



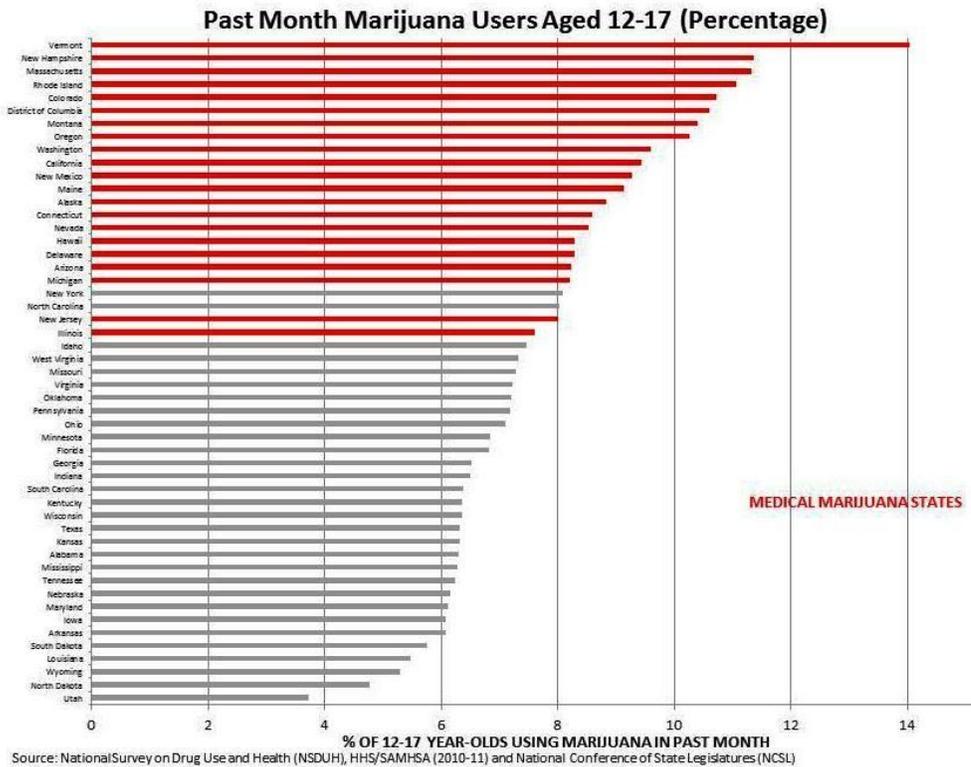
## MAY 2015 NEWSLETTER

### **Regulate Marijuana Like Alcohol? Not Possible at this Time**

By Pamela S. Erickson

In the debate about legalization of marijuana, we need some clarity about the idea that we should "regulate marijuana like alcohol." For example, one advocate declared that the only way to "win the war on drugs" is to license and tax them like alcohol. Speaking as a former regulator, **let me assure you, we have not "won the war" on alcohol abuse.** We **have** made progress, particularly on underage drinking and drunk driving. However, we will never eliminate all problems with alcohol, but with sensible, well-enforced regulation, we can minimize them. We must not forget that alcohol still contributes to an estimated 88,000 deaths per year, according to the Centers for Disease Control.

**One should not expect that regulation/taxation will eliminate problems with marijuana.** Such problems may actually increase if the product becomes legal and more available. Research on alcohol indicates that increased availability is associated with more problems. One only needs to note that the highest rates of youth marijuana use are in medical marijuana states:



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**An additional concern is mixing alcohol and marijuana.** There is research showing that "marijuana users are much more likely than nonusers to drink and abuse alcohol." In fact, researchers from the Rand Corporation, using national data, estimated that one in four current users of marijuana are problem drinkers. (See Rand Corporation study using the link below, p. 44) The national survey used by the Rand researchers also indicates that "simultaneous use is common." Of those who used both alcohol and marijuana in the past 30 days, 54% used it along with alcohol; and, with daily or near daily users of marijuana, 83% engage in simultaneous use. Another study compared those who used marijuana at the same time versus those who used both substances, but separately. They found that simultaneous use was twice common as separate use; and, was quite harmful. When the researchers compared simultaneous use to alcohol use only, they found that simultaneous use "approximately doubled the odds of drunk driving, social consequences, and harms to self." (Alcohol Research Group, see reference below) This information should be of great concern to law enforcement, parents, community members and treatment providers.

**Taken literally, regulating marijuana like alcohol is simply impossible at this point in time because federal law still prohibits the production, distribution, sale and possession of marijuana.** Despite the current administration's policy to ignore state activities, the impact of federal law is extensive and profound. People in the marijuana business have difficulty getting banking and credit services (banks have federal charters); they are treated as criminal enterprises by IRS regulations (since marijuana is an illegal drug); and, lawyers may decide not to represent them (fearing sanction from the federal or state bar). These are just a few examples. This situation puts anyone in the marijuana business on notice that their short term economic gain is technically subject to criminal penalty. Also, with an election coming in 2016, a simple change in presidential policy could completely alter the landscape shutting down businesses.

One should remember that alcohol regulation evolved slowly over time. Public support was high enough to pass Prohibition, but eroded during its thirteen years. By 1933, support for repeal was very high as evidenced by how fast the 21st Amendment was ratified. Congress passed the ratification proposal in February, 1933 and by December the necessary 36 states had passed it. For marijuana, we have a much higher degree of consensus on allowing medical use than for recreational use. Here is what a reporter found in a recent article, "If you examine opinion polls on marijuana, inclusive of recreation, legalization respondents are just slightly in favor of its approval. Exclude recreational use from the equation and just focus on legalizing medical marijuana and the approval rate jumps to north of 70% or even 80% based on a handful of recent polls." (See reference below)

After the 21st Amendment was ratified, each state had to establish its own regulations. Generally, regulation started with tight control. Some states even retained Prohibition and to this day there are counties and cities that do not allow alcohol sales. Since those early days, there has been a great deal of experimentation with new regulatory tools as well as with both loosening and tightening particular regulations. Jumping to a full-scale commercial licensing model for marijuana without the proper constitutional, historical, legal and overwhelming public support seems hasty and unwise.

The existence of federal law precludes or makes it difficult to consider less extreme options than a standard commercial model. The Rand Corporation report, referenced earlier, listed eight

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policy options "that find a middle ground between those commonly discussed", i.e. reduce marijuana sanctions only or a commercial model:

- Allow adults to grow their own
- Allow distribution only within small co-ops or buyers' clubs.
- Permit locally controlled retail sales (the Dutch coffee-shop model)
- Have the government operate the supply chain (government monopoly)
- Have a public authority operate the supply chain.
- Permit only nonprofit organizations to sell
- Permit only for-profit companies to sell
- Have very few closely monitored for-profit licensees.

The report discusses these alternatives at length, but the authors admit that some of these options may not be currently available because of federal illegality.

**A lot of the rhetoric is getting in the way of communities' ability to develop well-conceived, common sense policies.** This is America where democracy will only prevail when we can work with others for the common good despite our disagreements. We should seek to bring people together who have different opinions on this issue, review as much information as possible, seek common ground and propose measures that will benefit our communities.

#### References:

"Considering Marijuana Legalization, Insights for Vermont and Other Jurisdictions," Johnathan P. Caulkis, et al, Research Report by The Rand Corporation, 2015.

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