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Research Supports Continued Prohibition of Marijuana

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"The social costs of legalizing marijuana would outweigh any possible tax that could be levied."

In the following viewpoint, the Office of National Drug Control Policy (ONDCP) argues that Congress has determined that marijuana is dangerous and ought to be illegal for good reasons. ONDCP contends that there are currently damaging consequences to society from marijuana use and if it were legal the problems—including the number of prisoners, the economic damages, and the environmental degradation—would only increase. ONDCP advises the president on drug control issues, coordinates drug control activities, and produces the annual National Drug Control Strategy.

As you read, consider the following questions:

1. According to ONDCP, how many Americans meet the diagnostic criteria for abuse of or dependence on marijuana?
2. What percentage of federal prisoners sentenced for drug offenses were incarcerated for drug trafficking, according to ONDCP?
3. According to the viewpoint, how much greater were alcohol-related costs in 2009 than the federal, state, and local revenues collected on alcohol?

In enacting the Controlled Substances Act (CSA), Congress determined that marijuana is a Schedule I controlled substance. In 2012, voters in Colorado and Washington State also passed initiatives legalizing marijuana for adults 21 and older under state law. As with state medical marijuana laws, it is important to note that Congress has determined that marijuana is a dangerous drug and that the illegal distribution and sale of marijuana is a serious crime. The Department of Justice (DOJ) is committed to enforcing the CSA consistent with these determinations....

The Negative Impact of Marijuana Use

Marijuana is the most commonly used illicit drug in the United States. In 2011 alone, more than 18 million Americans age 12 and older reported using the drug within the past month. Approximately 4.2 million people met the diagnostic criteria for abuse of or dependence on this drug. This is more than pain relievers, cocaine, tranquilizers, hallucinogens, and heroin combined.

There are very real consequences associated with marijuana use. In 2010, marijuana was involved in more than 461,000 emergency department visits nationwide. This is nearly 39 percent of all emergency department visits involving illicit drugs, and highlights the very real dangers that can accompany use of the drug.

And in 2011, approximately 872,000 Americans 12 or older reported receiving treatment for marijuana use, more than any other illicit drug. Despite some viewpoints that marijuana is harmless, these figures present a sobering picture of this drug's very real and serious harms.

Marijuana places a significant strain on our health care system, and poses considerable danger to the health and safety of the users

themselves, their families, and our communities. Marijuana presents a major challenge for health care providers, public safety professionals, and leaders in communities and all levels of government seeking to reduce the drug use and its consequences throughout the country....

Public Discussion About Marijuana

There is significant public discussion around marijuana, much of which includes the terms legalization, decriminalization, and medical marijuana. Below are very general definitions for these terms.

Marijuana Legalization-Laws or policies which make the possession and use of marijuana legal under state law.

Marijuana Decriminalization-Laws or policies adopted in a number of state and local jurisdictions which reduce the penalties for possession and use of small amounts of marijuana from criminal sanctions to fines or civil penalties.

Medical Marijuana-State laws which allow an individual to defend himself or herself against criminal charges of marijuana possession if the defendant can prove a medical need for marijuana under state law.

People in Prison for Marijuana Use

Simply stated, there are very few people in state or federal prison for marijuana-related crimes. It is useful to look at all drug offenses for context. Among sentenced prisoners under state jurisdiction in 2008, 18% were sentenced for drug offenses. We know from the most recent survey of inmates in state prison that only six percent (6%) of prisoners were drug possession offenders, and just over four percent (4.4%) were drug offenders with no prior sentences.

In total, one-tenth of one percent (0.1 percent) of state prisoners were marijuana possession offenders with no prior sentences.

For federal prisoners, who represent 13 percent of the total prison population, about half (51 percent) had a drug offense as the most serious offense in 2009. And federal data show that the vast majority (99.8 percent) of federal prisoners sentenced for drug offenses were incarcerated for drug trafficking.

Many advocates of marijuana legalization point to the significant number of marijuana-related arrests, including for the sale, manufacturing, and possession of the drug, as an unnecessary burden on the criminal justice system. While federal, state, and local laws pertaining to marijuana do lead to criminal justice costs, it is important to understand how decriminalization or legalization might further exacerbate these costs. Alcohol, a legal, carefully regulated substance, provides useful context for this discussion. Arrests for alcohol-related crimes, such as violations of liquor laws and driving under the influence, totaled nearly 2.5 million in 2010—far more than arrests for all illegal drug use, and certainly far more than arrests for marijuana-related crimes. It is therefore fair to suggest that decriminalizing or legalizing marijuana might not reduce the drug's burden to our justice and public health systems with respect to arrests, but might increase these costs by making the drug more readily available, leading to increased use, and ultimately to more arrests for violations of laws controlling its manufacture, sale, and use.

Federal Opposition to Medical Marijuana

It is the federal government's position that marijuana be subjected to the same rigorous clinical trials and scientific scrutiny that the Food and Drug Administration (FDA) applies to all other new medications, a comprehensive process designed to ensure the highest standards of safety and efficacy.

It is this rigorous FDA approval process, not popular vote, that should determine what is, and what is not, medicine. The raw marijuana plant, which contains nearly 500 different chemical compounds, has not met the safety and efficacy standards of this process. According to the Institute of Medicine (IOM), smoking marijuana is an unsafe delivery system that produces harmful effects....

A number of states have passed voter referenda or legislative actions allowing marijuana to be made available for a variety of medical conditions upon a licensed prescriber's recommendation, despite such measures' inconsistency with the scientific thoroughness of the FDA approval process. But these state actions are not, and never should be, the primary test for declaring a substance a recognized medication. Physicians routinely prescribe medications with standardized modes of administration that have been shown to be safe and effective at treating the conditions that marijuana proponents claim are relieved by smoking marijuana. Biomedical research and medical judgment should continue to determine the safety and effectiveness of prescribed medications....

Marijuana Legalization and Drug Trafficking

Violent Mexican criminal organizations derive revenue from more than just marijuana sales. They also produce and traffic methamphetamine and heroin, continue to move significant amounts of cocaine, and conduct an array of criminal activities including kidnapping, extortion, and human trafficking. Because of the variety and scope of the cartels' business, and its illicit and purposefully obscured nature, determining the precise percentage of revenues from marijuana is problematic, but we can be confident that even the complete elimination of one of their illicit "product lines" will not result in disbanding of their criminal organizations.

The existing black market for marijuana will not simply disappear if the drug is legalized and taxed. Researchers from the RAND Corporation have noted a significant profit motive for existing black market providers to stay in the market, as "they can still cover

their costs of production and make a nice profit."

With this in mind, it is crucial to reduce demand for marijuana in the United States and work with the government and people of Mexico to continue our shared commitment to defeat violent drug cartels.

Marijuana Legalization and Tax Revenue

While taxing marijuana could generate some revenues for state and local governments, research suggests that the economic costs associated with use of the drug could far outweigh any benefit gained from an increase in tax revenue.

In the United States in 2007, illegal drugs cost \$193 billion (\$209 billion in 2011 dollars) in health care, lost productivity, crime, and other expenditures. Optimistic evaluations of the potential financial savings from legalization and taxation are often flawed, and fail to account for the considerable economic and social costs of drug use and its consequences.

This issue is particularly relevant in the marijuana debate. For example, the California Board of Equalization estimated that \$1.4 billion of potential revenue could arise from legalization. This assessment, according to the RAND Corporation, is "based on a series of assumptions that are in some instances subject to tremendous uncertainty and in other cases not valid."

Another recent report from RAND examines this issue in greater detail. The report concludes that legalization and taxation of marijuana would lead to a decrease in the retail price of the drug, likely by more than 80 percent. While this conclusion is subject to a number of uncertainties, including the effect of legalization on production costs and price and the federal government's response to the state's legalization of a substance that would remain illegal under federal law, it is fair to say that the price of marijuana would drop significantly. And because drug use is sensitive to price, especially among young people, higher prices help keep use rates relatively low.

The existing black market for marijuana will not simply disappear if the drug is legalized and taxed. RAND also noted that "there is a tremendous profit motive for the existing black market providers to stay in the market, as they can still cover their costs of production and make a nice profit." Legalizing marijuana would also place a dual burden on the government of regulating a new legal market while continuing to pay for the negative side effects associated with an underground market, whose providers have little economic incentive to disappear.

Legalization means price comes down; the number of users goes up; the underground market adapts; and the revenue gained through a regulated market most likely will not keep pace with the financial and social cost of making this drug more accessible.

Consider the economic realities of other substances. The tax revenue collected from alcohol pales in comparison to the costs associated with it. Federal excise taxes collected on alcohol in 2009 totaled around \$9.4 billion; state and local revenues from alcohol taxes totaled approximately \$5.9 billion. Taken together (\$15.3 billion), this is just over six percent of the nearly \$237.8 billion (adjusted for 2009 inflation) in alcohol-related costs from health care, treatment services, lost productivity, and criminal justice.

While many levels of government and communities across the country are facing serious budget challenges, we must find innovative solutions to get us on a path to financial stability—it is clear that the social costs of legalizing marijuana would outweigh any possible tax that could be levied.

Marijuana Cultivation and the Environment

Outdoor marijuana cultivation creates a host of negative environmental effects. These grow sites affect wildlife, vegetation, water, soil, and other natural resources through the use of chemicals, fertilizers, terracing, and poaching. Marijuana cultivation results in the chemical contamination and alteration of watersheds; diversion of natural water courses; elimination of native vegetation; wildfire hazards; poaching of wildlife; and disposal of garbage, non-biodegradable materials, and human waste.

Marijuana growers apply insecticides directly to plants to protect them from insect damage. Chemical repellants and poisons are applied at the base of the marijuana plants and around the perimeter of the grow site to ward off or kill rats, deer, and other animals that could cause crop damage. Toxic chemicals are applied to irrigation hoses to prevent damage by rodents. According to the National Park Service, "degradation to the landscape includes tree and vegetation clearing, use of various chemicals and fertilizers that pollute the land and contribute to food chain contamination, and construction of ditches and crude dams to divert streams and other water sources with irrigation equipment."

Outdoor marijuana grow site workers can also create serious wildfire hazards by clearing land for planting (which results in piles of dried vegetation) and by using campfires for cooking, heat, and sterilizing water. In August 2009, growers destroyed more than 89,000 acres in the Los Padres National Forest in Southern California. The massive La Brea wildfire began in the Los Padres National Forest within the San Rafael Wilderness area in Santa Barbara County, California, and subsequently spread to surrounding county and private lands. According to United States Forest Service (USFS) reporting, the source of the fire was an illegal cooking fire at an extensive, recurring drug trafficking organization-operated outdoor grow site where more than 20,000 marijuana plants were under cultivation. According to the USFS, suppression and resource damage costs of the La Brea wildfire totaled nearly \$35 million.

In addition to the environmental damage, the cost to rehabilitate the land damaged by illicit marijuana grows is prohibitive, creating an additional burden to public and tribal land agency budgets. According to internal Park Service estimates, full cleanup and restoration costs range from \$14,900 to \$17,700 per acre. Total costs include removal and disposal of hazardous waste (pesticides, fuels, fertilizers, batteries) and removal of camp facilities, irrigation hoses, and garbage. Full restoration includes re-contouring plant

terraces, large tent pads, and cisterns/wells and revegetating clear-cut landscapes.

The United States has an abundance of public lands set aside by Congress for conservation, recreational use, and enjoyment of the citizens of this country and visitors from around the globe. Unfortunately, criminal organizations are exploiting some of these public and tribal lands as grow sites for marijuana.

During calendar year 2010, nearly 10 million plants were removed from nearly 24,000 illegal outdoor grow sites nationwide. These numbers provide insight into the size and scale of the negative environmental impact that marijuana cultivation can have on our nation's public lands.

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