

Analysis on Decriminalization of Recreational Marijuana in Florida

Benefit Cost Analysis Project Report

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Abstract

This report outlines the costs and benefits of legalizing marijuana in the state of Florida. One of the biggest benefits of the decriminalization we are proposing, is the savings to taxpayers. We will focus this analysis on revising the Controlled Substance Act and Retroactive Ameliorative Relief as it pertains to Florida. The groups that will have a standing include; the users of marijuana, the state prison system, the Florida government, taxpayers, and people who distribute the substance.¹ We found that with legalization of marijuana, there is higher net benefits at approximately six billion dollars of tax revenue for 2017.

Executive Summary

¹ <http://www.drugpolicy.org/legalization-status-report>

Diving into our analysis, we took into consideration the total cost of incarcerating people in Florida due possession of marijuana arrests, the society's cost of marijuana potential becoming a gateway drug, the total loss of alcohol tax, total gain in tax revenue from recreational marijuana, and the cost of loss of productivity to society. Our analysis was predicated off of data obtained from Colorado with the associated tax revenues and costs to society due to the legalization of recreational marijuana. We scaled the data on tax revenues collected from the state of Colorado to fit Florida's population and legislation. The analysis begins with the number of people who are incarcerated in 2016, then scales that to the average cost of jurisdiction in the US. Afterwards the analysis identified how many people use marijuana after legalization and how many more illegal drug users that would create. People who are incarcerated typically lose their productivity to society by 15% due to their incarceration, the inability to improve their skills set in prison, and the lack of a contribution to society. Finally, we compared the loss of tax revenue from alcohol to the overall gain in the tax revenue from taxing recreational marijuana.

After we conducted crunching the numbers we came to the conclusion of the total eliminated costs of jurisdiction at \$2,498,317,917.39, the total eliminated loss of productivity of \$2,938,530,071.39, and the gain in marijuana tax revenue at \$925,591,325.76 as benefits, while a total cost of addiction of \$356,508,371.82 and loss of alcohol tax revenue at \$56,918,356 as a cost. With all these benefits and costs considered, we discovered that the Net Benefits equal to \$5,949,012,586.72 if Florida legalized recreational marijuana.

Introduction

With marijuana becoming legal in states across the United States of America, we believe conducting a benefit cost analysis on all the major impacts from legalizing marijuana on the state of Florida would be beneficial. Legalizing marijuana has many effects throughout the state that need to be considered when conducting such an analysis. ¹The few states that have legalized marijuana for recreational use have seen a very large boost in tax revenue. Colorado alone is seeing upwards of \$25 million in tax revenue just off of taxes, license and fees associated with marijuana. There are also social benefits that come from legalization. Last year, roughly 12,667 people were arrested for possession of marijuana in Florida. The state of Florida also has a minimum sentence of 5 years of time for a possession charge for over 20 grams. This leads to costly expenses of holding each inmate in the Florida Department of Corrections system which we estimate to be around \$160,000 for the typical 5 year term, which leads to an expense of a little over \$405 million per year.

With the possibility of keeping people charged with marijuana possession out of prison we can look at the potential benefits or costs this will add as well. In 2017, it was estimated that 12,667 people were arrested for possession of marijuana in the state of Florida. With an average cost of \$31,977.65 per inmate annually, the cost to taxpayers becomes an astronomical \$1,423,660,652.17 in 2017 alone. This cost transcends into other sectors in the judiciary branch. In this area, we will not only evaluate the cost savings due to the reduction of inmates having to follow the judicial process, but those who work in the judicial system that will now be at risk for unemployment. We can expect less crowded prisons and jails, which translates to fewer correctional officers needed.

According to the National Organization for the Reform of Marijuana Law and CEDRO.org, the average sentencing for a person carrying under 20 grams is a year while having

more than 20 grams constitutes anywhere up to 5 years. While the laws have been lax in the state of Florida, these sentencing laws still feed this continuous incarceration pattern.

Recidivism rates, according to civil citation network, were 13% from 2013 - 2015. Arrest also plays a part in how an individual contributes to the economy. While in prison, inmates are contribute near to 0 productivity and over time they are expected to have lost 15% of their expected earnings prior to conviction because of the degradation of skills.

Our reasoning to complete this cost-benefit analysis is our concern over how our tax dollars are being utilized in relation to state imprisonment costs associated with drug charges. This coupled with other states progressing with decriminalization, inspired us to see the effects it would have on our state. To add, we seek to gain more knowledge and see if our state would benefit from legislative changes or the opposite would arise.

The specific options and decisions we will analyze is the decriminalization of marijuana paired with the reform of retroactive ameliorative relief which is the principle that when a law is changed and benefits the offender, the law applies retroactively which keeps these offenders in prison. An alternative to these options would be to do nothing at all which will keep the current costs the same and multiplied over the years.

Literature Review

Prior studies have provided significant data on the costs of prisoner incarceration whether or not they are kept in prison or released. The article, "Following the Money of Mass Incarceration", brings up a great analysis on the extensive network that is the justice system and the costs associated with it. It brings to life far more areas of the justice system that are typically overlooked when analyzing the costs of prisoner incarceration. For instance, the article estimates

the costs of phone calls to be \$1.3 billion annually and the cost of food for prisoners is \$2.1 billion. These are just two examples of sunken costs that are usually overlooked or unaccounted for when estimating the cost of incarceration. This article provided the information we needed to calculate some of the costs associated with putting people who are arrested for marijuana in prison.

According to the Bureau of Justice, only 12.5% of employers said they would accept an application from an ex-convict. This brings up a single effect of incarceration and the difficulties associated with finding employment and reintegration into society after being incarcerated. There are hidden costs to employers due to lawsuits on discrimination of an ex-convict due to rejection of their application. The average costs associated with a settlement of this caliber is estimated at \$1.6 million which creates a powerful disincentive to hire ex-convicts. About 70 percent of offenders and ex-offenders are high school dropouts and as result of being placed in the prison system, these individuals are viewed negatively by potential employers due to the risk associated with hiring them. This information furthered our need to include the loss of productivity, or loss of wages due to putting marijuana users in prison.

There is currently more public support for marijuana law reform than ever before based on polls showing more than half of the country is in favor of legalizing marijuana, according to drugpolicy.org which gives our analysis backing on the benefits we find towards society. In the US, marijuana is legal in ten states in which all have reported state savings and there is now more protection to the public by comprehensive marijuana regulation for adult use. Oregon has allocated approximately 40 percent of its' marijuana tax revenue to its state school fund and has deposited over \$34 million into the fund so far. The state has also reported allocating about 20 percent of its' marijuana tax revenue to alcohol and drug treatment. Washington state allocates

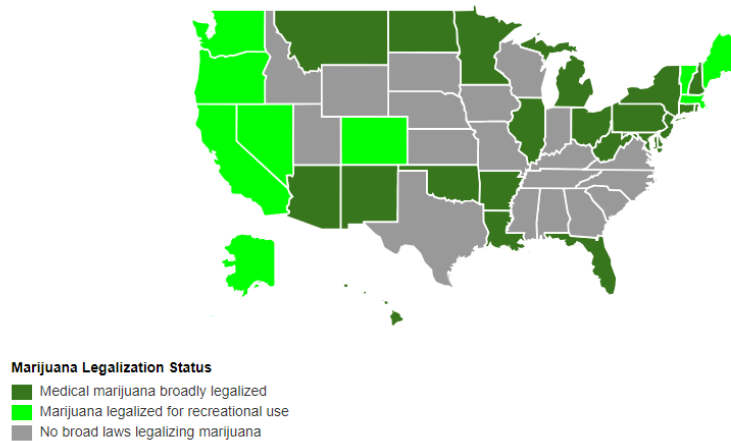
approximately 55 percent of its' marijuana tax revenue to fund basic health plans and 25 percent to substance use disorder treatment, education and prevention. These are just a few examples of how states are now able to fund programs and allocate resources to benefit society. According to this report, marijuana legalization has been linked to smaller rates of opioid related harm which also a huge benefit to society.

Due to conflicting sources of information, we decided to omit the cost of traffic accidents. One source stated that DUI arrests are down in states such as Colorado and Washington and that there is no correlation between marijuana legalization and crash rates. While the other source stated that there is an overall 9% decrease in traffic fatalities.

Marijuana revenues have gradually increased in states that have legalized marijuana for adults, for example, Colorado projected revenue of \$70 million per year and in the first year, they collected \$67.6 million and over \$130.4 million in the following year. So far, all states that have legalized marijuana have recorded an increase in marijuana tax revenue every year since 2014. In most of the ten states that have legalized marijuana, marijuana tax revenues have exceeded initial estimates. This report provides extensive evidence on the benefits of legalizing marijuana and the effects it would have on society which we use when analyzing the benefits found from legalizing marijuana.

In the figure depicted below, states that have marijuana legalized for recreational use is highlighted in a light green and states that have medical marijuana broadly legalized are highlighted in a darker green. From the report on drugpolicy.org that showed the recordings of tax revenue of legalized marijuana, states that have marijuana legalized for recreational use proved to have higher tax revenues. These states are able to relocate those tax revenues to

programs and projects that benefit society, a prime example being the state of Washington allocating 25 percent of its' tax revenue to substance use disorder treatment, education and prevention. The information from this article is up to date from November 2018.



Excessive marijuana use can lead to marijuana use disorder which takes the form of addiction in severe cases, based on an article on drugabuse.gov. Recent data suggests that approximately 30 percent of those who smoke marijuana regularly have some form of marijuana use disorder. People are four to seven times more likely to develop marijuana use disorder when marijuana use begins at the age of 18 and below. It is known that marijuana use disorders can be associated with dependency which will lead to the user spending more money on purchasing excessive amounts of marijuana. Typically, when these types of users have limited access to marijuana or get arrested, they will go through a period of withdrawal which carries into the cost of rehabilitation for those who are addicted to marijuana. From this, we decided to include the cost associated with those who have to go through rehabilitation programs, which in most cases is a cost to society unless the rehabilitation center is private.

Analysis

After incorporating all benefits and costs associated with legalization, we found overall that the Net Benefits equated to \$5,949,012,586.72. Below will be the step by step process we took to get to that value and a sensitivity analysis that highlights any variable benefits / costs.

The first step in conducting the benefit cost analysis, was to identify how many people were imprisoned for marijuana in Florida. Using this statistics, we were able to scale the United

Area of jurisdiction	Cost in US	Per Inmate	Cost in Florida	Reoccurring Cos
Number of Inmates			12,667.00	
Public corrections agencies	80,700,000,000.00	35,086.96	444,446,478.26	Yes
Public employees	38,400,000,000.00	16,695.65	211,483,826.09	Yes
Health Care	12,300,000,000.00	5,347.83	67,740,913.04	Yes
Construction	3,300,000,000.00	1,434.78	18,174,391.30	Yes
Interest Payments	1,900,000,000.00	826.09	10,464,043.48	Yes
Food	2,100,000,000.00	913.04	11,565,521.74	Yes
Utilities	1,700,000,000.00	739.13	9,362,565.22	Yes
Private Corrections	3,900,000,000.00	1,695.65	21,478,826.09	Yes
Judicial and Legal	29,000,000,000.00	12,608.70	159,714,347.83	No
Prosecution	5,800,000,000.00	2,521.74	31,942,869.57	No
Indigent Defense	4,500,000,000.00	1,956.52	24,783,260.87	No
Policing	63,200,000,000.00	27,478.26	348,067,130.43	No
Civil asset forfeiture	4,500,000,000.00	1,956.52	24,783,260.87	No
Bail Fees	1,400,000,000.00	608.70	7,710,347.83	No
Cost to families	2,900,000,000.00	1,260.87	15,971,434.78	Yes
Commissary	1,600,000,000.00	695.65	8,811,826.09	Yes
Telephone Calls	1,300,000,000.00	565.22	7,159,608.70	Yes
Average prison sentence in years			2.30	
Cost for 2.3 year sentence			2,498,317,917.39	
Average cost per prisoner			197,230.43	

States Incarceration Cost to encompass people arrested this year for marijuana in Florida.

Next we looked the cost to society if a new part of the population smokes marijuana at probability that marijuana is a gateway drug. We found that 24.3 uses marijuana before legalization and increases to 1.3% after it is legalized. Using the population of Florida and multiplying that by the 1.3% change in user after legalization we arrive at the number of new users user after legalization. We can then apply our probability that a user of marijuana will now become a user of a harder substance which is estimated to be 44.7%. Taking the new population

using marijuana after legalization we derived a population of speculated harder drug users caused by legalization of marijuana and factored the general medical costs per capita. This gives us an estimated \$356,508,371.82 in which we categorized this as the cost of new addiction caused by legalization.

	Illegal	Legal
Use Marijuana	24.30%	25.60%
Don't Use Mairjuana	75.70%	74.40%
Percent Change when legal	1.30%	1.30%
Population of Florida		20,980,000
More people using marijuana after legalization		272,740.00
Probability Marijuana smokers will use harder drugs		44.70%
People using harder drugs because of Marijuana		121,914.78
Cost per user for illicit drug use		2,924.24
Cost of new users of illicit drugs due to Leg change		356,508,371.82

Another aspect of our analysis is the loss of productivity individuals have when they are incarcerated. The consensus of the loss of productivity is generally 15% of a person life due a reduction in value when applying for jobs, degradation of skills while in prison, and the person's contribution to society while in prison. Using the average wage in Florida we are able to calculate the loss to society due to incarceration. By using the Annuity Factor we were bale to calculate their loss of income and skill in prison and when they got out until they retired.

Avg Wages in FL	\$44,790
Percent of productivity loss	15.00%
Population that is incarcerated in 2016	12667
Average prison sentence	2.30
Average age of prison arrested	36.7
Age of retirement	66
Our Delta (1.015/1.035)	0.98
Annuity Factor	23.36
A single prisoner loses over their lifetime	\$231,983
Loss over 2.3 years in prison	\$87,000
Loss after prison	\$144,983
All prisoners losses	2,938,530,071.39
All loss over 2.3 years in prison	1,102,031,571.89
All loss thereafter	1,836,498,499.50

Lastly, another key part of the analysis is the tax revenue generated by legalized marijuana versus the loss of tax revenues of alcohol. The reason these numbers are pitted against each other is because both substances are considered substitutes of one another.

247,368,473	Tax Revenue from Marijuana in Colorado 2017
5,607,000	Population of colorado
20,980,000	Population of Florida
44.12	Tax revenue per capita in Colorado
925,591,325.76	Expect Tax Revenue in Florida

459,019,000	Tax Revenue from Alcohol in Florida
12.40%	Decrease in consumption when marijuana is legalized
56,918,356	Loss of tax revenue of alcohol

Some of the values we have proved to be flexible and we looked into whether those values, if changed slightly, would affect our benefit cost. Below are our 5 variable values we choose to use and see how the effects would impact our study; Additional Marijuana smokers

after legalization, Average wage for those arrested, Loss of productivity relative to wages, Probability marijuana smokers become addicted to harder drugs, and Additional marijuana smokers after legalization.

Consumption of alcohol	Value	NB after change
Researched Value: 0.124	\$ 56,918,356.00	
0.075	\$ 34,426,425.00	\$ (22,491,931.00)
0.1	\$ 45,901,900.00	\$ (11,016,456.00)
0.15	\$ 68,852,850.00	\$ 11,934,494.00
0.2	\$ 91,803,800.00	\$ 34,885,444.00

Average wage for those arrested	Value	NB after change
Reseached Value : \$44,790	\$ 3,101,266,649.72	\$ -
20000.00	\$ 1,384,803,147.90	\$ (1,716,463,501.82)
25000.00	\$ 1,731,003,934.87	\$ (1,370,262,714.85)
30000.00	\$ 2,077,204,721.85	\$ (1,024,061,927.87)
40000.00	\$ 2,769,606,295.80	\$ (331,660,353.92)

Loss of productivity relative to wages	Value	NB after change
Reseached Value : 0.15	\$ 2,938,530,071.39	\$ -
0.1	\$ 2,489,100,483.22	\$ (449,429,588.17)
0.125	\$ 2,795,183,566.47	\$ (143,346,504.92)
0.175	\$ 3,407,349,732.97	\$ 468,819,661.58
2	\$ 3,713,432,816.22	\$ 774,902,744.83

Probability Marijuana smokers use harder drugs	Value	NB after change
Reseached Value : 0.447	\$ 356,508,076.27	\$ -
0.3	\$ 239,267,363.64	\$ (117,240,712.63)
0.35	\$ 279,145,257.58	\$ (77,362,818.69)
0.4	\$ 319,023,151.52	\$ (37,484,924.75)
0.5	\$ 398,778,939.39	\$ 42,270,863.13

Additional Marijuana smokers after legalization	Value	NB after change
Reseached Value : 0.013	\$ 356,508,076.27	\$ -
0.075	\$ 205,677,906.82	\$ (150,830,169.45)
0.01	\$ 274,237,209.09	\$ (82,270,867.18)
0.015	\$ 411,355,813.64	\$ 54,847,737.37
0.02	\$ 548,474,418.18	\$ 191,966,341.91

Discussion & Conclusion

As of 2017 medical marijuana is legal in thirty out of the fifty United States and recreational marijuana is legal in 8 states. Our analysis focused on the benefits and costs of legalizing recreational marijuana in the state of Florida. For our analysis, the following groups had a standing based off of our research; the users of the controversial substance, Florida state prison system, Florida government, the people who distribute the band substance, and Floridian taxpayers.

The major costs that we identified for the project were the cost of addiction and the loss of alcohol tax revenue. We identified the cost to society if a new part of the population smokes marijuana and compared it with the the probability that a user of marijuana will now become a user of a harder substance which is estimated to be 44.7%. Our total cost of addiction was

calculated at \$356,508,371.82. While we initially considered lost alcohol tax revenue as a cost, it was transformed into a benefit due to comparing the overall additional tax revenue that would be gathered from taxing recreational marijuana. The loss of alcohol tax revenue was calculated at decrease of \$56,918,356 due to about 13% less people drinking alcohol on average because of legalization. However, the benefits that arise from legalization and the revenue increase of about \$925,591,325.76.

The subsequent benefits that will come from legalization of recreational marijuana is tax revenue increase for the Florida government, incarcerated citizens will be released and people using marijuana will no longer be persecuted. With an average cost of \$31,977.65 per inmate annually, the cost to taxpayers becomes an astronomical \$1,423,660,652.17 in 2017 alone. Also taking people that are incarcerated for marijuana possession will help law enforcement and the judicial employees focus on other crimes. The analysis showed the total eliminated costs of jurisdiction at \$2,498,317,917.39 from removing the cost associated with prosecution and incarceration. We evaluated the cost savings due to the reduction of inmates having to follow the judicial process, and the cost of those who work in the judicial system that will now be at risk for unemployment. Overall we can expect less crowded prisons and jails, which translates to fewer correctional officers needed. Finally, our last calculation focus on the loss of productivity if a person is incarcerated due to marijuana possession. In jail, a person does not accomplish anything or add to his skill, likewise, once they are released they have difficulty obtaining a job and if successful make considerable less than when compared to people that never were incarcerated. This loss of productivity came to be a total of \$5,949,012,586.72 from people not being incarcerated as an overall benefit to society. Legalization will also bring an economic stimulation that will include the growth of new businesses, utilization of stores, and hiring of

employees to help with business, of course, this is opposed by the cost of marijuana becoming a gateway drug.

The main strengths of the benefit costs analysis were the cost of jurisdiction and the benefit of increased marijuana tax revenue. For the total cost of incarceration in our analysis we found an outline of the cost of incarceration in the United States based on the total number of people that are currently in prison. We then proceed to find the cost for Florida by finding the cost per inmate and multiplying it by the total number of people arrested in Florida in the past year due to possession of marijuana at 12,667. The total cost of marijuana tax revenue that would be obtained due to legalization of recreational use was found by finding the total tax revenue that the state of Colorado made the previous year. This number was divided by the population of Colorado to find the total tax revenue per person, which is roughly \$44.12 per person. The total revenue per person was then multiplied by the total population in Florida to get the expected tax revenue in Florida from decriminalization of marijuana.

The weaker parts of the analysis were the loss of alcohol tax revenue due to decriminalization, the loss of productivity of people that are incarcerated, and the cost of addiction. For the loss of alcohol tax revenue in Florida it was difficult to find a correct percentage of the decrease in alcohol consumption specifically for decriminalization of marijuana. Many papers focused on the decrease of alcohol sales by roughly 12% and 15%, however, this only took into consideration states where medical marijuana was legalized. It would be a fair statement to make that the further legalization of marijuana would decrease the sales of marijuana even more. There is no accurate number out there that predicts this. The loss of productivity that an incarcerated person faces due to incarceration is difficult to measure. Our formula was not the most accurate leading to issues. The issue with the cost of addiction is that

the analysis needs to be completely unbiased, but there are just too many variables to consider. used the facts that a percentage of marijuana users become users of hard drugs, wanted to make it completely unbiased.

Items worth mentioning that were omitted from the analysis were the possibility of decrease of driving under the influence (DUI) crashes down by 9% due to the lower influence of marijuana compared to alcohol. There will also be an elimination of the cost recidivism because people will not be incarcerated and influenced within prison to repeat crimes or worse. There will be an increased ability for cops to utilize their time more which would be a gain in value. Another thing that we did not know how to calculate is the effect on society due to legalization of marijuana means that overall productivity may decrease due to people using marijuana more. There will be an overall decrease in the use of prisons of about 10% which means less utilization and wear on the infrastructure. Also, there will be a decrease in the use of pharmaceutical medications.

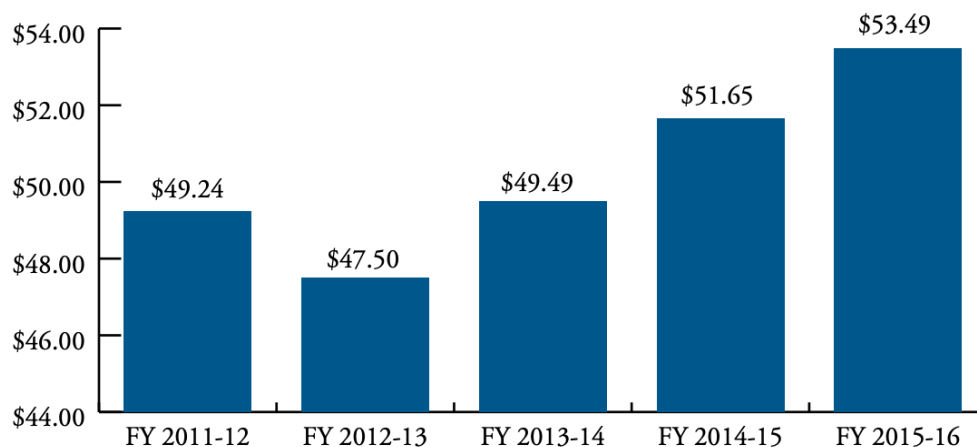
Overall, our analysis thoroughly addressed all aspects that will be affected with the legalization of marijuana. Our findings suggest that the benefits outweigh the costs considerably when it comes to changing the legislation on marijuana with benefits reaching roughly six billion. This is either in revenue or savings, which would be very helpful to the state of Florida.

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INMATE COST PER DAY OVER FIVE YEARS (FOR ALL FDC FACILITIES, EXCLUDING PRIVATE PRISONS.)



Annual cost to house an inmate in a state operated facility	
FY 2011–12	\$18,022
FY 2012–13	\$17,338
FY 2013–14	\$18,064
FY 2014–15	\$18,852
FY 2015–16	\$19,577