



Working to Reform Marijuana Laws

*Written Testimony of Paul Armentano,
Deputy Director
National Organization for the Reform of Marijuana Laws (NORML)
Washington, DC*

*To the Senate Committee on the Judiciary
Subcommittee on Criminal Justice and Counterterrorism, July 26,
2022*

RE: Support for the Cannabis Administration and Opportunity Act

My name is Paul Armentano and I am providing this testimony before this subcommittee in regard to its hearing on the subject of ‘decriminalizing cannabis at the federal level,’ as well as in regard to the Cannabis Administration and Opportunity Act (CAOA).

For over 25 years I have worked professionally in the field of marijuana policy, with an emphasis on the science specific to cannabis’ effect on public health and safety – particularly traffic safety. My work on this issue has been highlighted in the peer-reviewed scientific literature and in various academic anthologies, and I have presented at numerous academic and legal symposiums. I am also the author of three books on marijuana policy.

I currently serve as the Deputy Director for the National Organization for the Reform of Marijuana Laws (NORML) – a public interest advocacy organization based in Washington, DC. I also serve as the Chair of the Science Department for Oakland University in Oakland, California.

CAOA seeks to provide state governments with greater authority to regulate their individual marijuana markets if they choose to do so. To date, 19 states have elected to implement this state-level policy change. To date, none of these jurisdictions have either repealed or even rolled back these adult-use legalization policies. That is because these laws are operating largely as voters and politicians intended and because the public finds them to be greatly preferable to criminal prohibition. Nationwide, a supermajority of Americans – including majorities of Democrats, Independents, and Republicans – support legalizing and regulating the adult-use marijuana market.¹

¹ Gallup, 2020. <https://news.gallup.com/poll/323582/support-legal-marijuana-inches-new-high.aspx>



Working to Reform Marijuana Laws

Let's be clear: legalization neither creates nor normalizes the commercial marijuana market, nor does it drive consumer demand. The marijuana market already exists. But under a policy of prohibition, this market remains underground and those involved in it largely remain unaccountable. Unregulated operators don't pay taxes, they don't check IDs, and they don't test the purity of their product. Disputes that arise in the illicit marketplace are not adjudicated in courts of law.

By contrast, legalization and regulation allows for lawmakers to establish legal parameters regarding where, when, and how the cannabis market may operate. These regulations also provide oversight regarding who may legally operate in said markets and provides guidelines so that those who do can engage in best practices. In short, legalizing and regulating marijuana disrupts the illicit marijuana market,² ends thousands of annual low-level marijuana arrests, and creates jobs³ and new revenue.⁴ It further promotes public health and safety by taking the marijuana trade away from unregulated operators and placing it in the hands of licensed businesses.

Such regulated markets already exist with regard to the retail production and sale of alcohol and tobacco – two substances that are far more dangerous and more costly to society⁵ than the responsible adult-use of cannabis. The imposition and enforcement of tobacco and alcohol regulations, coupled with evidence-based public awareness campaigns highlighting these products' risks and acknowledging the distinctions between their use versus abuse, has proven effective at reducing the public's overall consumption of these substances, especially among adolescents. In fact, according to the latest federal government survey data,⁶ teens' use of alcohol and cigarettes now stand at or near historic lows.

Similarly, recent data provided by the US Centers for Disease Control and Prevention reports a decrease⁷ in lifetime marijuana use by young people over the better part of the past decade. In some cases, scientists believe that cannabis regulation is partly responsible for spurring thus decline. Specifically, a 2019 study⁸ published in *JAMA Pediatrics* concluded: "[M]arijuana use

² <https://www.washingtonpost.com/news/wonk/wp/2016/03/03/legal-marijuana-is-finally-doing-what-the-drug-war-couldnt/>

³ <https://www.leafly.com/news/industry/cannabis-jobs-report>

⁴ [https://www.mpp.org/news/press/states-surpass-\\$10-billion-in-tax-revenue-from-legal-adult-use-cannabis-sales/](https://www.mpp.org/news/press/states-surpass-$10-billion-in-tax-revenue-from-legal-adult-use-cannabis-sales/)

⁵ https://www.huffpost.com/entry/tobacco-related-health-co_b_362539

⁶ <https://nida.nih.gov/news-events/news-releases/2021/12/percentage-of-adolescents-reporting-drug-use-decreased-significantly-in-2021-as-the-covid-19-pandemic-endured>

⁷ <https://www.cdc.gov/mmwr/volumes/69/su/su6901a5.htm>

⁸ https://jamanetwork.com/journals/jamapediatrics/fullarticle/2737637?guestAccessKey=5e4e41eb-ec96-4641-86f9-b5c89cc7cc48&utm_source=For_The_Media&utm_medium=referral&utm_campaign=ftm_links&utm_content=tf&utm_term=070819



Working to Reform Marijuana Laws

among youth may actually decline after legalization for recreational purposes. This latter result is consistent ... with the argument that it is more difficult for teenagers to obtain marijuana as drug dealers are replaced by licensed dispensaries that require proof of age.”

Today, over 40 percent of Americans now reside in a jurisdiction where cannabis is legal. It is time for Congress to acknowledge this reality and to provide states with the guidance and flexibility to further advance these common-sense policies.

To be clear, NORML and others do not take this stance out of a belief that marijuana is altogether harmless. In fact, it is precisely because cannabis is not altogether innocuous that reform advocates opine that it should be legalized and regulated accordingly -- with restrictions on who can purchase and consume it, when and where they can do so, and at what age.

Ultimately, the establishment of a pragmatic regulatory framework allowing for the legal, licensed commercial production and retail sale of marijuana to adults best reduces the risks associated with the plant’s use or abuse and acknowledges the reality that consumers’ demand for marijuana is here to stay. By contrast, advocating for marijuana’s continued criminalization denies this reality and compounds the public safety risks posed by the unregulated market.

Ending the federal criminalization of cannabis and facilitating regulated markets also provides opportunities to begin repairing the economically and financially disparate harms associated with prohibition. African Americans and other marginalized people have historically been disproportionately targeted and adversely impacted by cannabis criminalization. This lack of equity must not persist in an environment where adult-use cannabis production and sales are legally regulated.

In order to provide for inclusiveness within the legal industry, regulators should strive to minimize the barriers to entry to allow greater participation from disenfranchised populations. Further, regulations must not prohibit those with prior criminal records for past violations from seeking to actively participate in the legal marketplace, and legislation should include automatic expungement review while assisting similar processes at the state level. In addition, the federal government should do all it can to proactively reinvest in the most heavily impacted communities.

For these reasons, I respectfully ask the members of this Committee to provide further consideration for advancing CAO or similar descheduling legislation. Finally, I also wish to address some specific concerns that opponents have raised with respect to this bill and to adult-use legalization generally—



Working to Reform Marijuana Laws

Licensed cannabis retailers are not associated with increased criminal activity:

Concerns expressed by some politicians that the establishment of brick-and-mortar marijuana businesses will negatively impact community safety and prosperity have been proven to be meritless. Rather than being magnets for criminal activity, studies have consistently determined that licensed operators are associated with reductions in neighborhood crime.⁹ This is because these operators take guardianship over the neighborhoods in which they operate.¹⁰

They employ security personnel and install security cameras. They displace illicit local operators. They are associated with an increase in local property values¹¹ because they create jobs and stimulate economic growth. County-level data from Colorado has determined that localities with licensed retail facilities experience job growth at higher rates than neighboring towns that do not.¹²

Unlike street-corner sellers, licensed retailers do not provide marijuana to minors. According to data published in 2021 in the journal *JAMA Pediatrics*, 97% of adult-use retailers in California checked customers' identification prior to making a transaction.¹³ A separate study conducted by the Insurance Institute for Highway Safety and local law enforcement found 100 percent compliance among licensed cannabis retailers.¹⁴

Finally, it must be acknowledged that youth who reside in localities with licensed retailers are no more likely to use cannabis than are young people in other jurisdictions. According to research published by investigators with the RAND Corporation, "Young adults who live in an area with a greater density of any type of (retail cannabis) outlet are not significantly more likely to report stronger intentions to use cannabis, e-cigarettes or cannabis mixed with tobacco/nicotine in the future."¹⁵

Adult-use legalization does not negatively impact traffic safety

No one, including advocates for this measure, wishes to negatively impact traffic safety. Fortunately, the real-world experience with regulating cannabis for both medical purposes and

⁹ <https://www.sciencedirect.com/science/article/abs/pii/S016604621830293X#>

¹⁰ <https://www.jsad.com/doi/10.15288/jsad.2012.73.523>

¹¹ <https://www.realestatewitch.com/marijuana-study-2021/>

¹² <https://www.sciendo.com/article/10.2478/izajole-2021-0005>

¹³ <https://jamanetwork.com/journals/jamapediatrics/article-abstract/2783026>

¹⁴ <https://www.iihs.org/topics/bibliography/ref/2224>

¹⁵ <https://jcannabisresearch.biomedcentral.com/articles/10.1186/s42238-021-00084-y>



Working to Reform Marijuana Laws

for recreational use indicates that legalization can be enacted in a manner that is both safe and effective.

First, it should be stressed that driving under the influence of marijuana is already a criminal offense in almost every jurisdiction.

Secondly, scientific studies find that marijuana-positive drivers possess a low accident risk, particularly when compared with alcohol-positive drivers. The largest controlled trial assessing marijuana use and motor vehicle accidents, published in 2015 by the National Highway Traffic Safety Administration (NHTSA), reports that marijuana-positive drivers possess virtually no statistically significant crash risk (adjusted odds ratio: 1.05) compared to drug-free drivers after controlling for age and gender. By contrast, drivers with detectable levels of alcohol in their blood at legal limits possess nearly a fourfold risk of accident (odds ratio: 3.93), even after adjusting for age and gender.¹⁶

Further, data available from states that have liberalized marijuana's legal status generally show little or no uptick in motor vehicle crashes. Specifically, a study published in 2021 in *The American Surgeon* journal assessed motor vehicle crash data collected over 12-years at trauma centers in legal and nonlegal states (Arizona, California, Ohio, Oregon, New Jersey and Texas). Authors concluded, "There did not appear to be a relationship between the legalization of marijuana and the likelihood of finding THC in patients admitted after MVC (a motor vehicle crash). ... There was no apparent increase in the incidence of driving under the influence of marijuana after legalization."¹⁷

Marijuana exposure is not a direct cause of psychosis

The relationship between cannabis and psychiatric illness is complex and multidirectional.¹⁸ For instance, there is evidence that some people predisposed to psychosis or other psychiatric disorders may be at higher risk for adverse events following cannabis exposure, which may in some cases exacerbate symptoms of the disease.¹⁹ However, it is also well established that those with psychiatric illness typically consume all intoxicants, including cannabis, at greater rates than

¹⁶ NHTSA. Drug and Alcohol Crash Risk. DOT HS 812 117. February 2015.

<https://trid.trb.org/view/1343066>

¹⁷ <https://journals.sagepub.com/doi/10.1177/0003134821995053>

¹⁸ <https://pubmed.ncbi.nlm.nih.gov/15847618/>

¹⁹ <https://www.psychologytoday.com/us/blog/your-brain-food/202202/does-cannabis-cause-schizophrenia>



Working to Reform Marijuana Laws

do the general public.²⁰ In many cases, this is because mental health patients are self-medicating with cannabis.²¹ In other cases, this relationship persists because many people predisposed to psychosis are similarly predisposed to using cannabis.²²

Therefore, it remains premature at best and sensational at worst, to claim that a definitive causal relationship exists between cannabis use and the onset of psychiatric disorders, particularly among those not predisposed to these conditions. Further, the fact that cannabis has been used by various populations for decades at disparate rates, yet rates of psychosis and other psychiatric disorders have generally remained static²³ over this same period of time, strongly argues against this assertion.

If anything, these health and safety concerns provide an argument in favor of legalizing and regulating cannabis so that it can be better kept out of the hands of young people and so that sensitive populations, like those with a history of mental illness, can be made better aware of its potential side effects. By contrast, sensationalizing cannabis and opining for its continued criminalization achieves neither result.

²⁰ <https://archives.drugabuse.gov/news-events/news-releases/2014/01/severe-mental-illness-tied-to-higher-rates-substance-use>

²¹ <https://pubmed.ncbi.nlm.nih.gov/35170396/>

²² <https://pubmed.ncbi.nlm.nih.gov/26781550/>

²³ <https://pubmed.ncbi.nlm.nih.gov/19560900/>