

Marijuana Legalization

An Alternative to Prohibition

Historical Background

- Virginia Company required by King James I to grow 100 plants per colonists for export in 1619.
- Legal hemp common in United States through the early 1900's
- Marijuana Tax Act of 1937 made marijuana illegal throughout USA.

Present State of Legality

- Discrepancy between state and federal enforcement
 1. 23 states allow medical marijuana
 2. 4 states plus DC now allow recreational use

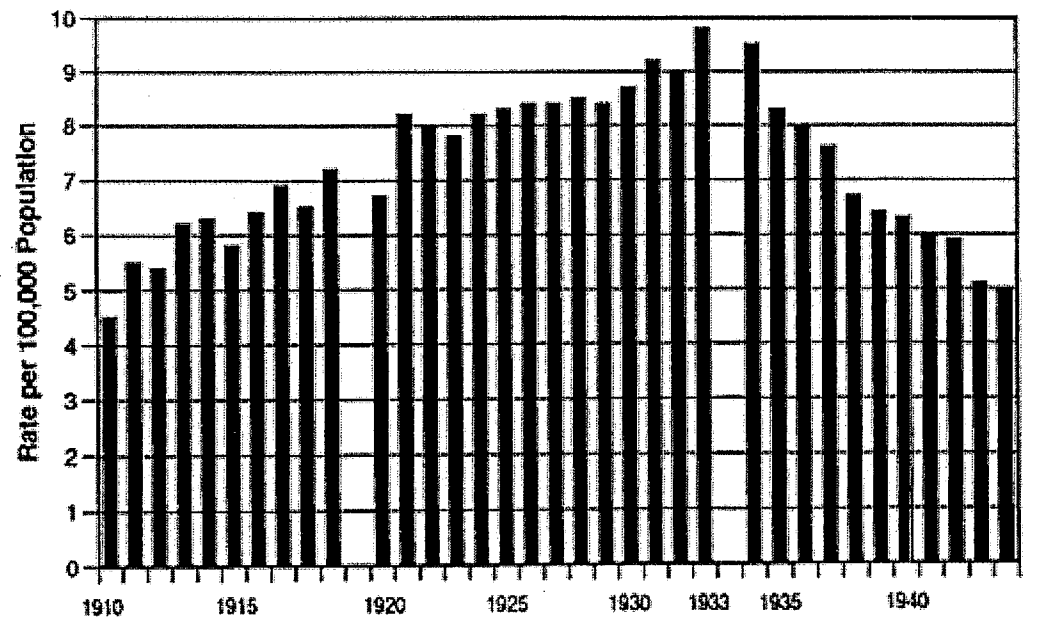
- Federal policy is inconsistent and conflicting
 1. FDIC actively encourages marijuana businesses to use banks
 2. AG will only prosecute if one of eight “Cole Memo” provisions are broken
 3. Homeland Security takes very strict approach

Alcohol Prohibition: Societal Effect

- Was in effect from 1920-1933
- Consumption nationally went down by 30% following the 18th amendment.
- Consumption then rises 60-70%. Result is a net increase of 30-40%. [1]
- Result: More people drank after prohibition than before.

Alcohol Prohibition: Crime

- Homicide rates rise during the years of Prohibition
- Rates proceed to fall upon repeal of Prohibition [2]



Drug Prohibition: Crime

- Homicides increased following Mexican government's crack down on the cartels
- Arizona marijuana seizures increased along with the homicide rates

U.S. and Mexico drug homicides				
Year	Mexico		U.S.A.	
	Drug homicides	% of total homicides	Drug homicides	% of total homicides
2007	2,595	29.3%	590	3.9%
2008	6,183	44.1%	500	3.5%
2009	8,906	45%	496	3.6%
2010	13,174	54%	463	3.5%
Total	30,858	(Rate 27.4)	2,049	(Rate 0.663)

Source: El Paso Times analysis; rates are per 100,000 population.

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Table 1. Drugs Seized in Arizona HIDTA Counties, in Kilograms, 2005-2009

Year	Marijuana
2005	309,234
2006	411,454
2007	616,976
2008	474,286
2009	722,601
Change from 2008 through 2009	52%

Source: National Seizure System data as of April 1, 2010.

Health: Marijuana vs. Alcohol

- People die from alcohol overdose. No one dies from overdosing on marijuana. CDC reports 88,000 deaths per year caused by alcohol use alone from 2006-2010. No category for marijuana. [3]
- *American Scientist* reports that alcohol is one of the most toxic drugs. Takes only 10 times the amount used to create inebriation for the dose to be fatal. It would take 1000 times the dose ($\frac{1}{3}$ of one's body weight in marijuana) to create a fatal overdose. [4]
- Repeated studies have shown that alcohol contributes to aggressive and violent behavior, violent crimes, and domestic abuse. Marijuana either is shown to reduce likelihood of violence, or is not even reported.

Agriculture: Industrial Hemp

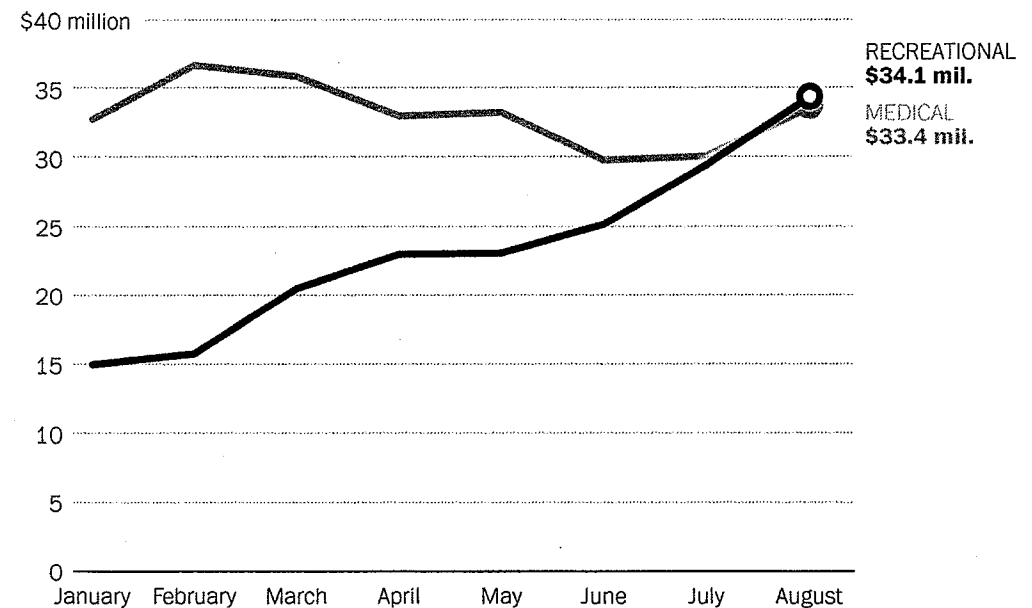
- Under .3% THC content, Cannabis is classified as industrial hemp
- Industrial hemp has viability as NM crop
- National demand for industrial hemp exceeds \$400 million
- The U.S. is the only industrialized country not to allow cultivation of industrial hemp [5]

Agriculture: Marijuana

- In NM, greenhouses would maximize production while minimizing land and water usage
- Currently sells between \$2,000-\$3,500 per pound in Colorado for a regulated product [6]

Marijuana sales continue to climb

Total sales of recreational and medical marijuana in Colorado, in millions of dollars, Jan. - August 2014



Law Enforcement Resources

New Mexico could save over \$33 Million in costs associated with police, courts, and corrections if marijuana is legalized, taxed, and regulated.

This funding could then be used for other purposes. [7]

Marijuana Popularity

Recreational Marijuana Vote Results

- Colorado Election. 2012. Passed 55% to 45%
- Washington Election. 2012. Passed 56% to 44%.
- Oregon Election. 2014. Passed 56% to 44%.
- Alaska Election. 2014. Passed 52% to 48%.
- Washington DC. 2014. Passed 70% to 30%. [\[8\]](#) [\[9\]](#)

New Mexico Resolution Results

- Bernalillo. Passed 59% to 40%.
- Santa Fe. Passed 73% to 26%.

Marijuana Popularity (cont.)

- CNN Nationwide Exit polling showed support among 2014 electorate 49% to 47%.
- Gallup poll from 2013 showed 58% of Americans in support. In 1969 that number was 12%.
- Albuquerque Journal poll in 2014 showed mixed results. Likely voters in 2014 oppose 50% to 44%. Registered voters (higher number of younger citizens) support 49% to 45%.

Gateway Drug?

Currently, when people purchase marijuana they generally do so from drug dealers who have harder drugs for sale. If marijuana is available in regulated stores, no other drugs will be available for purchase.

About 50% of all Americans have tried Marijuana, yet only 3.6% have ever tried crack, only 1.6% have ever tried heroin, and fewer than 15% of Americans have ever tried cocaine, the second most popular illegal drug after marijuana. [10]

Gateway Drug? Part 2

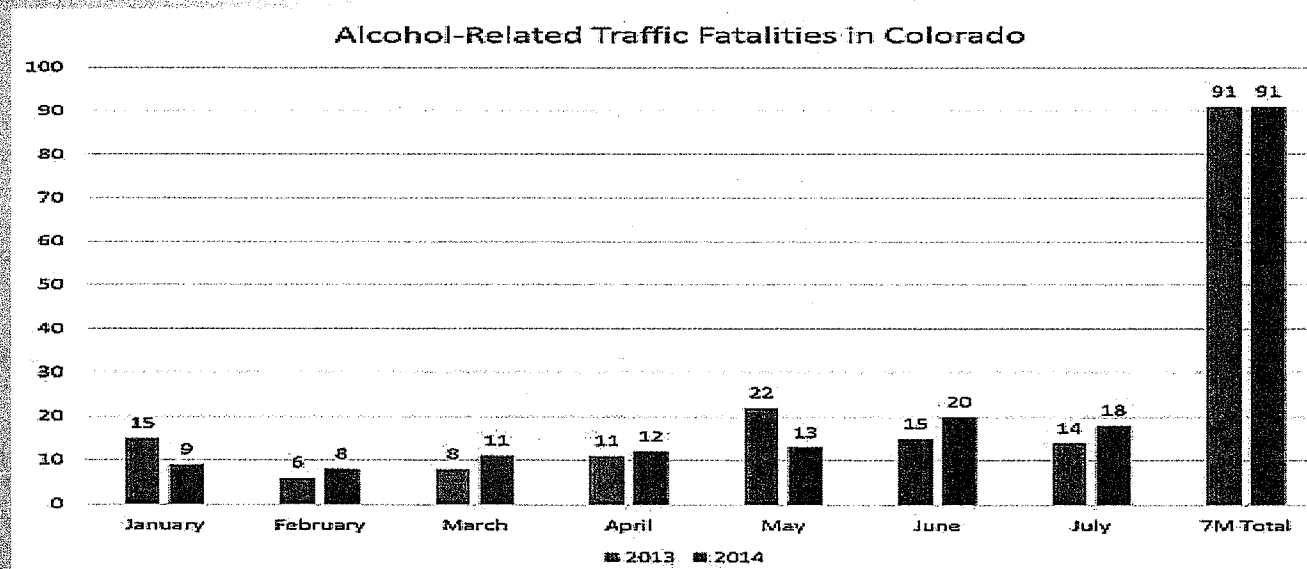
Institute of Medicine, National Academy of Sciences report to Congress.

“Patterns in progression of drug use from adolescence to adulthood are strikingly regular. Because it is the most widely used illicit drug, marijuana is predictably the first illicit drug most people encounter. Not surprisingly, most users of other illicit drugs have used marijuana first. In fact, most drug users begin with alcohol and nicotine before marijuana — usually before they are of legal age.

In the sense that marijuana use typically precedes rather than follows initiation of other illicit drug use, it is indeed a “gateway” drug. But because underage smoking and alcohol use typically precede marijuana use, marijuana is not the most common, and is rarely the first, “gateway” to illicit drug use. There is no conclusive evidence that the drug effects of marijuana are causally linked to the subsequent abuse of other illicit drugs.”

Traffic Effects

From months of Jan through July 2013-2014, traffic fatalities in Colorado actually decreased. [11]



Impact on Medical Marijuana Program

- In Colorado, medical marijuana registration has remained fairly stable
 - Medical Marijuana (MMJ) producers were given first dibs on the business licenses.
- Washington bill prohibited businesses from advertising product as medicinal, leaving MMJ patients with little information on what to take for their condition.
- Giving licenses to MMJ producers first guarantees patients continued care and treatment.

Conflict with US Government Policy

If marijuana is legalized in New Mexico for recreational use, the main area of conflict currently will be in Hidalgo, Luna, Doña Ana, and Otero Counties as that is where the Homeland Security Departments (Customs and Border Patrol) have the greatest presence.

Discussions should be had with Washington and Alaska on how states have dealt with the situation.

Bill for New Session, part 1

Oregon Law as a template.

1. No more than 8 oz and four plants per household allowed at any time.
2. Taxes. Flowers at \$35 per ounce. Leaves \$10 per ounce. Immature plants \$5 per plant. Adjusted for inflation
3. Oversight by Alcohol and Gaming Department

Bill for New Session, part 2

4. Taxes distributed as follows:
- 40% K-12 education
 - 20% for addiction services
 - 15% to State Police
 - 20% to local law enforcement
 - 5% for abuse prevention

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