

Initiative 502: Washington's New Approach to Marijuana *Past, Present, and Future*

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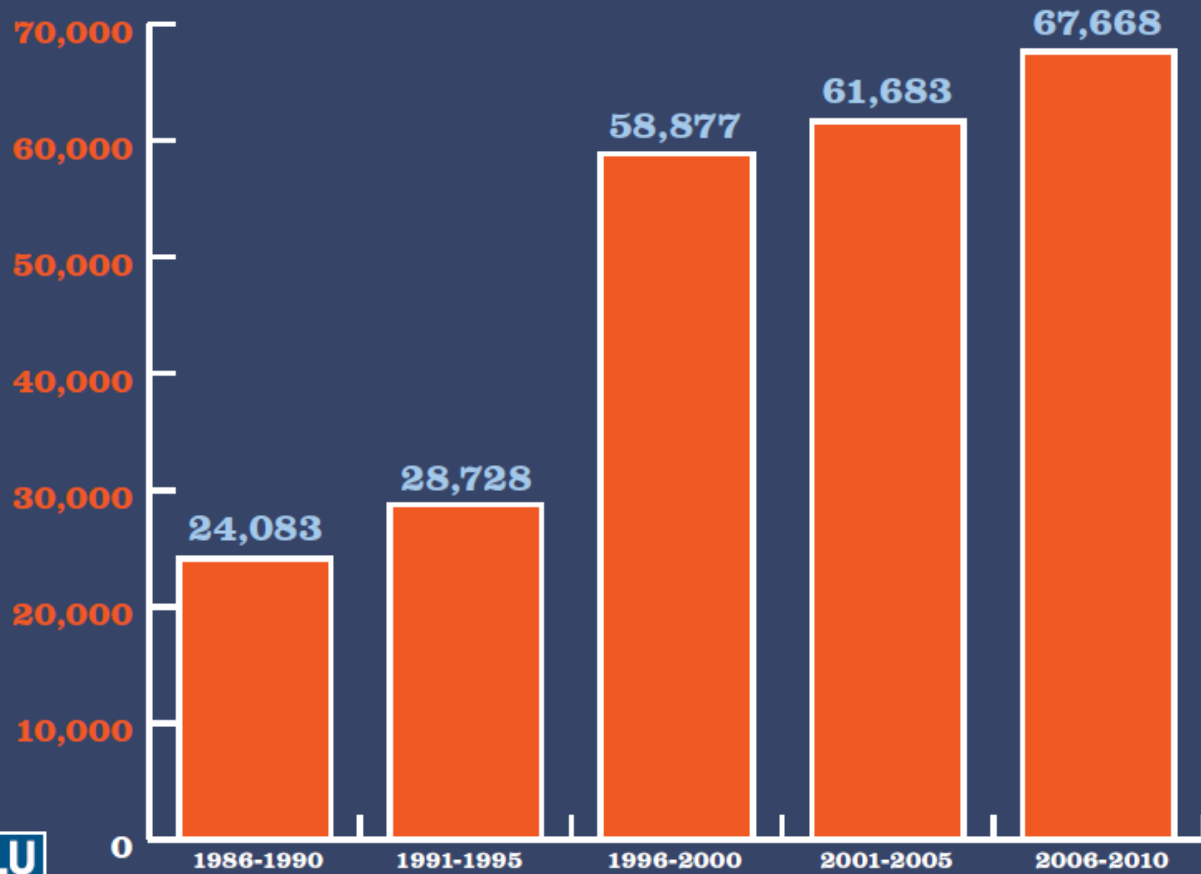


Because Freedom Can't Protect Itself

Presentation Overview

- I. The Past – Was Marijuana Prohibition Working as Intended?
- II. The Present – I-502 Policy Framework and Implementation
- III. The Future – Challenges Ahead and the Need for Collaboration

240,000 Marijuana Possession Arrests in Washington, 1986-2010



Source:
marijuana-arrests.com

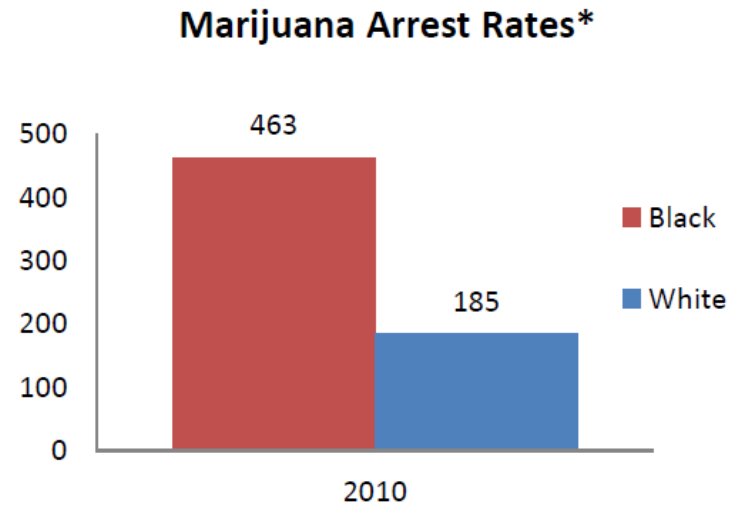
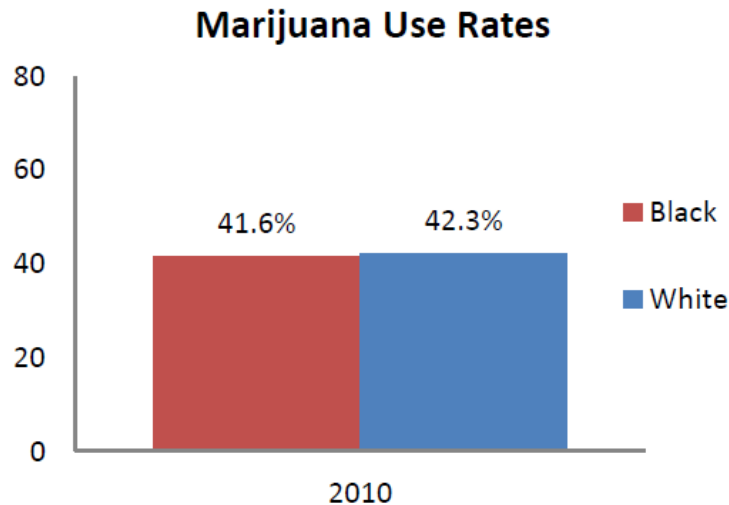
Marijuana Prohibition

Possible Individual Costs of a Marijuana Conviction:

- Loss of Employment
- Loss of Housing
- Loss of Voting Rights
- Loss of Federal Financial Aid
- Seizure and Forfeiture of Property
- Limitation of Parental Rights
- Deportation for Legal Immigrants

Marijuana Prohibition

Racial Injustice in Washington



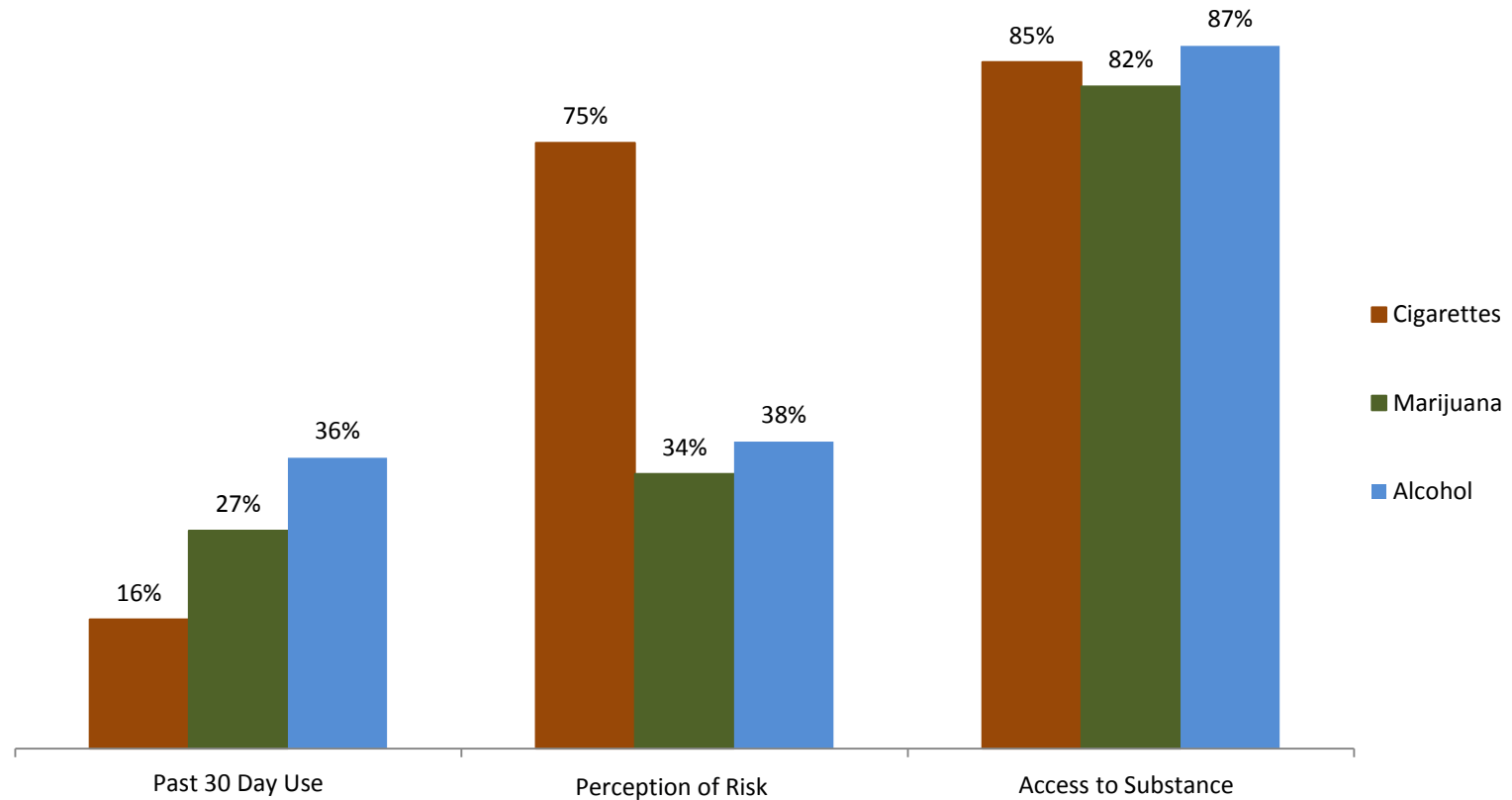
Violence in Mexico

- 60,000 deaths since 2006
- Guns and Demand for Drugs Come from US

Sources available upon request – mcooke@aclu-wa.org

Marijuana Prohibition

WA 12th Graders - Cigarettes - Marijuana - Alcohol



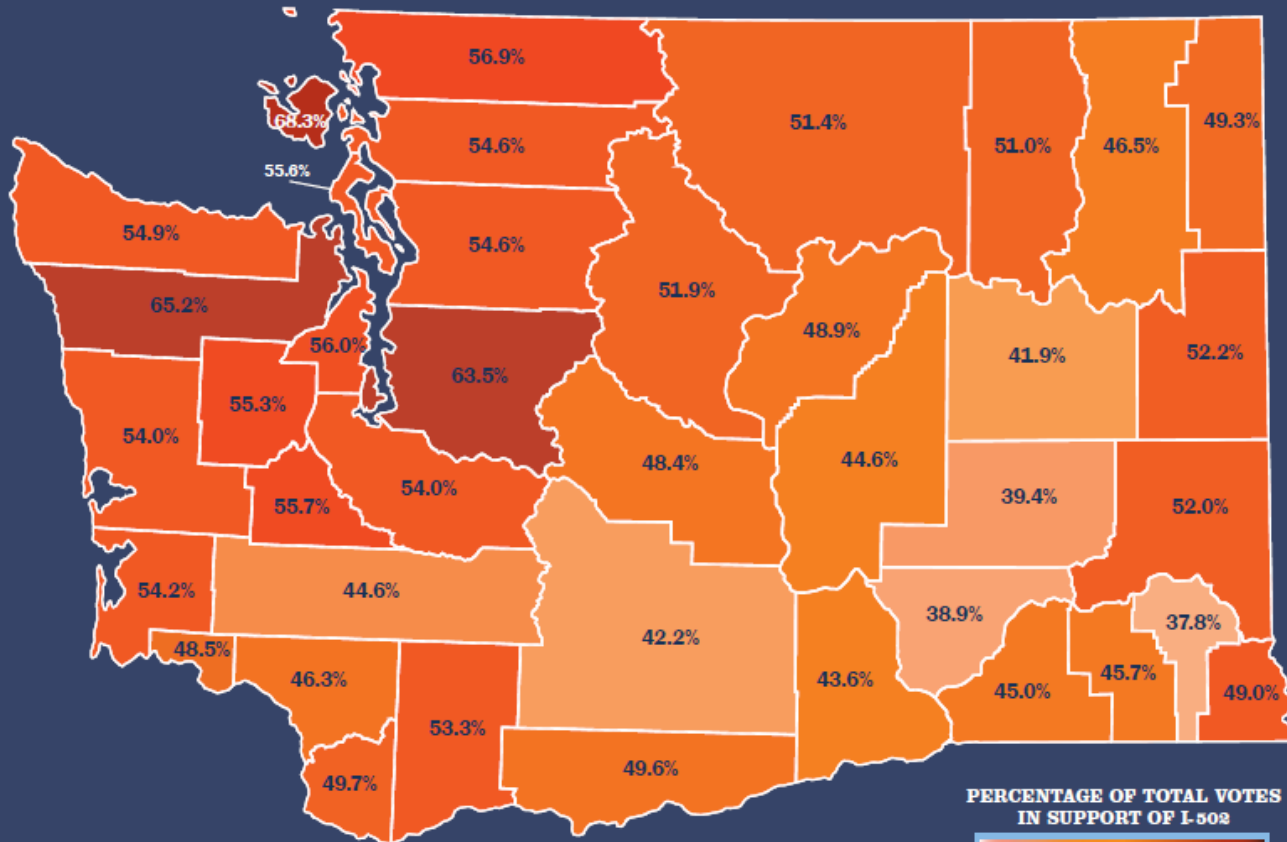
I-502 - Policy Framework

Initiative 502 – 2012 – Ballot Title:

“This measure would license and regulate marijuana production, distribution, and possession for persons over twenty-one; remove state-law criminal and civil penalties for activities that it authorizes; tax marijuana sales; and earmark marijuana-related revenues.”



Washington Voters Strongly Support I-502 — 55.7% Voted Yes



PERCENTAGE OF TOTAL VOTES
IN SUPPORT OF I-502



Source:
sos.wa.gov

I-502 - Policy Framework

Intent Behind I-502:

"The people intend to stop treating adult marijuana use as a crime and try a new approach that:

(1) Allows law enforcement resources to be focused on violent and property crimes;

(2) Generates new state and local tax revenue for education, health care, research, and substance abuse prevention; and

(3) Takes marijuana out of the hands of illegal drug organizations and brings it under a tightly regulated, state-licensed system similar to that for controlling hard alcohol."

I-502 - Policy Framework

Public health approach with robust state regulations

- Remains illegal for people under age 21
- Licensed producers, processors, and distributors
- Limited number of retail outlets – (1,000ft away from schools, parks, etc.)
- Advertising restrictions
- Earmarked tax revenue
- Limited possession amounts to prevent exportation problems
- DUI Provision – 5ng/mL per se threshold

I-502 - Policy Framework

A Dynamic Policy

- Taxation:

LCB to “regularly review the tax levels...regarding adjustments that would further the goal of discouraging use while undercutting illegal market prices.”

- Evaluation:

WSIPP “shall conduct cost-benefit evaluations of the implementation of [I-502]. A preliminary report, and recommendations to appropriate committees of the legislature, shall be made by September 1, 2015, and the first final report with recommendations by September 1, 2017. Subsequent reports shall be due September 1, 2022, and September 1, 2032.”

I-502 - Policy Framework

Implementation

- LCB has started a one year rulemaking process to create the regulations for I-502. Rules are scheduled to become effective on 11/16, followed by a 30-day application window for prospective licensees.
- DSHS-DBHR, DOH, and DOA also have administrative responsibilities under I-502.
- Consultants hired to help with this process (BOTEC) – Mark Kleiman, et al.
- Medical marijuana law will likely be amended in the 2014 legislative session.

Estimated Annual Tax Revenue Distributions from I-502

YOUTH DRUG PREVENTION | \$68,000,000

It's estimated that \$67 million will go to the DSHS Division of Behavioral Health and Recovery for youth substance abuse prevention programs selected in consultation with the UW Social Development Research Group and Alcohol and Drug Abuse Institute. An additional \$1.33 million will go to Building Bridges Programs to prevent and reverse student drop-out.

HEALTH CARE | \$244,000,000

Approximately \$222 million will be allocated to Washington's Basic Health Plan. The State's Health Care Authority estimates that these funds "could cover a five-year average of up to 83,000 enrollees." An additional \$22 million will be allocated to Community Health Centers. The state estimates these funds could "provide services to up to 600,000 patients per year."

MARIJUANA PUBLIC HEALTH EDUCATION | \$44,000,000

The Department of Health will receive approximately \$44 million for marijuana education and public health programs. These will include a Marijuana Quitline and a local health department grants program that supports coordinated intervention strategies for youth. An additional \$20,000 will go to the UW Alcohol & Drug Abuse Institute for web-based public educational materials about the health and safety risks posed by marijuana use.

PROGRAM ADMINISTRATION | \$5,000,000

The Washington State Liquor Control Board will be allocated \$5 million annually for the administration of I-502.

EVALUATION AND RESEARCH | \$5,000,000

Approximately \$5 million will be allocated for evaluation and research relating to I-502. \$500,000 will fund the Washington State Healthy Youth Survey. \$4.4 million will go to the UW and WSU for research on the short-term and long-term effects of marijuana use, including intoxication and impairment. The Washington State Institute for Public Policy will receive \$200,000 for cost-benefit evaluations.

GENERAL FUND AND LOCAL BUDGETS | \$216,000,000

The state general fund will receive approximately \$182 million and an additional \$34 million will go to local budgets. Expenditures from the Washington state General Fund can be used for any authorized state activity. Local governments control the allocation of funds from locally collected taxes.



Source:
I-502 Fiscal Note

The Future

- August 2013, Department of Justice, Cole Memo – *“prosecutors should...weigh all evidence, including, but not limited to, whether the operation is demonstrably in compliance with a strong and effective state regulatory system.”*

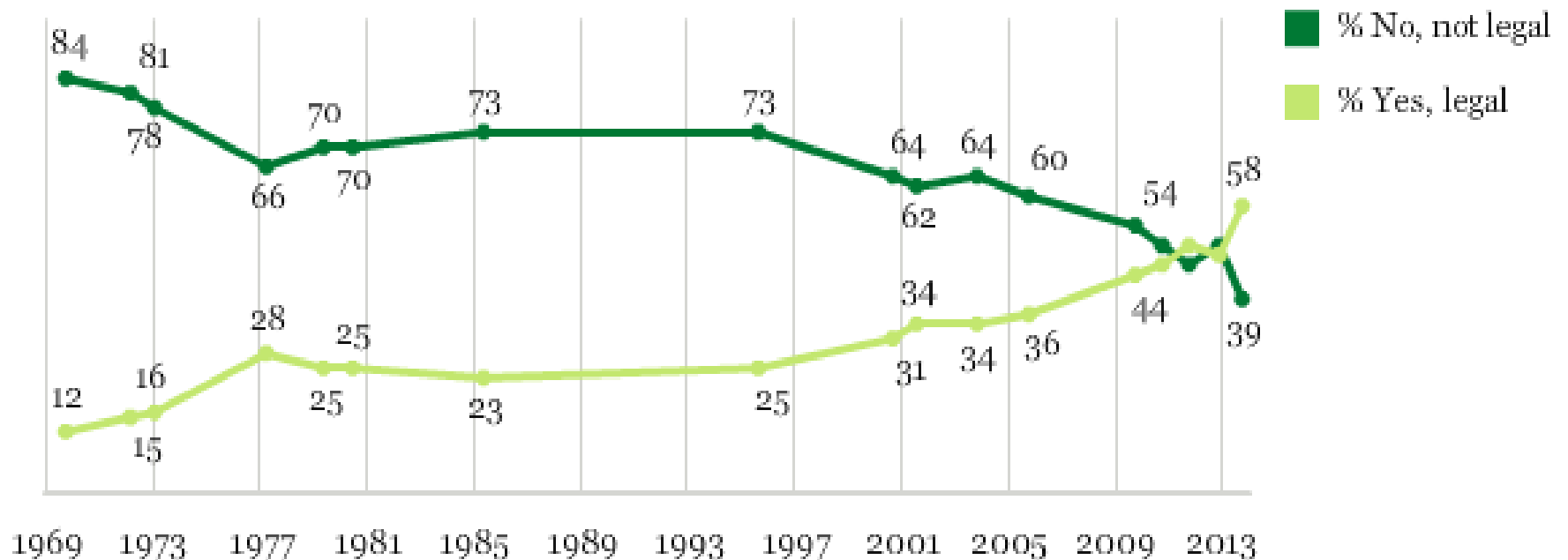
The Future

- DOJ identified eight enforcement priorities:
 - Distribution to minors
 - Revenue going to criminals
 - Out of state diversion of marijuana
 - Use of state law as cover for criminals
 - Violence and firearms in marijuana businesses
 - DUID and public health harms
 - Marijuana growing on public lands
 - Marijuana possession on federal land

The Future

Americans' Views on Legalizing Marijuana

Do you think the use of marijuana should be made legal, or not?



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Challenges Ahead

An experiment:

- Public health outcomes – will use rates go up or down
- Tax receipts – how big will they be and will they be redirected
- Federal issues – banking, research, immigration
- International issues – will it lead to change in other countries' drug policies
- The unknown – drug dogs, border crossings, lawsuits, medical marijuana, etc...



**Initiative 502 - Producer License Rules:
Comments to Washington State Liquor Control Board**

March 11, 2013

Prevention, Treatment, and Public Health Considerations



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Questions?

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or read more on our website at:

<http://www.aclu-wa.org/i502>