

## MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



# Marijuana legalization and regulation

## What's the problem?

Marijuana possession wasn't always illegal in the U.S. In 1937, a federal excise tax was charged; in 1951, a federal penalty for possession of up to two years first was imposed. When Federal "controlled dangerous substance" (CDS) schedules were created in 1970, marijuana was classed as Schedule I for drugs "*having a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use of the drug or other substance under medical supervision.*"[\[1\]](#) (Maryland law, of course, already has declared that classification to be wrong.) Recommendations to decriminalize marijuana have been made by various governmental commissions—notably including an early one, in 1972, rejected by President Richard Nixon.

As with Prohibition of alcohol in the 1920s and 1930s [\[2\]](#), criminalization of marijuana has led to proliferation crime cartels, violent crime among drug dealers [\[3\]](#), increasingly strong and toxically impure products [\[4\]](#), stigma for seeking related healthcare, much higher government costs for law enforcement and incarceration [\[5\]](#), and loss of massive potential tax revenue. [\[6\]](#)

Another serious problem with marijuana's criminal status involves systemic racism: While studies show that white and black Americans use the drug at similar rates, blacks are arrested, charged and incarcerated at multiple times greater rates than whites. One estimate is that 88% of all marijuana possession arrests are made against blacks. The resultant economic and social costs to families and communities are unacceptable and should be eliminated. [\[7\]](#)

Recent surveys indicate that 67% of the U.S. public support legalization of marijuana. [\[8\]](#)

## What's one solution?

Marijuana decriminalization still would leave enforcement problems and negative impacts on families and communities. Decriminalization and regulation, as has long been done with alcohol sales, is the answer. In Massachusetts—a state comparable in size to Maryland, first year tax revenues on legal marijuana sales reached nearly \$400 million.[\[6\]](#) Huge savings also would be used by reduction of current governmental law enforcement and incarceration costs. Such revenue is sorely needed in Maryland and could be used for crime prevention and education.

## Will this work?

Eleven U.S. states have legalized marijuana use recreationally and 33 have legalized medical marijuana use. [\[9\]](#) Some estimate that the cascade of legalization could reach 40 U.S. states in the coming year. [\[10\]](#) Notably, Maryland's neighbor Virginia already has decriminalized up to one ounce of marijuana, eff. 7/1/20, subject to a \$25 fine and no incarceration; complete legalization legislation is under consideration. [\[11\]](#)

Ample evidence-based studies have compared the legal systems established in U.S. states that have legalized marijuana, identifying best practices to regulate product safety, minimize juvenile use, anticipate traffic and health concerns, and maximize tax revenues. [\[12\]](#)

## Status of the legislation

Maryland's legislative leaders have conducted a multi-year study of other U.S. states' experience with marijuana legalization and have stated their intention to introduce such legislation in 2021. [\[13\]](#) A draft is not yet available.

## Learn More!

1. [Marijuana Timeline, PBS Frontline, 2014](#)
2. [Major Neill Franklin, "Legalization Is the Only Way to Improve the Criminal Justice System", Newsweek, 8/13/20](#)
3. [Mark Thornton, "Alcohol Prohibition Was a Failure", CATO Institute, 7/17/1991](#)
4. ["Iron Law of Prohibition", Key Investment Partners, 1/7/2020](#)
5. [Harry Bradford, "Marijuana Law Enforcement Cost States An Estimated \\$3.6 Billion In 2010: ACLU", Huffington Post, 6/5/2013](#)
6. ["First Year of Adult-Use Marijuana Retail Operations in Massachusetts Tallies \\$393.7 Million in Gross Sales, Sets Benchmarks for Growth", Cannabis Control Commission, 11/20/2019](#)
7. [ACLU, "The War On Marijuana In Black And White", ACLU Foundation, 6/2013](#)
8. [Andrew Daniller, "Two-thirds of Americans support marijuana legalization", PEW Research Center, 11/14/2019](#)
9. [Jeremy Berke and Skye Gould, "Legal marijuana just went on sale in Illinois. Here are all the states where cannabis is legal.", Business Insider, 1/1/2020](#)
10. [Mona Zhang, "Marijuana legalization may hit 40 states. Now what?", Politico, 1/20/2020](#)
11. ["Legislature convenes for special session; cannabis reforms advancing", Marijuana Policy Project, 8/31/2020](#)
12. [Rachel A. Barry and Stanton A. Glantz, "Marijuana Regulatory Frameworks in Four US States: An Analysis Against a Public Health Standard", Am J. Public Health, 7/20/2018](#)
13. [Pamela Wood, "Legalizing recreational marijuana in Maryland not likely in 2020: 'We are still in the investigative mode'", Baltimore Sun, 11/26/2019](#)
14. ["From Prohibition to Progress: A Status Report on Marijuana Legalization", Drug Policy Alliance, 1/22/2018](#)

---

Note: To use the hyperlinks access the online version at: <http://www.ma4jr.org/marijuana/>

*The Maryland Alliance for Justice Reform (MAJR) is a nonpartisan association of over forty community organizations and churches with members in every part of the state, formed to support justice reinvestment. Individual supporters include judges, attorneys, corrections professionals, as well as returning citizens, victims, and service providers.*