

How to Ruin Marijuana Legalization: Put Big Alcohol And Tobacco Corporations In Charge

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With new legislation in Congress, Big Tobacco and Big Alcohol's quiet efforts to put themselves in charge of future federal cannabis policy are coming to a head. The latest legalization bill, introduced by Sen. John Hickenlooper (D-CO) and Rep. Dave Joyce (R-OH), is a clear example of how seemingly well-meaning efforts at reform could backfire and ruin marijuana legalization, handing control of the new industry to massive corporations.

The goal of this bill, titled the [Preparing Regulators Effectively for a Post-Prohibition Adult-Use Regulated Environment \(PREPARE\) Act](#), is to create a national regulatory framework for cannabis that would be ready as soon as lawmakers are ready to legalize. In theory it's a great idea to have experts make a plan to implement smart cannabis laws, but under the surface of the 15-page bill lurk two fundamental flaws.

The first is the bill's over-reliance on the comparison between cannabis and alcohol. It directs the attorney general to establish a special commission to help develop a regulatory framework that would be modeled after existing federal and state regulations for alcohol. It would be made up of 24 nominees and representatives from various government agencies and offices, as well as individuals nominated by Senate and House leadership.

Why would Congress instruct a commission of experts to create a framework for the cannabis plant just like alcohol? Isn't the point of such a commission to examine the plant and consider possible frameworks—and related data—to decide what fits? It was perhaps a useful analogy a decade ago to remind people what a regulated substance looks like, but today it's worth noting that cannabis is not alcohol, or tobacco, or a pharmaceutical, and it should not be regulated identically to any other product.

Hickenlooper, who opposed legalization as governor of Colorado—a position he's [since said he was wrong about](#)—said this month that the bill would “pave the way” for regulation once legalization arrives, which he said would “increase tax revenues, create jobs, and spur innovation.”

“What are we waiting for?” he asked.

It is critical that we achieve cannabis legalization on a national level, but we have to center people, not corporations. This is a policy shift with massive long-term implications, not a cash cow. It's useful to look past politicians' lofty quotes and factoids to [pay attention to who is being empowered](#)—or [shut out](#)—by proposed regulatory models.

This rushed comparison to alcohol, which Hickenlooper seems to admit is for mere expediency's sake, is being repeated in a few places. This week, the House Subcommittee on Civil Rights and Civil Liberties held a [hearing to examine the benefits of federal cannabis decriminalization](#). On the witness list was The Coalition for Cannabis Policy, Education, and Regulation (CPEAR), a group that includes the likes of Molson Coors Beverage Co. and tobacco company Altria (previously known as Philip Morris). Its executive director, Andrew Freedman, recently wrote in an [op-ed](#) for The

Washington Post that “regulated tobacco and alcohol markets are a good starting point for the cannabis industry.”

Hear me out: maybe a [coalition of alcohol and tobacco giants aren't the most credible source](#) of expertise as to whether cannabis should be regulated like alcohol and tobacco.

Over past decades, beginning with a small group of AIDS activists and their loved ones fighting for their right to medicine, the marijuana law reform movement has fought for credibility and won new laws in state after state, with these big industries either opposing us or nowhere to be found. Now with much of the work done and most of the country in support of legalization, those corporations are suddenly elbowing their way in to design a market structure in their favor. They didn't create this [young industry](#), and we don't need to let them take over and ruin it like many of them ruined their own industries.

The second problem with the PREPARE Act is its inclusion on the advisory commission of a representative “from a trade organization or other non-profit entity with members from multiple, highly regulated adult goods and consumer package goods.” This undermines the group's credibility and purpose.

The designation is a highly specific one that effectively reads as a handout to alcohol and tobacco trade groups, allowing those industries to tilt the new regulatory framework to their favor. It also creates a clear conflict of interest. Trade groups likely to be regulated under cannabis regulation should have input into policymaking, of course, but they shouldn't sit on a commission making policy decisions themselves.

As three failed marijuana initiatives from last week make clear, including the Arkansas legislation that would have created an anti-consumer oligopoly—details matter.

This bill also fails to account for ulterior motives of former regulators and trade organizations. It calls for the Commission to have two representatives who have worked to develop “two successful, separate, and unique state level regulatory systems” when it comes to cannabis regulation. This is fine, but common sense would require a mandatory disqualification if candidates are funded by the cannabis industry or corporate interests like alcohol and tobacco.

If the PREPARE Act is left unaltered, the main thing we'll need to prepare for is a cannabis industry where large corporate interests are allowed to have their fingerprints all over federal policy from day one.

Equity efforts will also suffer. Years of state-level advocacy to build an inclusive, accessible cannabis industry—which also boosts competition, increases consumer choice, and drives down prices—would be suffocated by big business. Those most hurt by prohibition, including those who are currently small business owners, will be shut out of an industry already worth billions, and steadily growing.

Pretty much everyone who attempts to influence cannabis policy these days talks a big game about addressing the disparities caused by the war on drugs, and the newly alcohol- and tobacco-funded activists are no exception. But even a quick review of the history of those industries in this country

reveals decades of exploitation of the very same communities that have been harmed by our drug war.

It's laughable to trust industries with such a history of duplicity, and it would be foolish to let them write the laws for cannabis. Both the alcohol and tobacco industries have much more experience opposing sensible regulations than they do recommending them. Handing them any amount of control is a grave mistake.

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