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Marijuana: Issues Surrounding the Illegalization
and Potential Legalization

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Legalization of marijuana as a public health issue goes back 40 years in history. with three main ideas: prohibition, decriminalization and legalization. There is some research of prohibition and decriminalization of marijuana in the United States and internationally. However, since it has never been fully legalized in any state or country, there is not much insight as to how legalization of marijuana may impact the public. When we speak of the legalization of a psychoactive drug, like marijuana, we must bear in mind the current policies in place, as well as the current laws in place concerning alcohol and tobacco. This paper will focus on the pros and cons, as evidenced by research and the history of drug policies, marijuana decriminalization and/or legalization. It will also bring to light the impact it may have on adolescent groups.

We can't help but think of the prohibition when the issue of marijuana legalization comes up. The Prohibition was a reform movement that lasted from the 1840s to the 1920s in the United States. It was brought upon by groups of religious groups and purists during World War I. These groups claimed that alcohol was a major factor in the corruption of politics, the rising power of Germany and the violence that was present during that era. These groups were successful in their approaches; the Prohibition was enacted in 1920, illegalizing alcohol as a whole in the United States. Immediately after the policy was put into effect, alcohol-related deaths dropped; from 1910-1912 deaths reported were 619, from 1918-1922 were 183, and from 1923-1927 went up significantly to 639 alcohol-related deaths. This was only a mere consequence of the prohibition. It also brought upon a great deal of violent and non-violent,

organized crime and corruption amongst politicians and the police departments. What does this tell us? Does prohibition really work?

. How would this affect adolescents? We can start off by acknowledging that adolescents, as a normal part of Erikson's Stages of Psychosocial Development, undergo the battle of Identity vs Role Confusion. They are neither children nor adults, and try to find out who they really are to form their own identity. Social relationships become very important and they try to fit in their social networks. It is needless to say that some adolescents will engage in activities simply to fit in or be accepted into their social circle. Particularly, young adolescents' morality lies in abiding by rules solely to avoid penalization. With this being said, if marijuana were to be legalized, will adolescents become more disposed to using marijuana?

Research done by Alain Joffe, MD, MPH, and W. Samuel Yancy, MD, who are part of the Committee on Substance Abuse and Committee on Adolescence for the American Academy of Pediatrics point various ways adolescents can be impacted by the legal status of marijuana. Alcohol and tobacco, which are both illegal for adolescents, are the most widely used psychoactive substances by adolescents today. Companies market alcohol and tobacco products to young adults; they portray these substances as being "fun" and "cool." If marijuana were to be legalized, companies offering it would most likely use the same approach in order to increase sales.

There are various barriers to this public health issue, especially when assessing the potential impact it may have on adolescents. There are barriers to legalization and illegalization as well. First of all, history of drug use has proved that when the

perceived risk of regular use is low, people are more likely to use. In the 19th century, opium, heroin and cocaine were legal and very much widely used to treat various symptoms, such as coughing. From 1840 to 1890, the national opiate addiction rate increased by 3.57 in 1000, and then began to decline (Joffe & Yancy 2004). Joffe and Yancy point out that cocaine use began to increase again after 90 years since the first cocaine epidemic in 1970s. They explain that it may have been due to the fact that the perceived risk of use was low and the new generation had to be retaught on previous occurrences. Also, in 1980, a textbook of psychiatry stated that cocaine is not seriously harmful when used two to three times per week. Interesting enough, in 1977, only 10 % of 18-25 year olds reported using cocaine; by 1985, one-third of the same age group had used cocaine (Joffe & Yancy). Again, if the perceived risk of use is low, people are more likely to use the drug. When the media later became involved and advertised the health risks associated with drug use, it began to slowly decrease. This perception creates a barrier to legalizing marijuana.

The United States has signed several laws and treaties illegalizing marijuana, creating yet other barriers to legalization. In 1937, the United States Congress passed the Marijuana Tax Act, illegalizing the importation of marijuana. Marijuana use was still very prevalent and in 1970, President Nixon signed the Comprehensive Drug Abuse and Prevention and Control Act. This act meant to control the drug industry and reduce the importation and distribution of drugs. Subsequently, Comprehensive Crime Control Act was signed in 1984, the Anti-Drug Abuse Act in 1986, the Anti-Drug Abuse Amendment Act in 1986 and the Crime Control Act of 1990. These acts all attempted to curtail the supply of marijuana in the US.

Other laws meant to reduce the demand of marijuana, such as the 1966 Narcotic Addict Rehabilitation, which called for treatment of addicts charged with federal crimes, rather than face prosecution. In 1970, National Commission on Marijuana and Drug Abuse and Drug Abuse Office and Treatment Act of 1972 also tried to decrease the demand of marijuana. Marijuana policies have changed throughout the years. As reported by Yacoubian, during the Nixon years public policy was very restrictive towards illicit drugs. In the Carter years, he emphasized that marijuana legislation should be a state-by-state choice and the Reagen-Bush years enforced a “zero-tolerance” policy which is still in effect today.

Consumption of marijuana has a lot of health risks that are well known to society. However, there are many who still consume it in great amounts despite the risks involved. People go out of their way and to consume it despite its illegality. No policy will ever completely rid the consumption; as he have witnessed in history with the prohibition, this can result in an increase of violent and non-violent crimes. This fact is significant factor when considering illegalizing marijuana.

Another barrier is the contradicting research. In the United States, from 1975 to 1980, conclusions drawn from research done by Monitoring the Future Survey indicated that decriminalization of marijuana had no effect on the beliefs, attitudes or use of marijuana. However, research from the 1992–1994 Monitoring the Future surveys concluded, “youths living in decriminalized states are significantly more likely to report currently using marijuana and may consume more frequently.”(Joffe & Yancy, 2004)

What do we know about current marijuana use, possession and arrest rates? According to *NORML*, an organization that is working to reform current marijuana laws

reported “enforcing marijuana prohibition costs taxpayers an estimated \$10 billion annually and results in the arrest of more than 750,000 individuals per year -- far more than the total number of arrestees for all violent crimes combined, including murder, rape, robbery and aggravated assault.” Since 1965, the annual marijuana arrest rate has gone from 2 arrests per hour to 86.5 arrests per hour in 2011. Illegalization unfairly burdens minority groups who get discriminated against and eventually arrested for a mere possession.

The NORML organization specifically calls for legalization of marijuana in a legally controlled market. They reported that such marijuana status exists in the Netherlands and Switzerland and that both countries have lower rates of adolescent and marijuana use.

The Netherlands changed its marijuana policy in 1976 from a very restrictive law. The current law does not penalize the possession or sale of up to 5 grams of marijuana. In the 1980s, small coffee shops were allowed to sell marijuana as regulated by law. After depenalization, it was reported that use among adolescents remained the same in the Netherlands. However, after the permission to sell marijuana in these shops, also known as de facto legalization, statistics showed a significant increase in use of marijuana among adolescents. During this same time, marijuana use was banned in the US and use among adolescents declined.

Economists have researched the potential benefit marijuana legalization can have on our weak economy. If marijuana is legalized, it can be taxed, and depending on the tax rate, may potentially create revenue of \$0.2-1.3% billion, according to Geiringer

(NORML, 2012). “In addition, legalization would create numerous revenue-generating spinoff industries, such as coffee houses, gardening equipment and paraphernalia. The city of Amsterdam, with a million people, boasts 300 coffee houses retailing cannabis. Translated to the U.S, this would amount to over 60,000 retailers and 100,000 jobs.” Geringer also reported that legalization could also remove the costs of the criminal system, which costs an estimated \$13 billion per year.

The Drug Enforcement Administration (DEA) and the Food and Drug Administration (FDA) support the idea that marijuana should be illegal. They claim it falls under the three essential categories, which are that it has a high potential for abuse, it lacks accepted medical use in treatment and lacks accepted safety for use under medical supervision. Both organizations feel that there is not enough evidence to support the approval of marijuana as a medicine.

Drugged driving also becomes a significant issue in the legalization of marijuana. Just as driving while under the influence of alcohol is illegal, it should also be illegal when under the influence of marijuana. However, there is no such technology available to measure whether is under the influence of marijuana. The active ingredient may stay in the hair follicles even weeks after last consumption. This poses a challenge for society as a whole, and for stakeholders that are for legalization. In order to gain the trust and support of others in this issue, I believe technology needs to be developed to allow for detection of recent consumption of the drug.

The efforts of the United States have not been successful in reducing the consumption of marijuana. More research must be done in order to effectively develop

specific interventions with potential solutions. If marijuana were to be legalized, there would need to be a number of policies in place to regulate it. For example, smoking of marijuana should be done in segregated locations, not in public in order to respect non-users.

Raised awareness of the negative health effects of marijuana consumption should be heavily promoted, as with tobacco. This awareness should be targeted to adolescents, as they are the groups that will most likely consume more than other groups. Advertising the drug should be off limits, as it can portray a low risk of health effects, which may eventually increase the rate

In conclusion, the United States is facing an economic situation where legalization of marijuana can be a great start. There is a plethora of science available that highlights the fact that marijuana is less harmful than other drugs that are currently legal, most notably alcohol. There are definitely many aspects of the issue that policy makers must address. In my opinion, the positive potential outweighs the negative. Bounded rationality remains a significant component when discussing this issue. Because policies can be developed surrounding this does not mean that all will be perfect. More research should be done to guide policy makers in developing effective policies that will regulate the consumption of marijuana, while mitigating the potential negative health and social aspects.

References

- Yacoubian, G. r. (2007). Assessing the relationship between marijuana availability and marijuana use: a legal and sociological comparison between the United States and the Netherlands. *Journal Of Alcohol & Drug Education*, 51(4), 17-34.
- Joffe, A., & Yancy, W. (2004). Technical report. Legalization of marijuana: potential impact on youth. *Pediatrics*, 113(6 part 1), e632-8.
- Revenues From Legalization. (n.d.). NORML.org - Working to Reform Marijuana Laws. Retrieved December 14, 2012, from http://norml.org/library/item/revenues-from-legalization?category_id=581
- Indicators, t. g., & Alcohol, Â. t. (n.d.). Did Alcohol Prohibition Reduce Alcohol Consumption And Crime?. DRCNet Online Library of Drug Policy. Retrieved December 14, 2012, from <http://www.druglibrary.org/prohibitionresults.htm>