

More on Legalizing Marijuana

More on Legalizing Marijuana

Ongoing Shifts in American Policies

Edited by
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To Bob Purser. I think we can both agree that it's about time.

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Introduction

Nancy E. Marion and Joshua B. Hill

Marijuana policies continue to change as more and more states pass legislation permitting the use of marijuana for medical reasons, for recreation, or both. The impetus for the change is the ever-growing public support for marijuana. What were once behaviors for which people could be fined or sentenced to jail are now profit-making endeavors for those who are willing to take the risk of investing in legal, yet federally banned, behaviors. Growing marijuana, transporting it, distributing it, and using it remain illegal under federal law but are permitted by state laws.

The rapid pace of legislative change is stunning. The first state to pass a law allowing for the use of marijuana was California, which passed Proposition 215 (The Compassionate Use Act) in 1996. This was an initiative passed by the voters by a margin of 55% to 45%. Now, 29 states and the District of Columbia have some form of policy that allows their residents to use marijuana, and more states will no doubt follow suit in the near future.

With laws that permit marijuana growing, distribution, and use, hundreds if not thousands of companies have been created to do just those things despite the confusion as to whether they are in fact legal. There are companies that grow marijuana, transport it, and distribute it. There are auxiliary companies that help people grow a better product, transport it more safely, or provide security for distributors. There are trade shows and magazines that help people in the industry provide a better product and make a higher profit. And there are lots of people making lots of money.

State laws on marijuana are certainly confusing, but federal law remains just as puzzling. The primary federal law that regulates marijuana in the U.S. is the 1970 Controlled Substances Act (CSA), passed during the Nixon administration. The CSA placed drugs into different categories based on their medical benefits and potential for abuse. Marijuana was placed into Schedule I, meaning that it has no recognized medical benefits and a high potential for abuse. The Drug Enforcement Agency (DEA) and other federal law enforcement agencies

have carried out activities in support of this law for years, arresting those who had contact with marijuana.

Things began to change during the Obama administration, which did not change the law or pass a new one, but instead issued a series of “memos” which described new guidelines for those in the marijuana industry. The Ogden Memo directed the DEA to refrain from carrying out raids on marijuana dispensaries located in states that allowed for the use of marijuana. The following Cole Memo advised people that as long as marijuana industries were abiding by state laws, they would be permitted to operate. The Banking Memo provided guidance to banking officials who were wary of opening accounts for cannabis businesses, as they were profiting from an illegal business. In essence, these policy directives gave the indication that the DEA would back off from enforcing the CSA, making those in the marijuana industry pleased. However, this may all change with the current Trump administration, whose Attorney General, Jeff Sessions, has reported that he may crack down on marijuana businesses and users and enforce the federal law as it currently exists.

The chapters in this book provide more insight into the policies that define marijuana use in the U.S. today. Each chapter gives the reader a different perspective of the issues and concerns regarding the complexity of marijuana policies in the United States. The chapters in Section 1 of the book provide an analysis of the social environment that surrounds legalization efforts. In total, they answer the question of why communities are more accepting of legalization efforts now than in the past and what the impacts of legalized marijuana are. In the first chapter, by Thompson and Ward, the authors seek to understand whether marijuana use is becoming normalized and socially acceptable, reducing the stigma once associated with marijuana use. The laws and policies being passed by states help to change the reputation of those in the industry, but more acceptance by the public may, in turn, affect the willingness of legislative bodies to pass new laws.

The elimination of the stigma related to marijuana use has changed the way in which advertising, or public media campaigns, address marijuana. In the second chapter, Potterf examines the advertising and media campaigns surrounding marijuana. For many years, advertising campaigns were messages that sent out anti-substance abuse efforts aimed at deterring use. Now, media campaigns, particularly in Colorado, where marijuana is legal, focus more on harm reduction.

How new laws have changed the status of marijuana is the focus of the chapter by Lovrich, Pierce, and Simon. They examine the voters’ support for medical and recreational marijuana and finds that local contextual factors affect

the likelihood that there will be support for new laws when they appear on the ballot.

The final chapter in this section examines the impact of legalization on marijuana use by teens. Gullede and Chism describe patterns of marijuana use by youth and the potential harm it may have on young people.

The second section of the book provides a closer analysis of the political influences that affect any legislative action on marijuana. Hill and Livengood look at presidential speeches related to marijuana and show how political rhetoric on marijuana has changed, reflecting societal changes. Griffin examines the effect of interest groups and stakeholders on current and past marijuana laws. A Marxist perspective on emerging marijuana laws across the U.S. is presented by Twede, who argues that the policies are being shaped by the wealthy. By setting monetary requirements and limiting past drug convictions for those who seek a role, the laws are benefitting only a few (the rich) at the expense of the poor. Similarly, Leon's work addresses the inequalities in opportunity in the marijuana industry that are available to communities of color. He argues that there is a lack of people of color working in the cannabis industry, leading many states to implement policies to advance opportunities for minorities.

The chapters in the third section, Policy Perspectives, look more closely at the existing marijuana policies. Dittmann provides a policy analysis of local marijuana diversion programs in Texas. While the program may appear to be effective in providing alternative sentencing programs for misdemeanor marijuana offenders, it may actually have adverse effects. Marion looks at the calls to reschedule marijuana from a Category I to a Category II substance. Proponents argue that this would allow for more research into the possible medical benefits of the drug, and that it would make marijuana more accepted and readily available to those who want it. However, there are some negative effects of rescheduling marijuana. If marijuana is rescheduled to a Schedule II drug, it may have severe negative impacts on the growing marijuana industry.

Overall, the book provides readers with a better understanding of the marijuana legalization process and what legalization may mean for communities who are dealing with changes in the laws. It also provides readers with some insight as to what the future may hold. Because of the rapidly changing environment, it is sometimes difficult to keep up with the status of marijuana. The chapters included here address some of those issues.