

State-Level Marijuana Legalization: Myths and Facts

Pressured to follow the example of Colorado, some states are contemplating legalizing marijuana for recreational use. Citizens and their elected leaders are often convinced that legalization is a reasonable idea when presented with wide-spread myths circulated by well-funded, pro-marijuana interests. But as Ohio's citizens recently demonstrated, voters will make the responsible choice when presented with the facts. Here are the most common marijuana legalization arguments made to states and their voters, and the facts that rebut them:

Myth: *Our prisons are full of low-level marijuana offenders, costing states millions and diverting law enforcement from pursuing more serious crimes.*

Fact: America's prisons are not full of low-level marijuana offenders. A 2008 [analysis](#) showed that only three-tenths of one percent of those in state prison for a drug offense had marijuana possession as their most serious charge. Applying this percentage to the number of state prisoners in 2014 results in a mere 636 prisoners nationwide incarcerated for simple marijuana possession. And according to the Bureau of Justice Statistics, most inmates in this situation have "pled down" to the possession charge from more serious offenses. The federal system has even fewer in prison for marijuana possession, with only [75 inmates](#) sentenced in 2014 (again, most having pled down). Marijuana arrests make up only [5 percent](#) of police activity, hardly dominating either police resources or time. As a RAND [study](#) noted, "in no Western country is a user at much risk of being criminally penalized for using marijuana."

Myth: *Legalizing marijuana destroys the black market and makes it harder for kids to get.*

Fact: Unless you legalize underage drug use, you are always going to have a black market. By giving criminal elements the cover of legalization, the black market strengthens and thrives as it has in Colorado since legalization was instituted. Drug trafficking organizations now use the state as a base to export marijuana to other states and peddle it to Colorado's children. Law enforcement in Colorado [reports](#) that seizures of marijuana destined for other states have skyrocketed. Teen use of marijuana increased by 24 percent after medical marijuana was legalized and by an additional 8 percent (so far) after recreational legalization. Other marijuana-and-youth-related problems also increased after legalization, including drug-based school suspensions/expulsions (up 40 percent) and youth probationers testing positive (up 20 percent). Legalization severely weakens social norms against marijuana use, harms [educational](#) environments, and gives drug traffickers safer space to operate within.

Myth: *Marijuana is largely harmless, and certainly no worse than some other, legal substances.*

Fact: A growing body of scientific research is conclusively putting to rest the idea that marijuana is safe. Among the [numerous](#) negative effects on learning and general health, heavy marijuana use has now been shown to permanently [lower IQ](#) and has been [linked](#) to paranoia and psychosis, including an increased risk of [schizophrenia](#). Marijuana is now second only to cocaine in drug-related emergency room [admissions](#), a figure that has risen as potency has increased. That rising [potency](#), which has been driven by corporate interests in legal-pot Colorado, will exacerbate these negative outcomes.

Myth: *States that legalize marijuana are acting consistently with the 10th Amendment and the principle of states' rights.*

Fact: Drugs and the criminals who peddle them do not respect state borders, and our Constitution—even in the most conservative, originalist viewing—wisely grants power to the federal government to pass laws that address such interstate threats. Trafficking of marijuana from Colorado to surrounding states has increased [significantly](#) since marijuana was legalized there, threatening Americans who had no vote on Colorado's law. The exportation of Colorado marijuana has gotten so serious that Nebraska and Oklahoma currently have a lawsuit pending in federal court against Colorado for harming their citizens by violating federal drug laws.

Myth: *Tax revenues raised from legal marijuana offer a promising stream of income to help states solve their budget problems.*

Fact: Whatever the new revenue from taxation, marijuana legalization also imposes new costs related to regulation, needed prevention programs to combat increased youth use, and increases in the costly health and safety outcomes (crime, addiction, child welfare cases) that accompany increased drug use. Colorado Governor John Hickenlooper (D) highlighted the fallacy of increased funds in a recent [CNN](#) interview when he stated, "we're not making any extra revenue from this."

November 2015