

July 10th, 2019

Written Testimony for:
The House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security

Regarding:
Marijuana Laws in America: Racial Justice and the Need for Reform,

Submitted by Justin Strekal
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Esteemed Members of the Committee and Interested Parties:

This is the first time in a generation that members of Congress have held a hearing specifically to address the failures of marijuana criminalization in the United States. Such a conversation is long overdue.

Right now, many states are light-years ahead of Congress when it comes to addressing and amending marijuana policy.

To date, 11 states and Washington, DC have legalized the use and possession of cannabis by adults. All but one of these states also regulates commercial cannabis production and retail sales. In June 2019, Illinois became the first state to pass legislation regulating adult cannabis use and retail sales via legislative action rather than by the passage of a voter initiative. In 2019 alone, an additional 18 states considered legalization and regulatory proposals in Statehouses across the country.

In addition, 33 states and Washington, DC have enacted regulatory access laws that allow qualified patients to obtain and use cannabis therapeutically, and many of these states continue to pass significant expansions to their programs. In 2019, an additional twelve states considered medical cannabis program proposals in Statehouses across the country.

Another 13 states have passed laws specific to the possession of cannabidiol (CBD) extracts for therapeutic purposes. CBD is an organic compound in the cannabis plant.

In total, 46 states have enacted statutory laws specific to the possession and use of either whole-plant cannabis or extracted cannabinoids that are in direct violation of the Schedule 1 status of marijuana.

Yet despite these changes in state-level policies, federal marijuana policy -- and the status as a Schedule I controlled substance -- remains unchanged.

This untenable contradiction in state and federal policy undermines the very premise of the uniquely American belief in the rule of law.

Modern Consequences of Federal Cannabis Prohibition

According to the FBI's Uniform Crime Report, police made 659,700 arrests for marijuana-related violations in the United States in 2017, the last year for which data is available. Over the past decades, well over 20 million Americans have been arrested for violating marijuana laws. As a result, whole communities have lost generations of citizens to cyclical poverty and incarceration due to the collateral consequences of having a cannabis-related conviction on their record. These consequences include the loss of access to higher education, the inability to qualify for government-subsidized housing, employment discrimination, the loss of child custody, homelessness, etc. In large part due to the modern War on Drugs, the United States' prison population has skyrocketed by over 500 percent over the last 40 years, with nearly 2.3 million people incarcerated in the United States at the beginning of 2019.

Additionally, cannabis possession is the second most common reason for a drug-related deportation infraction, and the US Citizen and Immigration Services recently released a policy alert, stating that immigrants seeking citizenship who use cannabis or work with a state-legal and regulated cannabis company, even in states where it is legal, may be denied citizenship due to their "lack of good moral character."

In addition to the human cost of prohibition, there continues to be a massive financial cost to the federal government as well. On average, federal prohibition enforcement costs US taxpayers nearly \$4 billion annually. This does not include the over \$6 billion spent in states that continue to criminalize cannabis. In contrast, a recent study published earlier this year concluded that legal marijuana nationwide would add over \$132 billion in federal tax revenue and add over one million jobs to the economy in the next decade.

The prohibition of marijuana has crippled the civil rights and liberties of communities across the country, leading to an exorbitant increase in incarceration rates, particularly among communities of color. Although whites and blacks have been found to consume marijuana at similar rates, a 2013 report by the ACLU found that a "black person is 3.73 times more likely to be arrested for marijuana possession than a white person", leading to disparate incarceration rates of black Americans. Additionally, a whopping 77% of all federal sentences for marijuana crimes went to Latinx people, who represent less than 20% of the country's population.

Congress must not turn its back on the millions of Americans nationwide who rely on access to marijuana for their health, wellness, or private, personal purposes. According to recently released nationwide survey data, the majority of Americans strongly support patients' access to medical cannabis and oppose federal interference in these matters.

A recent poll shows a whopping 93 percent support the medical use of marijuana, and the most recent Gallup poll on the subject found that American voters' support of legal marijuana is at an all-time high, with 66% of respondents indicating their support for legalization and regulation. **Perhaps most importantly, the poll shows a majority of voters in both major political parties and Independents now believe that marijuana should be legal, with the most dramatic jump in support observed in Republican respondents.**

Consideration for Statutory Changes

NORML opines that comprehensive legislation to end the federal policy of prohibition and criminalization of cannabis should include the following components:

Reform the Approach: The criminalization of cannabis is a disproportionate public policy response to personal behavior that is, at worst, a public health matter -- not a criminal justice concern. Cannabis should be removed completely from the Controlled Substances Act and regulations should be created regulating its use by adults, and discouraging its misuse.

Restoration of Rights: Although cannabis prohibition enforcement has negatively impacted nearly every community in the United States, the adverse effects of this policy have been especially concentrated in economically-disadvantaged communities. It is imperative that legislation addresses this disparity by providing funding for the review and automatic expungement of records of those with low-level cannabis convictions.

Restabilization of the Marketplace: Much of the cannabis market today continues to be controlled by illicit market players. While some states have successfully implemented regulated and transparent marketplaces, it has yet to completely crowd out the preexisting unregulated marketplace. Any legislation that seeks to end federal cannabis prohibition should incentivize realistic, pragmatic, and enforceable framework that is socially and economically inclusive for the safe, lawful production, manufacture, transportation, and distribution of cannabis.

Reinvestment for the Impacted: In legal cannabis states, revenues generated from licensed cannabis sales have been used for social programs ranging from new school construction to substance abuse treatment programs. Given the dramatic personal and generational implications of the criminalization of cannabis, action to direct these new revenues toward those communities most adversely affected by the failed policy of cannabis prohibition should be considered. This ensures that individuals and communities that have been most harmed by cannabis prohibition are able to benefit from its legalization.

In closing, it is time that members of Congress openly embrace the need for reform and end the senseless and cruel policy of the national criminalization of cannabis.

Thank you for your consideration,

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