

Written Testimony for Senate Bill 0708 **Opposed**

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<http://www.learnaboutsam.org>

First, I would like to say that I appreciate the opportunity to submit testimony to the committee. I represent Smart Approaches to Marijuana (SAM), the leading non-partisan national organization offering a science-based approach to marijuana policy. SAM was founded by former Congressman Patrick Kennedy, senior editor of The Atlantic David Frum, and Dr. Kevin Sabet, a former White House advisor to the Obama Administration as well as two other U.S. Administrations.

I serve as the Communications and Outreach Associate at SAM and have had the privilege to work as a community activist on issues of social justice at the local and national level. I started the campaign against marijuana legalization and commercialization in D.C. I am a proud husband, father and also serve as a DC Firefighter/EMT.

In discussions of legalization, many proponents have touted the impact of legalization on social justice reform. They cite the prevalence of minority groups jailed for minor possession charges as reason enough to legalize recreational marijuana. They charge that legalizing marijuana would, in part, reduce the number of people in color who are jailed for what the marijuana proponents assert are minor possessions. The arguments are predicated on a mythology that woefully misrepresents the reality of the impact of marijuana through the lens of social justice.

Marijuana Arrest Rates – Common Misconceptions

Many believe that marijuana legalization will reduce the number of minorities imprisoned or arrested for marijuana-related offenses. Big Marijuana has worked diligently to ensure that legalization is perceived as a social justice issue, arguing that without full legalization, minority populations will continue to be targeted inappropriately by law enforcement officials. Proponents of legalization legislature argue that the legalization of marijuana is vital to the decriminalization of the drug.

As is evidenced by New York state's recent legislation, decriminalization and legalization are not inextricably linked in the way that marijuana industry proponents have claimed they are. In June of 2019, New York passed legislation to decriminalize the drug without legalizing it for recreational use.¹ In perpetuating the false dichotomy that social justice cannot be addressed without full- scale legalization, proponents have ensured confusion around the underlying issue

¹ <https://spectrumlocalnews.com/nys/central-ny/news/2019/06/20/marijuana-decriminalization-bill-passes-state-senate->

of social justice, seeking to legitimize legalization and commercialization by tacking it on to an entirely separate issue.

We have worked diligently to encourage and aid other states in creating decriminalization legislature to begin to address the socio-economic disparities in marijuana-related arrests. Yet Big Marijuana is not interested in social justice. In New Jersey, decriminalization legislation that did not include the commercialization of marijuana failed to pass despite widespread outcry among state legislators regarding the impact of marijuana-related offenses on minority communities.²

Even still, in states that have legalized recreational marijuana under the premise of reducing social injustice, arrest rates for marijuana-related offenses have increased, particularly for minority groups.

In Washington D.C. for example, between 2015 and 2017 (the years immediately following legalization), although total marijuana-related arrests have gone down, distribution and public consumption arrests more than tripled. Among adults, 89% of marijuana distribution or public consumption arrestees were African Americans.³

Additionally, the 2017 marijuana-related African American arrest rate in Colorado is nearly twice that of Caucasians (233 in 100,000 versus 118 in 100,000).³ In Colorado, 39% of African American marijuana-related arrests in 2017 were made without a warrant, while only 18% of Caucasians were arrested without one.⁴ In Denver, the average number of annual Hispanic arrests for marijuana increased by 98% since legalization (107 average annual arrests prelegalization vs 212.25 post-legalization); the average number of arrests for African Americans increased 100.3% from 82.5 per year to 165.25 per year.⁵ As pro-marijuana lobbyists argue that

legalization will improve social justice in legalized states, disparities among use and criminal offense rates persist across race, ethnicity, and income levels.

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<https://www.app.com/story/news/local/new-jersey/marijuana/2019/05/22/nj-weed-sweeney-marijuana-decriminalization/3747328002/> ³ DC Metropolitan Police Department. (2018). Marijuana Arrest Data. Washington, District of Columbia. Retrieved February 2019, from <https://mpdc.dc.gov/node/1347766>

³ Colorado Department of Public Safety. (2018). Impacts of Marijuana Legalization in Colorado: A Report Pursuant to Senate Bill 13-283. Division of Criminal Justice.

⁴ Colorado Department of Public Safety. (2018). Impacts of Marijuana Legalization in Colorado: A Report Pursuant to Senate Bill 13-283. Division of Criminal Justice.

⁵ Colorado Department of Public Safety. (2018). Impacts of Marijuana Legalization in Colorado: A Report Pursuant to Senate Bill 13-283. Division of Criminal Justice.

Arrests of people of color have risen, contrary to what legalization proponents suggest. The evidence only bolsters the reality that the system itself is what warrants further investigation, not the legality of the drug. The charge that marijuana legalization will eliminate racial bias in the justice system is unfounded. The opposite has been proven.

The effect on young people of color in states that have legalized marijuana further exemplifies the alarming misconception that legalization reduces the number of minorities being charged with violations of marijuana laws. Across Colorado, minority juveniles suffered. The average number of marijuana-related arrests among Hispanic juveniles increased 7.3% (770/year to 825/year), and the average number of marijuana-related arrests among African-American juveniles increased 5.9% (230/year to 243.5/year).⁶ Additionally, drug suspension rates in Colorado schools with 76% or more students of color are over two times higher compared to Colorado schools with fewer than 25% students of color.⁷ Colorado schools that had 25% or fewer youth of color had 313 marijuana-related suspensions per 100,000 students compared to 658 marijuana-related suspensions per 100,000 students for schools comprised of populations with 76% or more youth of color.⁸ Between 2012 and 2014, the percentage of Hispanic and African American arrests for teens under 18 years old increased 29% and 58%, respectively.⁹ In Washington D.C. juvenile marijuana-related arrests increased 114% between the three years before and after marijuana legalization.¹⁰¹¹ The legalization of marijuana has served to further incriminate minority youth.

Big Marijuana – Economic Impact on Communities of Color

Big Marijuana has increasingly exploited minority communities to disastrous effects. Several consequences are borne of this.

First, higher crime rates follow areas in which dispensaries set up shop. In 2017, the number of court filings charged with the Colorado Organized Crime Control Act that were linked to a marijuana charges increased 284% since 2012.¹² A study funded by the National Institutes of Health (NIH) showed that the density of marijuana dispensaries was linked to increased property crimes in nearby areas. Researchers found that in Denver, Colorado, neighborhoods adjacent to

⁶ Colorado Department of Public Safety. (2018). Impacts of Marijuana Legalization in Colorado: A Report Pursuant to Senate Bill 13-283. Division of Criminal Justice.

⁷ Colorado Department of Public Safety. (2016). Marijuana Legalization in Colorado: Early Findings - A Report Pursuant to Senate Bill 13-283.

⁸ Colorado Department of Public Safety. (2016). Marijuana Legalization in Colorado: Early Findings - A Report Pursuant to Senate Bill 13-283.

⁹ Colorado Department of Public Safety. (2016). Marijuana Legalization in Colorado: Early Findings - A Report Pursuant to Senate Bill 13-283.

¹⁰ Marijuana legalization impact report SAM <https://learnaboutsam.org/wp-content/uploads/2019/06/Lessons-Learned-2019-Final1->

¹¹ .pdf

¹² Colorado Department of Public Safety. (2018). Impacts of Marijuana Legalization in Colorado: A Report Pursuant to Senate Bill 13-283. Division of Criminal Justice

marijuana businesses saw 84.8 more property crimes each year than neighborhoods without a marijuana shop nearby.¹³

Second, the dispensaries seek out lower income and minority communities as prime locations for their shops. Just as Big Tobacco has targeted lower income communities as an important consumer-base,¹⁴ Big Marijuana seeks a similar base to establish addiction-for-profit businesses. As reported by the Truth Initiative, an organization committed to exposing the truth about Big Tobacco, tobacco companies historically have targeted and advertised to lower-income communities and communities of color.¹⁵ Big Marijuana has done the same. In Los Angeles, the majority of dispensaries have opened in predominately African-American communities.¹⁶ Additionally, an overlay of socioeconomic data with the geographic location of pot shops in Denver shows marijuana stores are located disproportionately in disadvantaged neighborhoods.¹⁷ In Oregon, the state conducted an analysis on the distribution of statesanctioned dispensaries and found that sites were disproportionately concentrated among lowincome and historically disenfranchised communities.¹⁸¹⁹

Yet these stores do not employ the members of community nor do they establish economic opportunities for the communities they target. In fact, nationally, less than 20% of all pot shops are owned by minorities of any community.²⁰²¹ In Massachusetts, the phenomenon is further

¹³ Freisthler, B., Gaidus, A., Tam, C., Ponicki, W. R., & Gruenewald, P. J. (2017). From Medical to Recreational Marijuana Sales: Marijuana Outlets and Crime in an Era of Changing Marijuana Legislation. *The Journal of Primary Prevention*, 38(3), 249-263.

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http://archive.boston.com/news/health/articles/2010/08/30/tobacco_signs_still_target_citys_poorer_areas/?page=2

¹⁵ <https://truthinitiative.org/research-resources/targeted-communities/tobacco-social-justice-issue-low-income-communities>

¹⁶ Thomas, C., & Feisthler, B. (2017). Evaluating the Change in Medical Marijuana Dispensary Locations in Los Angeles Following the Passage of Local Legislation. *The Journal of Primary Prevention*, 38(3), 265-277.

¹⁷ Hamm, K. (2016, January 2). Marijuana in Denver: Map of pot-related businesses by neighborhood with income data, school locations. Retrieved from The Daily Post: <https://www.denverpost.com/2016/01/02/marijuana-indenver-map-of-pot-related-businesses-by-neighborhood-with-incomedataschool-locations/>

¹⁸ McVey, E. (2017, July 31). Chart: Recreational marijuana stores are clustered in low-income areas of Denver, Seattle. *Marijuana Business Daily*. Retrieved February 2019, from <https://mjbizdaily.com/chart-recreationalmarijuana-stores-clustered-low-income-areas-denver-seattle/>

¹⁹ Smith, P. (2017, August 9). Why Are Pot Shops Mainly in Poor Neighborhoods? *The Daily Chronic*. Retrieved February 2019, from <http://www.thedailychronic.net/2017/75557/pot-shops-mainly-poorneighborhoods/>

²⁰ <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=2ahUKEwj3-OD-qbjAhXCLc0KHdziA0gQFjAAegQIAhAB&url=https%3A%2F%2Fmjbizdaily.com%2Fchart-19-cannabis-businesses-owned-founded-racialminorities%2F&usg=AOvVaw0u0zBULTs21pB3zHe9RdgF>

²¹ <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=2ahUKEwj3-OD-qbjAhXCLc0KHdziA0gQFjAAegQIAhAB&url=https%3A%2F%2Fmjbizdaily.com%2Fchart-19-cannabis-businesses-owned-founded-racialminorities%2F&usg=AOvVaw0u0zBULTs21pB3zHe9RdgF>

exemplified. Massachusetts requires that all “Marijuana Agents,” persons who work at marijuana businesses must register with the state. Demographic analysis revealed that of 1,306 agents who applied in the city of Boston, 73% were white, 6% were Hispanic, and 4% were black.²² This is unrepresentative of the city’s population. According to census estimates, whites comprise 44.9% of the population of Boston; Hispanics 19.4%; blacks 25.3%.²³ The economic opportunities touted by the industry are missing in practice.

Furthermore, in efforts to curb the marketing practices of Big Tobacco, state governments acted to ensure that advertisements were limited, and the reach of tobacco companies was curbed.

States like Massachusetts and New York imposed barrier rules restricting the ability of Big Tobacco to set up shop within a certain distance from schools, community centers, and churches.²⁴ The governments not only recognized that their youth were at risk, but that in particular, their minority youth were at risk.²⁵ Still, as communities attempt to impose barriers and distance marijuana from young people and young minority people, marijuana companies have expressed outrage. When the Kansas City government moved to restrict marijuana dispensaries from setting up shop within 750 feet of schools, churches, and childcare centers, cannabis advocates were dismayed and promised to push back on the initiative.²⁶ Elsewhere, local governments have given Big Marijuana even greater leniency that is contradictory to the efforts that were initiated to curb the tobacco industry years ago.

The Impact of Marijuana on the Health of Lower Income Communities

In addition to the financial consequences for minority groups, minority women and children face a new risk. A study by the American College of Obstetricians and Gynecologists reported that young, urban women from lower income levels have a 15–28% rate of marijuana use during pregnancy. Between 34 and 60% of marijuana users continue marijuana use throughout pregnancy due to a decreased perception of risk and stigma.²⁷ The misrepresentation of marijuana effects has disproportionately impacted pregnant women in lower income communities. The American Academy of Pediatrics tells us that pregnant women should not use marijuana due to widely established health harms associated.

²² https://www.masslive.com/politics/2018/12/boston_grapples_with_lack_of_d.html

²³ <https://www.census.gov/quickfacts/fact/table/bostoncitymassachusetts/RHI225218#RHI225218>

²⁴ http://archive.boston.com/news/health/articles/2010/08/30/tobacco_signs_still_target_citys_poorer_areas/?page=2

²⁵ http://archive.boston.com/news/health/articles/2010/08/30/tobacco_signs_still_target_citys_poorer_areas/?page=2

²⁶ <https://fox4kc.com/2019/06/27/not-everyone-happy-with-kcs-proposed-rules-for-medical-marijuana-dispensaries/>

²⁷ The American College of Obstetricians and Gynecologists. (2017, October). Marijuana Use During Pregnancy and Lactation. ACOG Committee Opinions, 722.

Another myth perpetuated by Big Marijuana is that marijuana-legal states have seen a decrease in opioid deaths. This claim is based loosely on a study that has been recently shown to be false.²⁸ The opioid epidemic has disproportionately impacted lower income communities.²⁹ According to the Brookings Institution, that the opioid epidemic has impacted lower income communities at a higher rate is owed in part to the lack of education and treatment centers in these communities.³⁹ By taking over the messaging, Big Marijuana capitalizes on the vulnerability of the communities hit hardest by the epidemic. This is evidenced, in part, by Weedmaps, a company that recently advertised and misrepresented the correlation between marijuana legalization and a decrease in opioid deaths, suggesting that states that had legalized marijuana witnessed a 25% decrease in opioid deaths.³⁰

The truth is, marijuana reforms can and should center on alternatives to incarceration, such as drug courts, and more research. Full legalization of marijuana will spawn Big Tobacco 2.0 and far worse public health and social justice harms.

²⁸ <http://med.stanford.edu/news/all-news/2019/06/medical-marijuana-does-not-reduce-opioid-deaths.html>

²⁹ <https://www.brookings.edu/research/pinpointing-opioid-in-most-impacted-communities/> ³⁹ brookings

³⁰ https://www.newburyportnews.com/news/local_news/limits-considered-for-marijuana-advertising/article_216f6a7d-0e3d-5b4d-ac33-a0bc8a9e0076.html

