one of the primary [shortcomings of legalization](#) elsewhere: while the cannabis industry is worth billions of dollars, people of color have largely been prevented from reaping its financial opportunities.

Although formal statistics don't exist, it's clear that cannabis entrepreneurs are overwhelmingly white (a 2016 BuzzFeed investigation estimated that [less than 1 percent of dispensary owners across the country were Black](#)). And [even in states where it's legal, Black people are more likely to be arrested](#) for possession. So, while white people have been able to profit from marijuana sales, Black people are still more likely to get in trouble just for having it and hefty application and operation costs have made entering the industry difficult for people who have fewer resources as a result of prior arrests or convictions.

Clearly, legalizing marijuana doesn't eliminate these racial disparities, and, in the worst cases, it perpetuates them. Marijuana legalization doesn't automatically redress the injustices of decades of criminalization. But with the right legislation focused on reinvestment, social equity, and accountability it can.

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