



October 2016 Newsletter

Regulate Marijuana like Tobacco? Or Alcohol? Or Prescription Drugs? Or Over the Counter Drugs?

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In November, nine states will be voting on ballot measures involving marijuana; some to allow recreational use, some to create or expand a medical marijuana system. Each state is crafting its own rules to determine who can purchase, where it can be bought and how it will be taxed. In many instances, legalization proponents use the tagline, "Let's regulate marijuana like alcohol."

For various reasons, a "wait and see" approach may make sense. Here is why:

Unless marijuana becomes legal at the federal level, it simply cannot be regulated like tobacco, alcohol, or prescription/over the counter drugs.

This quasi-legal status creates many problems. Because of the various federal restrictions, many routine business services are not available no matter what the vote on legalization says. For example, many banks won't provide accounts to marijuana businesses because they fear losing their federal charter. Lawyers fear loss of their bar membership. Options for selling marijuana via a state-controlled system would put state employees in a position of operating contrary to federal law.

While the current federal administration has taken a "hands-off" approach for states that have legalized marijuana, we don't know what the next president will do.

No one has sufficiently studied the public health impacts of this drug. Alcohol use has a long history. Tobacco has been used by humans for about 2,000 years. Other legal drugs have a shorter history, but we have significant research to document the impacts and potential dangers. The regulatory system for each substance is

designed to mitigate problems. Marijuana is an addictive drug that warrants the same level of care based on an understanding of its impacts.

The consequences of mixing alcohol and marijuana are rarely discussed or addressed. We know that people use both substances. But we know very little about the consequences of dual use.

In a study by the [Alcohol Research Group](#), the authors looked at adults who used cannabis and alcohol. They found them twice as likely to use the two together than separately. Moreover, they found that simultaneous use "was associated with increased frequency and quantity of alcohol use" which "approximately doubled the odds of drunk driving, social consequences, and harms to self." These results raise major concerns: How do you measure impaired driving when someone has used both alcohol and marijuana? Should a licensee refuse service to someone high on marijuana? Do servers need to be trained to detect impairment by other substances? We just don't know enough to answer these questions.

There is disturbing news from Colorado and Washington State regarding public health and safety impacts. Data from the Colorado State Patrol shows a 62% increase in marijuana-related traffic deaths since legalization in 2013. In 2015, the Washington Traffic Safety Commission reported that 33% of drunk/drugged driving cases tested were positive for THC. The National Survey on Drug Use and Health (NSDUH) documents that marijuana use rates in Colorado and Washington are higher than the national average for youth and adults.

The Rocky Mountain High Intensity Drug Trafficking Area organization has published 4

reports on marijuana impacts in Colorado. They note a 49% average increase in marijuana related emergency department visits and a 32% average increase in hospitalization. Data indicates that alcohol and marijuana are the top two reasons for treatment.

Bold campaign promises do not always materialize. Legalization has raised considerable revenue, but it has not always been available for promised purposes. Regulation is both difficult and costly, using up a lot of that revenue. Colorado educators have been complaining that they haven't seen the money that was promised for schools. This experience shows the folly of legalizing an addictive substance primarily for revenue.

Another expectation was the elimination of the black market. It hasn't gone away. In fact, market conditions are arguably more favorable for it. They can undercut legal operations because they don't have the regulatory expenses of a regulated physical grow and sale operation. There is considerable export of marijuana to other states. The Rocky Mountain HIDTA report indicates that the highway patrol has seen a 37% increase in seizures destined for 36 different states!

There are other unintended consequences. Apparently, no one anticipated the strain on the power grid. It takes a lot of power to transform a dark warehouse into a climate-controlled environment that mimics the Indian subcontinent where the marijuana plant originated. (According to the NW Power and Conservation Council, growing 4 pot plants uses the same amount of power as running 29 refrigerators.) In Colorado much of that power is generated by coal-fired power plants--not exactly as green as users might expect, and might require significant and expensive infrastructure updates on the public dime.

Further study: Some states may be in a hurry to bring marijuana out of the shadows, collect expected revenue and cover their legalization appeal in the successful alcohol regulatory cloak. However, it may be wiser to study the regulatory systems of addictive products other than alcohol and watch how things play out with other states. This would allow lawmakers to

better weigh the unintended consequences versus the possible benefits of marijuana legalization.

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