

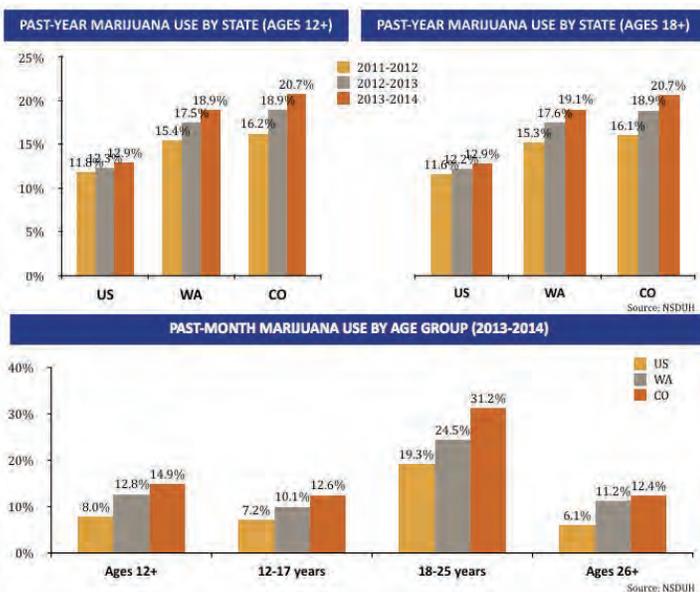
The Cost of Three Years of Marijuana Legalization in Colorado and Washington State

By Dr. Kevin Sabet and Jeffrey Zinsmeister, Smart Approaches to Marijuana

In the wake of multimillion-dollar political campaigns funded with out-of-state money, Colorado and Washington voted to legalize marijuana in November 2012. Though it would take more than a year to set up retail stores, personal use (in Colorado and Washington), and home cultivation/giving away plants (in Colorado) were almost immediately legalized after the vote. And as retail sales began, a brand-new marijuana industry selling candies, waxes, sodas, and other marijuana items exploded, and with it a lobby to fight regulation.

These “experiments” in legalization and commercialization, have not succeeded, and the toll to the citizens of those states has been as serious as many of us had feared. The most obvious indicator of this impact is a surge in regular marijuana use by minors. Unsurprisingly, Colorado now leads the country in past-month marijuana use among 12- to 17-year-olds, with Washington in 6th place.¹

Moreover, use overall and among minors in both states has, on average, grown faster than the national rate since legalization began in 2012.² The chart below indicates this clearly—not only do the bars for Colorado and Washington tower over those for the United States as a whole, but they have increased far more rapidly than the national average since before legalization began.³



This same dynamic has pushed more and more Colorado teenagers into treatment for marijuana use. Although the state of Colorado itself has declined to gather data for this, a major network of treatment providers there, Arapahoe House, reported that teen admissions for marijuana rose 66% from 2011 to 2014.⁴

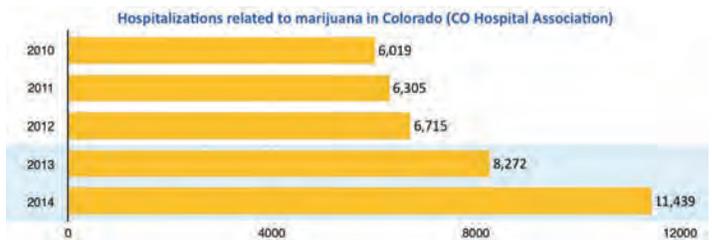
This spike in use and treatment belies the constant refrain from marijuana legalization activists that normalizing and sanctioning use would not encourage children to use the drug or in some cases, would even

decrease consumption. Common sense alone tells us that this would not hold true, but the data vindicates this concern.

Moreover, it is hardly surprising that more children would use marijuana in states where edible pot products, including chocolates, gummi bears, and lollipops, dominate the market. In Colorado, some estimates indicate that these products now accounted for almost 50% of the total marijuana market by early 2014.⁵ One look at these edibles reveals the connection between edibles and marijuana use by children—their bright colors and kid-friendly packaging are close cousins of the candy cigarettes and other products Big Tobacco used to hook kids on their products.

Sadly, the dangers of these edibles do not stop with increased use. They also correlate with a tremendous surge in marijuana poisonings. Marijuana poisonings jumped 148% and 52% between 2012 and 2014 in Colorado and Washington State, respectively.⁶ Even more concerning is the rise in poisonings among children between zero and five years old, increasing 153% in Colorado between 2012 and 2014.⁷

Poisonings represent just the tip of a larger iceberg of health and safety problems triggered by legalization. Hospitalizations (graph below) in Colorado related to marijuana use grew 70% from 2012 (pre-legalization) to 2014, reflecting a public health problem far greater than poisonings alone.⁸



The health effects don’t end at the hospital door, either. Similarly—and predictably—marijuana intoxication plays an ever-greater role in DUI cases and traffic fatalities in the two states. As of June 2015, a full third of DUI cases in Washington State tested positive for THC.⁹ And in Colorado, a driver in almost one in every five traffic fatalities tested positive as of 2014.¹⁰

Another common refrain from Colorado’s legalization activists—that legalization will reduce the black market and crime, appear to contradict data from that state. In the city and county of Denver, overall crime was up 3.9% in 2015, compared to the prior year.¹¹ Most saliently, drug and narcotics crime rose 12.5% and homicides were up a staggering 81%, belying rampant media reports of “legalization linked with a drop in crime.”¹²

Additionally, Colorado officials themselves admit that legalization has not impacted the black market in a meaningful way. In February 2015, Colorado Attorney General Cynthia Coffman told reporters, “The criminals are still selling on the black market. ...We have plenty of cartel activity in Colorado (and) plenty of illegal activity that has not decreased at all.”¹³ And Lt. Mark Comte of the Colorado Springs Police Vice and Narcotics Unit similarly commented that “[legalization] has done nothing more

than enhance the opportunity for the black market.” Indeed, a federal law enforcement official characterized Colorado as “the black market for the rest of the country.”¹⁴

Denver also represents another concerning but predictable trend: the marijuana industry’s disparate impact on minority and disadvantaged communities. A 2016 investigation by the Denver Post revealed that a “disproportionate share” of marijuana businesses are now located in lower-income and minority communities in Denver, communities that often suffer disparate impacts of drug use.¹⁵ One such neighborhood had one marijuana business license for every 47 residents.¹⁶ This dynamic is similar to a Johns Hopkins study that showed that predominantly black, low-income neighborhoods in Baltimore were eight times more likely to have carry-out liquor stores than white or racially integrated neighborhoods.¹⁷

Finally, and perhaps most importantly, the federal and state governments involved have shown little interest in tracking this data and monitoring the effects of marijuana legalization. The state legalization “experiments” were based on the Department of Justice’s “wait-and-see” strategy of tracking the consequences of legalization, such as the distribution of marijuana to minors and preventing drugged driving and other adverse public health consequences.¹⁸ This information would ostensibly allow the government to determine appropriate action later.¹⁹

So far, however, neither the federal nor state authorities have implemented a robust public tracking system. This failure led the U.S. Government Accountability Office (GAO) to criticize DOJ in 2016 for not appropriately monitoring and documenting outcomes.²⁰ Proving true the adage that “you can’t manage what you don’t measure,” the report states that DOJ has not “documented their monitoring process or provided specificity about key aspects of it[.]”²¹ This lack of specificity includes missing information about “potential limitations of the data [DOJ officials] report using and how they will use the data to identify states that are not effectively protecting federal enforcement priorities.”²²

The report also highlighted unusual attitudes and behavior by DOJ officials concerning monitoring of the agency’s own priorities concerning marijuana, including that:

- “[O]fficials reported that they did not see a benefit in DOJ documenting how it would monitor the effects of state marijuana legalization relative to the August 2013 [Office of the Deputy Attorney General] guidance,”
- DOJ field offices “do not consistently enter information” in a “key source of information for monitoring,” thus ensuring that the database “would not provide reliable information regarding the extent of marijuana-related cases,” and
- DEA and DOJ officials from California, Colorado, Oregon, and Washington reported that they had not sent warning letters to owners and lien holders of medical marijuana dispensaries since DOJ issued August 2013 guidance on marijuana.²³

In other words, the federal government has effectively abdicated its promise to track the effects of its own policies. This turns its stated strategy of “wait-and-see” strategy into just “wait”—if you aren’t “seeing” the consequences, it is hard to take any effective action. This has also effectively delegated the job of tracking results to civil society groups, many of whom risk losing federal funding for raising inconvenient truths about the impact of legalized marijuana.

If we as a nation are to make informed decisions about marijuana use, at a minimum our government must shoulder the burden of tracking the

consequences of its own policies. If our elected representatives fail to shape policy, the multi-billion-dollar marijuana industry will—in a way that best serves their bottom line instead of our public health and safety.



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FOOTNOTES

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