

Taxing and Regulating Marijuana in California

Limiting government waste

In 1975, the California legislature decriminalized the possession of small amounts of marijuana for personal use, recognizing that the economic and ethical consequences of continuing to persecute marijuana users were too severe. But almost 35 years later, California continues to fight a battle it cannot win. Every year, more and more people are arrested for marijuana possession. That enforcement disproportionately targets young people of color, especially African Americans. If California spent only a fraction of what it currently spends on marijuana arrests and prosecutions on drug treatment and education, we would be well on our way to a responsible marijuana policy.

- Decriminalizing low-level marijuana possession in 1975 immediately reduced the number of arrests by nearly half and saved California hundreds of millions of dollars in enforcement costs in just a few years.¹
- Since 1990, low-level marijuana arrests have skyrocketed in California. While arrests for all offenses fell 40% between 1990 and 2008, misdemeanor marijuana possession arrests jumped by an astronomical 127%, from 20,800 in 1990 to 61,400 in 2008.²
- In 1990 marijuana possession accounted for just 8% of all drug arrests in California, but nearly 25% of all drug arrests in 2008.³
- Marijuana arrests (misdemeanors and felonies) have increased by almost 25% since 2005 alone, to almost 75,000 in 2007.⁴ Of these, four out of five were for simple possession and nearly one in four were children under the age of 18.⁵
- In 1990 half of California's marijuana possession arrestees were black, Latino, Asian, or other nonwhite and 28% were under age 20. In 2008, 62% were nonwhite and 42% were under age 20. Marijuana possession arrests of teenagers of color rose from 3,100 in 1990 to 16,300 in 2008 – an arrest surge 300% greater than population growth in that group.⁶
- African Americans make up less than 7% of the state population but 22% of people arrested for all marijuana offenses and 33% of all marijuana *felony* arrests in 2008. More African Americans are arrested in California for marijuana felonies than are whites, even though whites are six times more represented in the state population.⁷

Capturing tax revenue

It's almost impossible to be sure exactly how much marijuana is grown and sold in California every year, but one thing is certain: it's a lot. Marijuana already plays a huge role in the California economy whether we like it or not, and it's time we took control of it.

- Some estimates suggest that marijuana is California's single largest cash crop, valued at almost \$14 billion dollars – that's twice the value of vegetables and grapes *combined*.⁸
- State and federal authorities destroyed almost \$7 billion worth of marijuana plants in 2006 alone, 80% of it on public land.⁹
- Taxing and regulating marijuana in California could generate \$1.4 billion a year.¹⁰

Encouraging responsible use

Most people who use marijuana are like the responsible alcohol consumer, causing no harm to themselves or anyone else. Regulating marijuana like alcohol would mean eliminating the need for responsible users to obtain marijuana from criminal markets, and helping those who do struggle with marijuana to get the medical help they need.

- 15.2 million Americans used marijuana at least once a month in 2008.¹¹
- One in ten Americans over the age of 12, and more than a quarter of everyone between 18 and 25, have used marijuana in the past year. And almost 100 million Americans (yes, nearly a third of the entire country) have used marijuana in their lifetime.¹²
- Both scientists and legislators have rejected the idea that marijuana is a gateway drug.¹³

Restricting youth access

Marijuana prohibition has done nothing to keep marijuana away from teenagers. Regulating marijuana means taking it out of the hands of street dealers who are not in the habit of asking for I.D. It also means restricting access to adults over the age of 21, and imposing serious penalties for sales to minors and for driving under the influence.

- It is the single most commonly used substance among high school students after alcohol, and is easier to obtain and more widely used on school property than cigarettes.^{14,15}
- Nearly a third of high school seniors have used marijuana in the past year (as compared to only one in five who have used illegal drugs other than marijuana), and four out of five say that it is either “fairly easy” or “very easy” to get.¹⁶
- California middle and high school students smoke marijuana more than cigarettes.¹⁷

Reducing violence and corruption

As long as marijuana remains unregulated, it will continue to feed the escalating violence on both sides of the U.S.-Mexican border. Ending marijuana prohibition will take money directly out the hands of criminal syndicates. Just like alcohol prohibition in the 1920s and 1930s, marijuana prohibition has helped guarantee that the dangerous black market in illegal drugs remains profitable and powerful. Bringing the market for marijuana into the open will hamstring the Al Capones and Pablo Escobars of today by taking away their most lucrative product. Moving the marijuana market into the open will also reduce the number of youth joining gangs inside our borders, protecting our children and helping to keep our streets safe.

- Sidney Weintraub, a senior political economist at the Center for Strategic and International Studies, pointed out that marijuana accounts for an estimated 40% of all illegal drugs sold by criminal cartels in the United States.¹⁸
- Arizona Attorney General Terry Goddard recently testified in the Senate that “The violence that we see in Mexico is fueled 65 to 70 percent by the [illicit] trade in one drug: marijuana.”¹⁹

Letting Californians decide for themselves

The U.S. Constitution protects the right of individual states to develop laws to ensure the health and safety of their citizens. Legislation that supports citizens’ sovereignty over their own states and their own bodies is an essential part of a responsible national marijuana policy.

- Two California counties insisted that federal law, which makes criminals out of hundreds of thousands of sick California residents, trumps voter-approved state laws protecting medical marijuana patients (Proposition 215). The U.S. Supreme Court refused to hear their case, forcing the counties to begin issuing medical marijuana identification cards.²⁰ California’s right to define and enforce its own laws regarding the non-medical use of marijuana is no different.

¹ Michael R. Aldrich, Ph.D. & Tod Mikuriya, M.D. “Savings in California Marijuana Law Enforcement Costs Attributable to the Moscone Act of 1976 – A Summary.” *Journal of Psychoactive Drugs*, 20:1 (1988). <http://www.marijuanalibrary.org/JPD_Savings_1988.html>

² Center on Juvenile and Criminal Justice; Criminal Justice Statistics Center, *Crime in California*, CA Dept. of Justice, 1954-2008.

³ Center on Juvenile and Criminal Justice; Criminal Justice Statistics Center, *Crime in California*, CA Dept. of Justice, 1954-2008.

⁴ California Office of the Attorney General, Justice Statistics Center. <<http://ag.ca.gov/cjisc/datatabs.php>>

⁵ California Office of the Attorney General. <<http://www.ag.ca.gov/cjisc/statisticsdatatabs/databsarrests.php>>

⁶ Center on Juvenile and Criminal Justice; Criminal Justice Statistics Center, *Crime in California*, CA Dept. of Justice, 1954-2008.

⁷ Center on Juvenile and Criminal Justice; Criminal Justice Statistics Center, *Crime in California*, CA Dept. of Justice, 1954-2008.

⁸ Jon Gettman, Ph.D. “Marijuana Production in the United States.” *Bulletin of Cannabis Reform* (December 2006).

⁹ California Office of the Attorney General, Campaign Against Marijuana Planting (CAMP). <<http://www.ag.ca.gov/bne/camp.php>>

¹⁰ State Board of Equalization Staff Legislative Bill Analysis (AB 390, July 15, 2009).

¹¹ Substance Abuse and Mental Health Services Administration (SAMHSA)’s 2008 National Survey on Drug Use and Health (<<http://www.oas.samhsa.gov/nsduh/2k8nsduh/2k8Results.cfm#2.13>>)

¹² U.S. Department of Health of Human Services, Substance Abuse and Mental Health Services Administration, Office of Applied Studies, “State Estimates of Substance Use from the 2005-2006 National Surveys on Drug Use and Health.”

<www.oas.samhsa.gov/2k6State/2k6state.pdf>

¹³ Ralph E. Tarter, Ph.D. and colleagues, “Predictors of Marijuana Use in Adolescents Before and After Licit Drug Use: Examination of the Gateway Hypothesis”. *American Journal of Psychiatry* 163:2134-2140 (2006). <<http://www.physorg.com/news84468374.html>>

See also U.S. Representative Steve Cohen’s (D-TN) response to FBI Director Robert Mueller’s testimony in Congress on May 21, 2009.

<<http://www.youtube.com/watch?v=tNN-SBkAym4>>

¹⁴ *2008 Monitoring the Future Survey*, Institute for Social Research, University of Michigan. <<http://monitoringthefuture.org/>>

¹⁵ *12th Biennial California Student Survey on Drug, Alcohol, and Tobacco Use, 2007-2008*. <LINK?>

¹⁶ *2008 Monitoring the Future Survey*, Institute for Social Research, University of Michigan. <<http://monitoringthefuture.org/>>

¹⁷ *12th Biennial California Student Survey on Drug, alcohol and Tobacco Use, 2007-08*

¹⁸ *San Francisco Chronicle*. “Fears in U.S. Drug War Will Destabilize Mexico” (March 12, 2009). <<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/03/12/MNSK16DEDP.DTL>>

¹⁹ CNN. “Senators Want to Fight Mexican Drug Cartels’ Expanding Influence” (March 17, 2009).

<<http://edition.cnn.com/2009/POLITICS/03/17/mexican.drug.war/>>

²⁰ *San Diego Union-Tribune*. “High court won’t hear county’s marijuana challenge” (May 18, 2009).

<<http://www3.signonsandiego.com/stories/2009/may/18/bn18refuse-marijuana/>>