

# Bill as Introduced

HB 1652-FN-A - AS INTRODUCED

2010 SESSION

10-2617  
09/04

HOUSE BILL

**1652-FN-A**

AN ACT

allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana.

SPONSORS:

Rep. Pratt, Hills 7; Rep. Winters, Hills 17; Rep. Comerford, Rock 9; Rep. Skinder, Sull 1

COMMITTEE:

Criminal Justice and Public Safety

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ANALYSIS

This bill allows the purchase and use of marijuana by adults, regulates the purchase and use of marijuana, and imposes taxes on the wholesale and retail sale of marijuana.

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Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

AN ACT allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 Findings. The general court finds that:

2 I. There were more than 840,000 arrests for marijuana offenses in the United States in  
3 2008, which is more than half of the population of New Hampshire;

4 II. Because decades of arresting millions of marijuana users has failed to prevent teenagers,  
5 or anyone else, from using marijuana, the state of New Hampshire should take a new approach by  
6 strictly regulating marijuana with the goal of reducing teenage access to marijuana;

7 III. Rather than spending millions of taxpayer dollars arresting marijuana users, the state  
8 of New Hampshire should instead generate millions of dollars by taxing and regulating marijuana,  
9 and earmark part of these revenues to prevent and treat the abuse of marijuana, tobacco, alcohol,  
10 and other drugs;

11 IV. By allowing adults aged 21 and older to use marijuana legally in the privacy of the home,  
12 police will be able to spend more time preventing and investigating serious crimes like murder, rape,  
13 assault, robbery, burglary, and driving under the influence of alcohol and other drugs; and

14 V. If certain portions of this act are found to be inoperable or unconstitutional, it is the  
15 intent of the people of the state of New Hampshire to implement as much of the act as possible.

16 2 New Chapter; Regulation of Marijuana. Amend RSA by inserting after chapter 318-D the  
17 following new chapter:

18 CHAPTER 318-E

19 REGULATION OF MARIJUANA

20 318-E:1 Definitions. In this chapter:

21 I. "Marijuana" means a plant of the genus Cannabis or its product, but the term does not  
22 include hashish.

23 II. "Marijuana paraphernalia" means equipment, products, and materials which are used or  
24 intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing,  
25 compounding, converting, producing, processing, preparing, testing, analyzing, packaging,  
26 repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing marijuana  
27 into the human body.

1 III. "Retailer" means an establishment licensed pursuant to RSA 77-F to purchase  
2 marijuana and marijuana paraphernalia from a wholesaler and to sell marijuana and marijuana  
3 paraphernalia to the customer.

4 IV. "State prosecution" means prosecution initiated or maintained by the state of  
5 New Hampshire or an agency or political subdivision of the state of New Hampshire.

6 V. "Wholesaler" means an establishment licensed pursuant to RSA 77-F to cultivate,  
7 prepare, package, and sell marijuana to a retailer or another wholesaler, but not to sell marijuana to  
8 the customer or general public.

9 318-E:2 Authorized Activities. Except as otherwise provided in this chapter:

10 I. A person who is 21 years of age or older and who acts in compliance with the provisions of  
11 this chapter shall be exempt from arrest, civil or criminal penalty, seizure or forfeiture of assets,  
12 discipline by any state or local licensing board, or state prosecution for the following acts:

13 (a) Using, obtaining, purchasing, transporting, or possessing, actually or constructively,  
14 one ounce or less of marijuana.

15 (b) Controlling any premises or vehicle where up to one ounce of marijuana is possessed  
16 or deposited.

17 (c) Selling marijuana seeds to a wholesaler.

18 (d) Possession or use of marijuana paraphernalia.

19 (e) Cultivation of no more than 3 marijuana plants on the person's property, provided  
20 that the plants are cultivated in a locked, enclosed location that cannot be accessed by any person  
21 under 21 and provided that the plants are not visible to the public.

22 (f) Transfer of one ounce or less of marijuana without remuneration to a person who is  
23 21 years of age or older.

24 (g) Aiding and abetting another person who is 21 years of age or older in the possession  
25 or use of one ounce or less of marijuana.

26 (h) Aiding and abetting another person who is 21 years of age or older in the possession  
27 or use of marijuana paraphernalia.

28 (i) Any combination of the acts described in subparagraphs (a) to (h), inclusive.

29 II. A retailer or any person who is 21 years of age or older and acting in his or her capacity  
30 as an owner, employee, or agent of a retailer who acts in compliance with the provisions of this  
31 chapter shall be exempt from arrest, civil or criminal penalty, seizure or forfeiture of assets,  
32 discipline by any state or local licensing board, or state prosecution for the following acts:

33 (a) Transporting or possessing, actually or constructively, marijuana.

34 (b) Possession of marijuana paraphernalia.

35 (c) Obtaining or purchasing marijuana and marijuana paraphernalia from a wholesaler.

36 (d) Selling marijuana or marijuana paraphernalia to any person who is 21 years of age  
37 or older.

1 (e) Aiding and abetting any person who is 21 years of age or older in the possession or  
2 use of one ounce or less of marijuana.

3 (f) Aiding and abetting any person who is 21 years of age or older in the possession or  
4 use of marijuana paraphernalia.

5 (g) Controlling any premises or vehicle where up to one ounce of marijuana is possessed  
6 or deposited in accordance with this chapter and RSA 77-F.

7 (h) Any combination of the acts described in subparagraphs (a) to (g), inclusive.

8 III. A wholesaler or any person who is 21 years of age or older and acting in his or her  
9 capacity as an owner, employee, or agent of a wholesaler who acts in compliance with the provisions  
10 of this chapter shall be exempt from arrest, civil or criminal penalty, seizure or forfeiture of assets,  
11 discipline by any state or local licensing board, and state prosecution for the following acts:

12 (a) Cultivating, packing, processing, transporting, or manufacturing marijuana.

13 (b) Transporting or possessing, actually or constructively, marijuana.

14 (c) Possession of marijuana paraphernalia.

15 (c) Selling marijuana or marijuana paraphernalia to a retailer or a wholesaler.

16 (d) Purchasing marijuana from a wholesaler.

17 (e) Purchasing marijuana seeds from a resident of New Hampshire who is 21 years of  
18 age or older.

19 (f) Aiding and abetting any person who is 21 years of age or older in the possession or  
20 use of one ounce or less of marijuana.

21 (g) Controlling any premises or vehicle where up to one ounce of marijuana is possessed  
22 or deposited in accordance with this chapter and RSA 77-F.

23 (h) Any combination of the acts described in subparagraphs (a) to (g), inclusive.

24 IV. Except as provided in paragraph V, in a prosecution for selling, giving, or otherwise  
25 furnishing marijuana or marijuana paraphernalia to any person who is under 21 years of age, it  
26 shall be an affirmative defense if:

27 (a) The person who sold, gave, or otherwise furnished marijuana or marijuana  
28 paraphernalia to a person who is under 21 years of age was a retailer or was acting in his or her  
29 capacity as an owner, employee, or agent of a retailer at the time the marijuana or marijuana  
30 paraphernalia was sold, given, or otherwise furnished to the person; and

31 (b) Immediately before selling, giving, or otherwise furnishing marijuana or marijuana  
32 paraphernalia to a person who is under 21 years of age, the person who sold, gave, or otherwise  
33 furnished the marijuana or marijuana paraphernalia was shown a document which appeared to be  
34 issued by an agency of a federal, state, or local government and which indicated that the person to  
35 whom the marijuana or marijuana paraphernalia was sold, given, or otherwise furnished was 21  
36 years of age or older at the time the marijuana or marijuana paraphernalia was sold, given, or  
37 otherwise furnished to the person.

1 V. The affirmative defense set forth in paragraph IV shall not apply if:

2 (a) The document which was shown to the person who sold, gave, or otherwise furnished  
3 the marijuana or marijuana paraphernalia was counterfeit, forged, or altered, or was issued to a  
4 person other than the person to whom the marijuana or marijuana paraphernalia was sold, given, or  
5 otherwise furnished; and

6 (b) Under the circumstances, a reasonable person would have known or suspected that  
7 the document was counterfeit, forged, or altered, or was issued to a person other than the person to  
8 whom the marijuana or marijuana paraphernalia was sold, given, or otherwise furnished.

9 318-E:3 Illegal Activities. The provisions of this chapter shall not authorize, and no person shall  
10 be exempt from arrest, civil or criminal penalty, seizure or forfeiture of assets, discipline by any state  
11 or local licensing board and state prosecution for, nor may he or she establish an affirmative defense  
12 to charges arising from, any of the following acts:

13 I. Driving, operating, or being in actual physical control of a vehicle or a vessel under power  
14 or sail while under the influence of marijuana.

15 II. Possessing marijuana if the person is a prisoner.

16 III. Possessing marijuana or possessing drug paraphernalia, if the possession of the marijuana  
17 or drug paraphernalia is discovered because the person engaged or assisted in the use of marijuana in:

18 (a) Any public place or in any place open to the public.

19 (b) Any local detention facility, county jail, state prison, reformatory, or other  
20 correctional facility, including, without limitation, any facility for the detention of juvenile offenders.

21 (c) Any preschool, elementary school, junior high school, or high school.

22 IV. Possessing, using, transferring, selling, or cultivating marijuana or committing any  
23 other act involving marijuana in violation of the provisions of this chapter, unless such conduct is  
24 authorized by another provision of New Hampshire law.

25 318-E:4 Employers. The provisions of this chapter shall not require employers to accommodate  
26 the use, possession, or being under the influence of marijuana in a place of employment.

27 318-E:5 Penalty for Minors. Any minor who falsely represents himself to be 21 years of age or  
28 older in order to obtain any marijuana or marijuana paraphernalia pursuant to this chapter shall be  
29 guilty of a misdemeanor.

30 3 New Section; Controlled Drug Act; Limitation on Penalties. Amend RSA 318-B by inserting  
31 after section 26-a the following new section:

32 318-B:26-b Limitation on Penalties. The penalties provided for in this chapter shall not apply to  
33 those acting in accordance with RSA 318-E and RSA 77-F.

34 4 New Chapter; Taxation of Marijuana. Amend RSA by inserting after chapter 77-E the  
35 following new chapter:

36 CHAPTER 77-F

37 TAXATION OF MARIJUANA

1 77-F:1 In this chapter:

2 I. "Department" means the department of revenue administration.

3 II. "Marijuana" means a plant of the genus Cannabis or its product, but the term does not  
4 include hashish.

5 III. "Retailer" means an establishment licensed pursuant to this chapter to purchase  
6 marijuana and marijuana paraphernalia from a wholesaler and to sell marijuana and marijuana  
7 paraphernalia to the customer.

8 IV. "Wholesaler" means an establishment licensed pursuant to this chapter to cultivate,  
9 prepare, package, and sell marijuana to a retailer or another wholesaler.

10 77-F:2 Retailer Licenses. Except as otherwise provided in RSA 77-F:4:

11 I. An entity may apply, in accordance with the provisions of this chapter and the rules  
12 adopted pursuant to this chapter, for the issuance of a license authorizing the entity to act as a  
13 retailer pursuant to the provisions of this chapter.

14 II. The department shall issue a license authorizing an entity to act as a retailer pursuant to  
15 the provisions of this chapter if the department determines that the applicant satisfies the  
16 requirements set forth in this chapter and the rules adopted pursuant to this chapter. The  
17 department shall approve each qualified applicant within 90 days of its submission of its application.

18 III. The fee for the initial issuance of a license as a retailer is \$1,000. A license as a retailer  
19 shall be renewed annually. The fee for renewal of a license as a retailer is \$1,000.

20 IV. If the department fails to issue a retailer license to a qualified applicant within 90 days  
21 of its submission of its application and the applicant holds a valid retail tobacco license pursuant to  
22 RSA 178:19-a, the applicant shall be deemed to be a retailer as defined in this chapter.

23 V. In this section, "qualified applicant" means any entity that:

24 (a) Complies with any rules adopted pursuant to RSA 77-F:11 relative to application for  
25 and issuance of a license; and

26 (b) Satisfies the requirements set forth in this chapter and the rules adopted pursuant to  
27 this chapter.

28 77-F:3 Wholesaler Licenses. Except as otherwise provided in RSA 77-F:4:

29 I. An entity may apply, in accordance with the provisions of this chapter and the rules  
30 adopted pursuant to this chapter, for the issuance of a license authorizing the entity to act as a  
31 wholesaler pursuant to the provisions of this chapter.

32 II. The department shall issue a license authorizing an entity to act as a wholesaler  
33 pursuant to the provisions of this chapter if the department determines that the applicant satisfies  
34 the requirements set forth in this chapter and the rules adopted pursuant to this chapter. The  
35 department shall approve each qualified applicant within 90 days of its submission of its application.

36 III. The fee for the initial issuance of a license as a wholesaler is \$1,000. A license as a  
37 wholesaler shall be renewed annually. The fee for renewal of a license as a wholesaler is \$1,000.

1 IV. If the department fails to issue a wholesaler license to a qualified applicant within 90  
2 days of its submission of its application and the applicant is a person who holds a valid retail tobacco  
3 wholesale license pursuant to RSA 78:2, the applicant shall be deemed to be a wholesaler as defined  
4 in this chapter.

5 V. In this section, "qualified applicant" means any entity that:

6 (a) Complies with any rules adopted pursuant to RSA 77-F:11 concerning application for  
7 and issuance of a license; and

8 (b) Satisfies the requirements set forth in this chapter and the rules adopted pursuant to  
9 this chapter.

10 77-F:4 Prohibition on Licenses. The department shall not issue a license as a retailer or  
11 wholesaler to an entity:

12 I. That is located within 500 feet of the property line of a preschool, elementary school,  
13 junior high school, or high school, or structure used primarily for religious services or worship;

14 II. That is engaged in business as a gas station, convenience store, grocery store, night club,  
15 dance hall, or licensed gaming establishment; or

16 III. That sells intoxicating liquor for consumption on or off the premises.

17 77-F:5 Prohibited Activities by Retailers.

18 I. A retailer shall not:

19 (a) Sell, give, or otherwise furnish marijuana or marijuana paraphernalia to any person  
20 who is under 21 years of age.

21 (b) Allow any person who is under 21 years of age to be present on the premises of its  
22 establishment.

23 (c) Knowingly sell, give, or otherwise furnish an amount of marijuana to a person that  
24 would cause that person to possess more than one ounce of marijuana.

25 (d) Purchase marijuana from any person other than a wholesaler.

26 (e) Purchase or sell, give, or otherwise furnish marijuana in any manner other than as  
27 authorized pursuant to the provisions of this chapter and any rules adopted pursuant to this  
28 chapter.

29 (f) Sell marijuana that has been adulterated or contaminated by any controlled  
30 substance or illegal additive or pesticide.

31 II. In addition to any other penalty provided pursuant to specific statute, a person who  
32 violates this section shall be guilty of a misdemeanor and shall be punished by a fine of not more  
33 than \$1,000. The department may also suspend or terminate the license of a retailer who commits  
34 multiple or serious violations of this section or rules issued pursuant to it.

35 III. Except as otherwise provided in this paragraph, in a prosecution for a violation of  
36 subparagraph I(b), it is an affirmative defense that immediately before allowing the person who is  
37 under 21 years of age onto the premises, the person who allowed the person onto the premises was



1 shown a document which appeared to be issued by an agency of a federal, state, or local government  
2 and which indicated that the person who was allowed onto the premises of the retailer was 21 years  
3 of age or older at the time the person was allowed onto the premises of the retailer. The affirmative  
4 defense set forth in this paragraph shall not apply if:

5 (a) The document which was shown to the person who allowed the person who is under  
6 21 years of age onto the premises of the retailer was counterfeit, forged, or altered, or was issued to a  
7 person other than the person who was allowed onto the premises of the retailer; and

8 (b) Under the circumstances, a reasonable person would have known or suspected that  
9 the document was counterfeit, forged, or altered, or was issued to a person other than the person  
10 who was allowed onto the premises.

11 IV. In this section, "marijuana paraphernalia" shall have the same meaning as in RSA 318-E:1, II.

12 77-F:6 Prohibited Activities by Wholesalers.

13 I. A wholesaler shall not:

14 (a) Allow any person who is under 21 years of age to be present on the premises of its  
15 establishment.

16 (b) Sell, give, or otherwise furnish marijuana to any person other than a retailer or  
17 wholesaler.

18 (c) Purchase marijuana from any person other than a wholesaler.

19 (d) Purchase or sell, give, or otherwise furnish marijuana in any manner other than as  
20 authorized pursuant to the provisions of this chapter and any rules adopted pursuant to this chapter.

21 (e) Sell marijuana that has been adulterated or contaminated by any controlled  
22 substance or illegal additive or pesticide.

23 II. In addition to any other penalty provided pursuant to specific statute, a person who  
24 violates this section shall be guilty of a misdemeanor and shall be punished by a fine of not more  
25 than \$1,000. The department may also suspend or terminate the license of a wholesaler who  
26 commits multiple or serious violations of this section or rules issued pursuant to it.

27 III. Except as otherwise provided in this paragraph, in a prosecution for a violation of  
28 subparagraph I(a), it is an affirmative defense that immediately before allowing the person who is  
29 under 21 years of age onto the premises, the person who allowed the person onto the premises was  
30 shown a document which appeared to be issued by an agency of a federal, state, or local government  
31 and which indicated that the person who was allowed onto the premises of the wholesaler was 21  
32 years of age or older at the time the person was allowed onto the premises of the wholesaler. The  
33 affirmative defense set forth in this paragraph shall not apply if:

34 (a) The document which was shown to the person who allowed the person who is under  
35 21 years of age onto the premises of the wholesaler was counterfeit, forged, or altered, or was issued  
36 to a person other than the person who was allowed onto the premises of the wholesaler; and

1 (b) Under the circumstances, a reasonable person would have known or suspected that  
2 the document was counterfeit, forged, or altered, or was issued to a person other than the person  
3 who was allowed onto the premises.

4 77-F:7 Rate of Tax.

5 I. An excise tax is hereby imposed upon wholesalers and shall be collected on all marijuana  
6 sold to retailers at the rate of \$45 per ounce or proportionate part thereof.

7 II. For the purpose of determining the tax for the retail sale of marijuana pursuant to this  
8 chapter, the tax for the sale of marijuana shall be at a rate of 19 percent of the wholesaler price.

9 77-F:8 Distribution of Taxes. The department shall apportion the money remitted to the  
10 department from license fees and taxes collected pursuant to this chapter in the following manner:

11 I. The department shall retain sufficient money to defray the entire cost of administration of  
12 this chapter.

13 II. After retaining sufficient money to defray the entire cost of administration of this chapter  
14 pursuant to paragraph I, the department shall remit the remaining money to the state treasurer for  
15 deposit in the general fund, 50 percent of which shall be distributed to the department of health and  
16 human services through the operating budget for use in voluntary programs for the prevention or  
17 treatment of the abuse of alcohol, tobacco, or controlled substances.

18 77-F:9 Advertising Prohibited. No person shall advertise the sale of marijuana through  
19 television, radio, newspapers, magazines, billboards, the Internet, or any other written or oral  
20 commercial media.

21 77-F:10 Transporting Marijuana. The provisions of this chapter shall not authorize any person  
22 to transport marijuana into or outside the state of New Hampshire, unless federal law permits such  
23 transport.

24 77-F:11 Administration; Rulemaking.

25 I. The department shall be responsible for administering and carrying out the provisions of  
26 this chapter.

27 II. The department shall adopt rules that:

28 (a) Establish procedures for the application for and issuance of licenses to retailers and  
29 wholesalers, including, without limitation, the content and form for an application to be licensed as a  
30 retailer or wholesaler.

31 (b) Specify the procedures for the collection of taxes levied pursuant to this chapter.

32 (c) Specify the content, form, and timing of reports which shall be submitted to the  
33 department by a retailer or wholesaler, including, without limitation, the requirement that  
34 information on sales, expenses, inventory, and taxes collected be reported to the department.

35 (d) Establish the requirements concerning the records that shall be created and  
36 maintained by a retailer or wholesaler.

1 (e) Establish reasonable security requirements that shall be adhered to by retailers or  
2 wholesalers.

3 (f) Specify the requirements for the packaging and labeling of marijuana.

4 (g) Require the posting or display of the license of a retailer or wholesaler.

5 (h) Establish the procedures for inspecting and auditing the records or premises of a  
6 retailer or wholesaler.

7 (i) Establish the procedures for hearings to contest the denial of an application for a  
8 license as a retailer or wholesaler.

9 (j) Establish the procedures for hearings to contest the suspension or revocation of a  
10 license as a retailer or wholesaler for a violation of any provision of this chapter or the rules adopted  
11 pursuant to this chapter.

12 5 Rulemaking Required; Retailers and Wholesalers.

13 I. The commissioner of the department of revenue administration shall adopt rules under  
14 RSA 77-F:11 to implement this act and shall begin processing applications for retailers and  
15 wholesalers within 180 days of the effective date of this act.

16 II. If the department fails to adopt such rules within 180 days of the effective date of this  
17 act, any person who holds a valid retail tobacco license pursuant to RSA 178:19-a shall be deemed to  
18 be a retailer if such person:

19 (a) Notifies the department in writing of its readiness to apply;

20 (b) Pays the department the \$1,000 license fee; and

21 (c) Satisfies the requirements set forth in RSA 77-F:1 to 77-F:11.

22 III. If the department fails to issue such rules within 180 days of the effective date of this  
23 act, any person who holds a tobacco wholesale license pursuant to RSA 78:2 shall be deemed to be a  
24 licensed wholesaler if such establishment:

25 (a) Notifies the department in writing of its readiness to apply;

26 (b) Pays the department the \$1,000 license fee; and

27 (c) Satisfies the requirements set forth in RSA 77-F:1 to 77-F:11.

28 IV. If the department fails to adopt rules to implement this act and fails to begin processing  
29 applications for retailers and wholesalers within 180 days of the effective date of this act, a retailer,  
30 wholesaler, or person who desires to purchase marijuana pursuant to this act may commence an  
31 action in a court of competent jurisdiction to compel the department to perform the actions mandated  
32 pursuant to the provisions of this act.

33 6 Severability. If any provision of this act, or the application thereof to any person, thing, or  
34 circumstance is held invalid, such invalidity shall not affect the provisions or application of this act  
35 which can be given effect without the invalid provision or application, and to this end the provisions  
36 of this act are declared to be severable.

37 7 Effective Date. This act shall take effect January 1, 2011.

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**HB 1652-FN-A - FISCAL NOTE**

AN ACT allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana.

**FISCAL IMPACT:**

The Judicial Branch, Department of Safety, Department of Revenue Administration, Judicial Council, Department of Corrections, and New Hampshire Association of Counties state this bill will have an indeterminable fiscal impact on state and county expenditures, and may increase state revenue by an indeterminable amount in FY 2011 and each year thereafter. This bill will have no fiscal impact on local expenditures, or county and local revenue.

**METHODOLOGY:**

The Judicial Branch states this bill would allow the purchase and use of up to one ounce of marijuana by those over 21 and would regulate and tax the retail and wholesale sale of marijuana. Two new RSA chapters would be established by the proposed bill: RSA chapter 318-E, regulating marijuana; and RSA chapter 77-F, taxing marijuana. For the Branch, the proposed bill would have a fiscal impact of an indeterminable amount. The proposed bill includes potential expense to the Branch, but it would also result in savings. On the expense side, proposed RSA 318-E:5 makes it an unspecified misdemeanor for anyone to falsely represent himself to be 21 years of age or older in order to obtain marijuana. Similarly, proposed RSA 77-F:5, II and proposed RSA 77-F:6, II make it an unspecified misdemeanor for a retailer or a wholesaler, respectively, to violate the statute. The Branch has no information on which to estimate how many new misdemeanors will be brought pursuant to these proposed sections. In FY 2010 and beyond, the Branch states the cost to process an average class A misdemeanor charge in district court is \$51.14, and the cost to process a class B misdemeanor charge is \$36.89. These figures do not consider any salary increases or decreases that may occur, or the cost of any appeals that may be taken following trial in any potential criminal cases. On the savings side, the proposed bill would add RSA 318-B:26-b providing that the penalties in the controlled drug act shall not apply to those acting in accordance with RSA 318-E and RSA 77-F. This provision would substantially reduce the number of marijuana prosecutions in New Hampshire courts with respect to those over the age of 21. The Branch has no information on how many such cases the proposed bill would eliminate from prosecution. Based on the number of marijuana cases prosecuted annually,

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however, the proposed bill could result in a savings to the judicial branch well in excess of \$10,000 annually. The Branch also states the proposed bill may have an effect on fine revenue. Most marijuana offenses are punished with fines. Since the number of marijuana prosecutions will be reduced as a result of the proposed bill, it would result in the decrease of fine revenue in an indeterminable amount. Any such decrease would impact the general fund since fines related to drug offenses go to the general fund.

The Department of Safety states this bill would allow the purchase and use of marijuana by adults. The Division of State Police asserts that although there would be a decrease in the number of drug cases required to be handled by the lab, there would not be a corresponding decrease in lab staffing, because the personnel would then have time to focus on other cases that may have been delayed in the past. Because resources would be reallocated to other cases, any corresponding changes to state expenditures cannot be estimated.

The Department of Revenue Administration states they would be unable to administer this legislation without significant additional costs to study, develop and implement a licensing certification process, enforcement mechanisms, new tax implementation and collections, appeals, auditing and hearing procedures. The Department states their involvement with this taxation imparts legal burdens on other agencies such as the attorney general's and county attorney's offices. The Department states this bill would be difficult to administer due to the multitude of security and enforcement issues implicit in a law allowing the ownership, use and sale of marijuana. The Department is unable to estimate the impact on state revenue as they have been unable to find any relevant data on the subject of marijuana taxation.

The Judicial Council states this bill may result in an indeterminable fiscal impact on state general fund expenditures. The Council states if an individual is found to be indigent, the flat fee of \$275 per misdemeanor and is charged by a public defender or contract attorney. If an assigned counsel attorney is used the fee is \$60 per hour with a cap of \$1,400 for a misdemeanor. The Council also states additional costs could be incurred if an appeal is filed. The public defender, contract attorney and assigned counsel rates for Supreme Court appeals is \$2,000 per case, with many assigned counsel attorneys seeking permission to exceed the fee cap. Requests to exceed the fee cap are seldom granted. Expenditures would increase if services other than counsel are requested and approved by the court during the defense of a case or during an appeal. The exact fiscal impact cannot be determined at this time.

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The Department of Corrections states crime and arrest data is not available in sufficient detail to predict the number of individuals who would likely be subject to this legislation. However, the average annual cost of incarcerating an individual in the general prison population for FY 2009 was \$33,110. The cost to supervise an offender by the Department's Division of Field Services for FY 2009 was \$744.

The New Hampshire Association of Counties states to the extent this bill increases or decreases the number of individuals convicted, and sentenced to incarceration, the counties may have increased or decreased expenditures. The Association is unable to determine the number of individuals this bill may apply, and are unable to determine the fiscal impact on county expenditures at this time. The average cost to incarcerate an individual in a county facility is \$35,342 a year.

The Department of Justice states this bill will have no fiscal impact on the Department.

# Committee Minutes

**HOUSE COMMITTEE ON CRIMINAL JUSTICE  
& PUBLIC SAFETY**

**LIST OF 2010 INTERIM STUDY HOUSE BILLS**

**BILL NUMBER: HB 1652-FN-A**

**BILL TITLE: allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana.**

**DATE: MAY 4, 2010**

**THE COMMITTEE HAS VOTED TO HOLD THIS BILL FOR  
INTERIM STUDY.**



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**Rep. Stephen J. Shurtleff, Chairman**



# Speakers

2:00 P.M.

# SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1652-FN-A Date January 20, 2010

Committee Criminal Justice and Public Safety

**\*\* Please Print All Information \*\***

Name	Address	Phone	Representing	(check one)	
				Pro	Con
ST. REP L. MIKE KAPLER	ROCK DIST 2				X
JEREMY OLSON	Grafton		NHLA	X	
Rep Carla Miskinder	Sullivan			✓	
SOTH LOW	CANTON		SELF	✓	
Rep. Don PETERSON	ROCKINGHAM 10, BRENTWOOD			✓	
Rep Barbara Shaw	Hills			✓	
Claire Ebel	Concord	225-3008	NHCLU	X	
Edum Mudge	Manchester		Self	✓	
Keith Carlsen	Keene	997-1446	SELF	✓	
Ben Alteman	Wear		self	✓	
Jason Sutherland	Chester	448-4626	self	✓	
Richard Arthur Angell	Grafton	998-3662	Constitution for USA & New Hampshire		✓
Robert Constantine	Grafton		Liberty	✓	
Arthur Edmonson III	Grafton		Self	✓	
John B. Stetten	50 Hillcrest Ave Manchester			X	
SARAH HEINEKE	KEENE		SELF	X	
William McFarlin	Pembroke		the People	X	
CATHERINE VAN WYK	MANCHESTER	781-2792	SELF		✓
Susan Forey	Dept of Safety - Concord		Dept of Safety		
Michael Kamek	Grafton			✓	

# Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1652-FN-A

**BILL TITLE:** allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana.

**DATE:** January 20, 2010

**LOB ROOM:** 204      **Time Public Hearing Called to Order:** 3:38 p.m.

**Time Adjourned:** 5:00 p.m.

(please circle if present)

**Committee Members:** Reps. ~~Shurtleff, Pantelakos, Berube, Robertson, Movsesian, Burridge, Cushing, Rodd, Chandley, B. McCarthy, M. Ryder, Welch, Charron, Pesh, Weare, Stevens, Villeneuve, Gagne, Swinford and Willette.~~

**Bill Sponsors:** Rep. Pratt, Hills 7; Rep. Winters, Hills 17; Rep. Comerford, Rock 9; Rep. Skinder, Sull 1

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Pratt** - Prime sponsor. (Supports)

- Has amendment #2010-0189h.
- Challenging bill to craft because no other state does this.
- Refers to inefficiency of prohibition.
- See written testimony and report.

**Question:** DRA or Liquor Commission – who would regulate?

**Rep. Joel Winters** - Co-sponsor. (Supports)

- Current laws are insane, not working but we continue with policy.

**Rep. Tim Comerford** - Co-sponsors (Supports)

- 10<sup>th</sup> amendment protects N.H. from federal regulation.
- Protects freedom of N. H. Citizens.
- Quotes Castraneda (Mexico) U.S. drug policy aids carbels

**Rep. Carla Skinder** - Co-sponsor. (Supports)

- Parents need to set example with regard to pot, alcohol, prescription drugs.

**HB 1652-FN-A Page Two Continued**

**Susan Forey** - Department of Safety (Opposes)

- Law enforcement is philosophically opposed to any legislation that would legalize drugs that are now illegal.

**Tich Tomasso** - Libertarian Party (Supports)

- Despite tax implications, supports this as sane legislation.

**Rich Angell** - (Supports)

- Message being sent to children currently is that the government should be the arbiter of what you should and can put in your body.

**\*Chris Hefferman** - (Supports)

- This bill would reduce violence in several ways.
- Has written testimony.

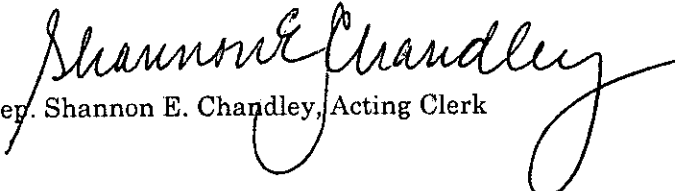
**Matt Simon** - N. H. Common Sense (Supports)

- Addressed similarities between alcohol and marijuana
- People look to drugs to meet specific needs.
- Referred to Myron Report (Harvard Prof.)

**Chris Booth** (Supports)

- Would like companion bill to allow home growth.
- Would change fees.
- Presented written testimony – graph
- Shouldn't be any reference to employers in bill.

Respectfully Submitted:

  
Rep. Shannon E. Chandley, Acting Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1652-FN-A

**BILL TITLE:** allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana.

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**Bill Sponsors:** Rep. Pratt, Hills 7; Rep. Winters, Hills 17; Rep. Comerford, Rock 9; Rep. Skinder, Sull 1

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

HB 1652 - FN - A

January 20, 2010

Hearing Start: 3:38 PM

End 5:00

Rep. Pratt

Prime Sponsor

supports

o has amendment

# 2010-0189h

o challenging bill to craft because no other state does this

o refers to inefficiency of prohibition

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{ → DRA or liquor Commission } question  
who would regulate }

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co-sponsor

supports

~~interests~~

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co-sponsors

supports

o 10th amendment protects

NH from federal regulation

o protects freedom of NH citizens

o quotes Castaneda (Mexico) US drug policy aids drug cartels

Rep. Carla Skinder,

co-sponsor

supports

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w/ regard to pot, alcohol, prescription drugs

Susan Forey, Dept. of Safety <sup>opposes</sup>  
◦ law enforcement is philosophically  
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would legalize drugs that are  
now illegal.

Rich Tomasso, Libertarian Party, supports  
◦ despite tax implications,  
supports this as sane legislation

Rich Angell - supports  
◦ message being sent to children  
is that the government should  
be the arbiter of what you  
should and can put in your body  
◦

currently →

Chris Heffernan, supports  
◦ this bill would reduce violence  
◦ in several ways  
Has written testimony

Matt Simon, NH Common Sense, supports  
◦ addressed similarities between  
alcohol and marijuana  
◦ people look to drugs to meet  
specific needs  
◦ referred to Myron Report (Harvard prof.)



Chris Booth,

supports

- would like companion bill to allow home growth
- would change fees
- presented written testimony - graph
- shouldn't be any reference to employers in bill

# Sub-Committee Minutes

**HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

**SUBCOMMITTEE WORK SESSION ON HB 1652-FN-A**

**BILL TITLE:** allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana.

**DATE:** June 22, 2010

**Subcommittee Members:** Reps. Chandley, Welch, Gagne, and Robertson

**Comments and Recommendations:** Plan to hold two meetings if necessary in late summer. First meeting will address further questions regarding: issue, second specific to legislation regarding: issue.

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Shannon E. Chandley  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

SUBCOMMITTEE WORK SESSION ON HB 1562-FN-A

**BILL TITLE:** allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana.

**DATE:** June 22, 2010

**Subcommittee Members:** Reps. Chandley, Welch, Gagne, Robertson

**Comments and Recommendations:** Plan to hold 2 meetings <sup>if necessary</sup> in late summer. First meeting will address further questions re: issue, 2nd specific to legislation re: issue.

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

  
Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

SUBCOMMITTEE WORK SESSION ON HB 1652-FN-A

**BILL TITLE:** allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana.

**DATE:** August 24, 2010

**Subcommittee Members:** Reps. Chandley, Welch, Gagne, and Robertson

**Comments and Recommendations:** Will re-convene on Sept. 7. 2010 at 1:00 p.m.

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Shannon E. Chandley  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

SUBCOMMITTEE WORK SESSION ON HB 1652-FN-A

**BILL TITLE:** allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana.

**DATE:** August 24, 2010

**Subcommittee Members:** Reps. Chandley, Welch, Gagne, and Robertson

**Comments and Recommendations:**

**Amendments:**

Sponsor: Rep.	OLS Document #:
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**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

*Will re-convene on Sept. 7, 2010  
@ 1:00pm.*

Respectfully submitted,  
Rep. *St. Chandley*  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

SUBCOMMITTEE WORK SESSION ON HB 1652-FN

**BILL TITLE:** allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana.

**DATE:** September 7, 2010

**Subcommittee Members:** Reps. Chandley, ~~Welch~~, Gagne, and Robertson

**Comments and Recommendations:** Will re-convene 9/22 at 11:15.

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Shannon Chandley  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

SUBCOMMITTEE WORK SESSION ON HB 1652-FN

**BILL TITLE:** allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana.

**DATE:** September 7, 2010

**Subcommittee Members:** Reps. Chandley, Welch, Gagne and Robertson

**Comments and Recommendations:**

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

*Will re-commence 9/22 @ 11:15*

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk

*Shannon Chandley*



HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

SUBCOMMITTEE WORK SESSION ON HB 1652-FN-A

**BILL TITLE:** allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana.

**DATE:** September 22, 2010

**Subcommittee Members:** Reps. Chandley, Welch, Gagne, and Robertson

**Comments and Recommendations:** Continued to October 13<sup>th</sup>.

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** Recommended or Not Recommended for Future Legislation (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** Recommended or Not Recommended for Future Legislation (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Shannon Chandley  
Subcommittee Chairman Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

SUBCOMMITTEE WORK SESSION ON HB 1652-FN-A

**BILL TITLE:** allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana.

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**Comments and Recommendations:** Continued to October 13<sup>th</sup>.

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** Recommended or Not Recommended for Future Legislation (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

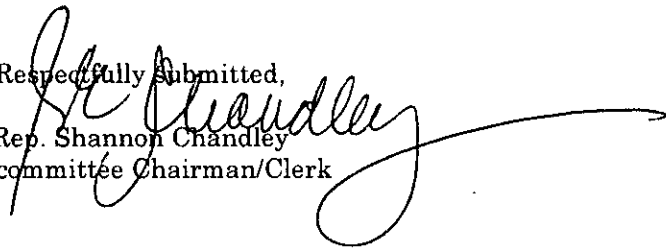
**Motions:** Recommended or Not Recommended for Future Legislation (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully Submitted,  
Rep. Shannon Chandley  
Subcommittee Chairman/Clerk



HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

SUBCOMMITTEE WORK SESSION ON HB 1652-FN-A

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**Comments and Recommendations:**

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Sponsor: Rep. OLS Document #:

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Sponsor: Rep. OLS Document #:

**Motions:** Recommended or Not Recommended for Future Legislation (Please circle one.)

Moved by Rep. Robertson

Seconded by Rep. Gagne

Vote: 2-2

**Motions:** Recommended or Not Recommended for Future Legislation (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Chandley  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

SUBCOMMITTEE WORK SESSION ON HB 1652-FN-A

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**Subcommittee Members:** Reps. Chandley, Welch, Gagne, and Robertson

**Comments and Recommendations:**

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** Recommended or ~~Not Recommended~~ for Future Legislation (Please circle one.)

Moved by Rep. Robertson

Seconded by Rep. Gagne

Vote:

2-2

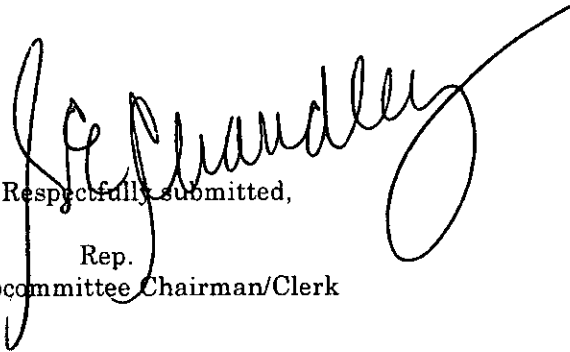
**Motions:** Recommended or Not Recommended for Future Legislation (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

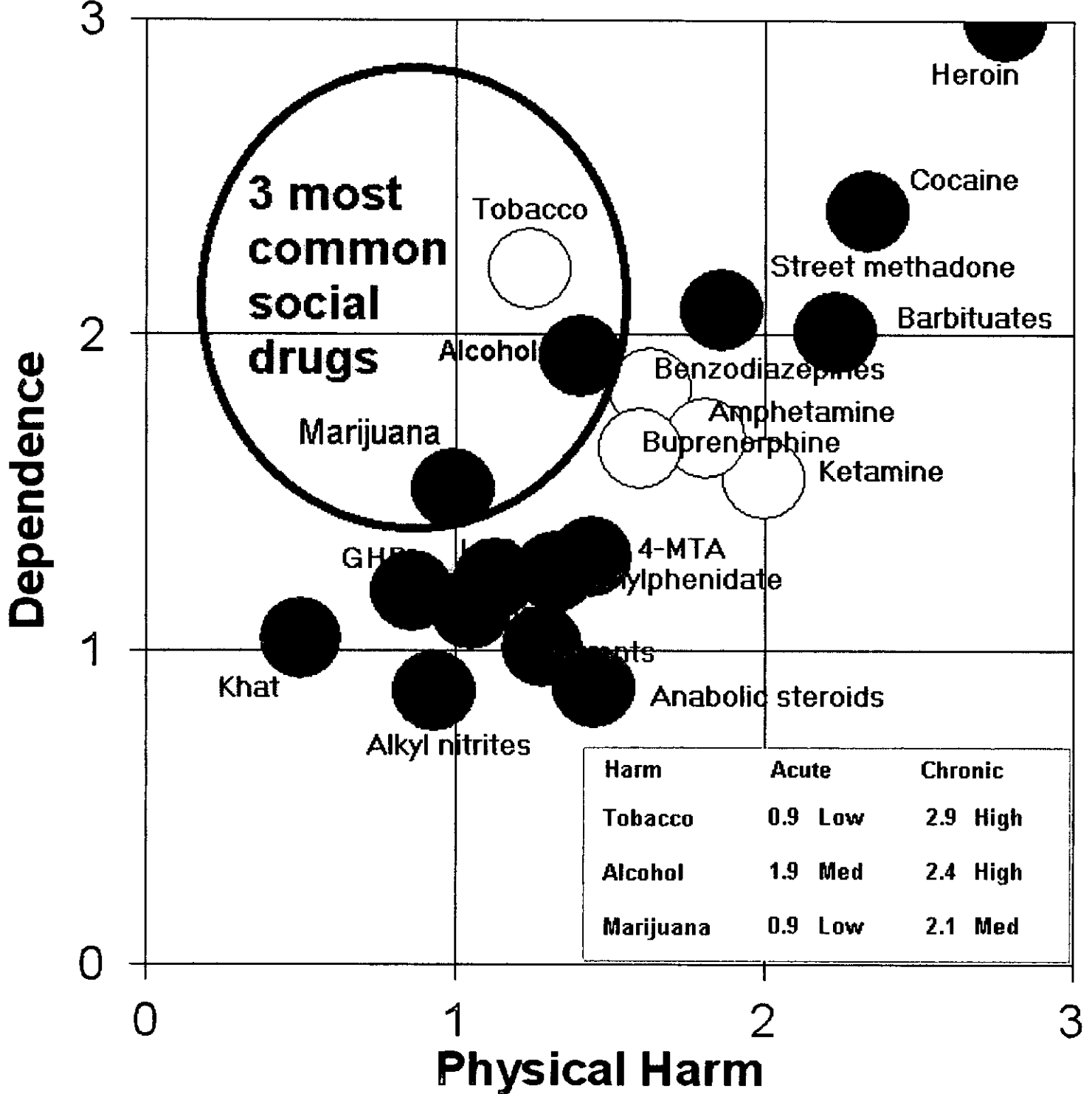
Respectfully submitted,  
Rep.  
Subcommittee Chairman/Clerk



# Testimony

Chris Booth

# Marijuana in comparison to Alcohol and Tobacco



Data source is The Lancet, 369 (9566): 1047-53 published March 24, 2007

Chris Heffernan

Thank you Mr. Chairman and members of the committee for the opportunity to speak today in favor of HB 1652. My name is Chris Heffernan and I am a resident of Nashua.

First off I would like to thank the committee for giving this bill the serious consideration it deserves. I know this is a controversial topic but I feel as though it needs to be addressed for the benefits that will come from it. What I am asking of you today may seem like a lot but I feel that if this legislation is passed that it will not only open the door for other states to follow this path but will close the doors that allow such violence to take place in this and other countries. For decades the belief has been that marijuana distribution causes violence, and this statement I cannot agree with more. However I believe the violence stems not from the drug itself but from the status of the drug as an illegal substance. As we learned from the Prohibition Era some 80 years ago, when a product is made illegal, it does not deter people from using it but instead it opens up a gateway for organized crime to control that product, and thus causing a violent cycle in the process. There is no doubt that people in this country use marijuana, however in order to procure this substance they must go through illegal channels rather than purchase it at their corner store. These licensed establishments put into place laws that control the distribution of the substance and hold accountable individuals that do not abide by these rules and regulations. In contrast, marijuana distributors operate wherever they like, and when a conflict arises, the natural solution is to eliminate the competition, especially since with the illegal status of the drug, the profit margins are exceptionally high. Since the business itself is already underground, violence is the fastest and most effective means of solving the conflict. If we pass a law taxing and regulating marijuana, the need for violence is not only eliminated, but anyone who does invoke violence to solve a dispute would be held accountable for their actions. I can't remember the last time the owner of a Shell station shot and killed the person who opened a Mobil station down the street. In addition, dealers are wary of those who they feel might be informing the police of their activities and therefore use violence to intimidate those who they feel are "snitches". There would be no need for witness intimidation if the substance were legally distributed.

More so, with the current status of this drug as being illegal, thousands of men and women are placed in the prison system every year due to simple possession of this substance, one which has been proven to be less harmful than alcohol. Upon exiting the prison system it is quite difficult to obtain work, especially in this economy, with potential employers seeing a jail record. Therefore these men and women, with nowhere to turn, resort to committing more crimes which continues the cycle of their incarceration.

Now why choose to enter a life of crime in marijuana distribution in the first place? In the urban reality which is all too often ignored, many children have no role models to look up to as their parents may be absent, or away in jail, and therefore these children idolize the local dealers who they see wearing nice clothes and driving nice cars. By allowing this drug to continue under its illegal status we are keeping open the door to success achieved through selling it for extremely high profits and giving young kids with no hope something that they can look up to as a way to make it in this world. To make matters worse, law enforcement will have you believe that every time they make an arrest of a big time dealer, they have put a large dent in the drug activity in any given area. What they have actually done is just promoted another drug dealer to a higher status. What happens when a liquor store loses its license? The other liquor stores around it see an increase in profits. There is no shortage of marijuana in any given area, so arresting a dealer only means that other dealers will now be able to make more money, elevating their own status, while the children of the neighborhood watch and idolize them even more. It's a never-ending cycle that you have the ability to put a real dent in, but only by taking marijuana out of the criminal market and regulating it similarly to alcohol.

Finally, and again thank you for listening, we have the ever present argument of marijuana being a gateway to other drugs. This is simply not true unless the marijuana dealer is also offering other illegal substances, which under a tax and regulate bill would not be an option. There is absolutely no evidence that marijuana itself leads people to try other substances, but we've heard it so many times that some accept it as truth. The real truth is that marijuana could only be considered a gateway drug if the dealer is offering the customer cocaine and heroin on the way out the door.

In conclusion, when you keep a substance illegal it is only allowing those in illegal markets to control that substance, driving up the prices and using violence to retain their status as the sole providers. With a tax and regulate program, the substance and its distributors are held accountable for their actions and will not need violence to defend their business, and they will be punished severely if found providing that substance to minors, which of course in an illegal market there is no minimum age for purchase. People always say that drug dealers target children, well I've never seen a liquor store owner hanging around school yards trying to sell kids a handle of vodka. This bill would free up the prison system and allow otherwise upstanding citizens to contribute to this state instead of being dependent on it, and would eliminate the "coolness" associated with being a drug dealer, as again, no one idolizes liquor store owners, but kids do currently idolize their drug-dealing friends who have new clothes and jewelry from selling an substance which because of its illegality has a high profit margin.



New Hampshire Department of Safety  
Legislative Position Paper  
Date: December 22, 2009

Bill Title: **ALLOWING PURCHASE AND USE OF MARIJUANA (BUT NOT HASHISH) BY ADULTS, REGULATING THE PURCHASE AND USE OF MARIJUANA, AND IMPOSING TAXES ON THE WHOLESALE AND RETAIL SALE OF MARIJUANA.**

Testimony before:

LSR#: 10-2617

BILL#: HB 1652

AMENDMENTS:

SAFETY'S POSITION	<input type="checkbox"/>	SUPPORT
	<input checked="" type="checkbox"/>	OPPOSE as written
	<input type="checkbox"/>	NO POSITION
	<input type="checkbox"/>	SUGGEST AMENDMENT
	<input type="checkbox"/>	REQUEST INFORMATION

Currently, the law as it is, does the following:

As proposed, the Bill is intended to do the following:

① This bill allows the purchase and use of marijuana by adults, regulates its purchase and use, and imposes taxes on its wholesale and retail sale.

It exempts persons 21 years of age and older from prosecution, seizure or forfeiture of assets for purchase, transportation, possession or use of marijuana, selling marijuana seeds to a wholesaler, possession of paraphernalia, cultivating not more than 3 marijuana plants on their property in a locked, enclosed location, transfer of up to 1 oz., to another adult. It exempts licensed retailers from purchasing, possessing, packaging, transporting and selling marijuana to persons who provide documented proof of their age to the seller.

The bill does not negate any current laws pertaining to driving under the influence of marijuana, possession of marijuana by a prisoner, possessing or using marijuana or paraphernalia in a public place or place open to the public, a

detention facility, school other than a college, or unauthorized cultivation or sale of the drug, and does not prohibit employers from prohibiting its use, possession or being under its influence in a place of employment. It provides a penalty for misrepresenting one's age to purchase marijuana.

The Department of Revenue Administration would license the sale and production of marijuana and collect the taxes on it. If DRA fails to enact rules and set up the system within 180 days they could be taken to court for failure to implement the bill.

Then Department of Safety opposes this bill as bad public policy for any number of reasons.

① First of all, it makes legal something that is still illegal under federal law.

Next, it sends the wrong message to the public and may have the effect of producing a society that is less productive because the State itself, that has problems enough with the abuse of alcohol, to legalize yet another mind-altering substance.

② The bill contains none of the carefully thought out provisions that over the years have become part of our liquor laws, that control the advertising, adulteration, sale to an intoxicated person, blacklisting people who are addicted to alcohol, and many other controls that we have on the manufacture and sale of alcoholic beverages.

There is no limit to the number of growers, wholesalers and retailers that can be licensed. Since California legalized marijuana for medical use, for instance, there are now over 1,000 retailers in the City of Los Angeles alone and they are trying to find a way to eliminate all but 70 of them and are facing legal challenges to doing so. The situation is described as totally out of control, with "marijuana happy hours" and establishments advertising the relative potency of their products.

③ The bill may also be the first step down a slippery slope that will eventually lead to "marijuana smoke shops" and a <sup>90</sup> pervasive use of this drug that will increase the rate of serious vehicle crashes, suicides, and the other many problems that we already experience with the abuse of alcohol and the use of illegal drugs.

**Fiscal Impact:**



JOSEPH KACZMAREK/AP/FILE

Police walked residents through the scene of a shootout in north Philadelphia in 2007.

# FOLLOW THE GUNS

URBAN POLICE CHIEFS NATIONWIDE ARE SHIFTING THEIR CRIME-FIGHTING FOCUS: THE WAR ON DRUGS, PERCEIVED AS A LOSS, HAS BEEN ECLIPSED BY GUN TARGETING.

BY STEPHANIE HANES / CORRESPONDENT

BALTIMORE

In the roll call room of Baltimore's Northwestern District Police Headquarters, a squat building in a neighborhood of liquor stores and crumbling row houses, photos of the city's most wanted suspects flash on a new, flat-screen TV.

They are not necessarily drug kingpins or murderers or even dealers. But to Police Commissioner Frederick H. Bealefeld III, they are top priority in this city with one of the highest homicide rates in the country; a city that residents occasionally, grimly, refer to as Bodymore, Murderland.

They are, he says, "bad guys with guns." And he wants them off the street.

"If you start boiling down the violence in Baltimore - the homicides and the nonfatal shootings - you find that 50 percent of all the people we charge with those offenses have one thing in

COVER STORY continues next page

► COVER STORY

continued from previous page

common: They have gun offenses in their backgrounds," Mr. Bealefeld says. "And we know that when bad guys get out, they get guns again. They don't work for IBM. They don't hand out Bibles. They stand outside with guns waiting to perpetrate another crime."

And so, Bealefeld says, he has made it clear whom his officers should be targeting.

"I don't aim to make [it] all that complicated," he says. "Find out all we can about gun offenders and focus on those guys."

After years of fighting the so-called "war on drugs" - the obsessive pursuit of everyone involved in drug crime, from users to dealers to suppliers - Bealefeld and other urban police chiefs nationwide are shifting their focus toward a new prime target: gun offenders.

This law enforcement philosophy is born of the growing acknowledgment that millions of dollars and arrests have done little to slow urban America's drug trade, and that a fresh strategy is needed to further reduce violence in the country's toughest cities. From new gunshot-detection cameras in New Haven, Conn., to a gun-offender registry in Baltimore; from a Sacramento, Calif., law requiring gun dealers to notify police about people who buy bullets to a proposal approved by the Los Angeles City Council that would let landlords evict tenants convicted of gun crimes, city police departments and governments are putting new emphasis on fighting illegal guns.

The shifts are local, differ from city to city, and are largely beneath the radar of the national gun control debate. Yet taken together, it is a sea change

in how cities are attempting to tackle what has often been viewed as hopeless, ingrained urban violence, say criminal justice analysts.

"You're never going to stop the drug trade," says Sheryl Goldstein, the director of the mayor's office on criminal justice in Baltimore.

"For a long time, many police departments in this country really focused on the war against drugs - they believed that drug trade sparked violence.... [Now] we're seeing a shifting of that focus to gun trafficking and getting guns off the street."

BALTIMORE, UNDER THE GUIDANCE of Bealefeld, shows one of the clearest breaks with old police strategy.

The commissioner has encouraged his officers to focus their efforts on gun crime, even if that means letting some drug arrests slide. The "bad guy" with the gun, he says, is the focus.

"When my cops pull up to a corner, what I want them to do is look for that guy first," Bealefeld says, pointing to a face on the flat-screen. "The 15-year-old with three bags of weed? He's going to drop the weed and run and lead them on a four-block foot chase. The guy with the gun, with the baggy pants and no belt? With the Glock jammed down there? He's going to saunter off very quietly. He's been arrested before; he knows what cops do.... I want my cop to get out of my car and say, 'Run, Forrest, run. But you sit down. I'm talking to you.'"

Bealefeld's strategy is multi-pronged: He has created a gun-trace

task force, coordinated more closely with parole officers, and has worked with city and court officials to develop a gun offender registry - one of the first in the country - that tracks his "bad guys" much the way sex offender registries do.

For example, on Dec. 17, police got a tip that a man named Marcus Ellis was involved in a narcotics deal. After checking with parole and probation officers, the police realized that not only was Ellis on probation for recent drug offenses, but he also had a history of handgun violations.

They quickly got a search warrant, and found that Ellis was carrying a semiautomatic 9mm handgun. These sorts of arrests happen regularly,

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LOUIS LANZINO/AP

New York City crime scene investigators (above) inspected a Mac-10 machine gun and ammunition magazine dropped in a shooting last month in Times Square. Baltimore police stopped a car in October (opposite page) with three men suspected of possessing drugs and weapons.

MICHAEL BONFIGLI/SPECIAL TO THE CHRISTIAN SCIENCE MONITOR



Police Commissioner Frederick H. Bealefeld III

## Targeting guns: a cop's new priorities

**A NEW FOCUS: IT'S NOT THE GUY WITH THE KILO OF WEED IN HIS CAR, IT'S THE ONE WITH THE GLOCK IN HIS WAISTBAND.**

BALTIMORE

The top man in the Baltimore Police Department is standing in an alley not far from the housing complex people here call "Target City."

It's a nickname born of gun violence and could apply to more than just those low-income apartments. There are dozens of shootings in this city each week - over drugs and respect, corners and feuds, domestic violence and business deals gone bad. There are a growing number of gang shootouts, too, including one last summer that sent tourists diving for cover at the popular Inner Harbor waterfront

area. And in August, Baltimore made national news when 12 people were wounded at a shootout at a backyard barbecue.

All of which helps explain why, here in this trash-strewn alley illuminated by the headlights of a police cruiser, Frederick H. Bealefeld III is telling the mother of three teenagers that she - not the cops - is the one who needs to deal with the fact that he just caught her boys smoking marijuana.

Backing off can be just as important as cracking down, knows the veteran of Baltimore crime fighting.

Mr. Bealefeld speaks respectfully, like an old friend of the family who just happened upon the kids' misbehavior and is letting their mom know about it. His Baltimore accent echoes hers, and he's relaxed, showing none of the aggressiveness or attitude one might expect in a section of the city where tensions between police and residents are severe. Even the boys' mother, and



MICHAEL BONFIGLI/SPECIAL TO THE CHRISTIAN SCIENCE MONITOR

Bealefeld says.

Although Baltimore has made some of the boldest moves to target illegal guns, and is unique in the extent of its gun crimes – during the past decade, the number of nonfatal shootings has neared 1,000 a year in this city of 600,000 – it is not alone in the way that the focus of law enforcement has shifted.

Though national rates of robbery, murder, and rape have fallen since the 1990s, gun violence in inner cities has persisted or increased. Criminologists at Northeastern University in Boston, Mass., for instance, released a study in early 2009 showing that the number of young black men and teenagers who either killed or were killed in gun crimes has increased 40 percent since 2000.

To fight this trend, police departments across the country have put more resources into gun units, prioritized gun arrests, and have worked with federal prosecutors to take gun cases into federal court. City leaders have also joined the effort; in just the three years since New York Mayor Michael Bloomberg and Boston Mayor Thomas Menino created Mayors Against Illegal Guns, the active group has grown from 13 members to more than 450. Also, in some large cities, health departments have increasingly supported peer-to-peer antigun efforts, many modeled on the successful Ceasefire programs in Chicago and Boston, where former gang members help mediate conflicts before anyone resolves

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the family pressing up behind her in the doorway, seem taken aback that this tall white man isn't, in fact, going to hassle them.

And that's all Bealefeld: accustomed to shaking expectations. He grew up in a family full of men who wore the blue uniform, and he rose from street corner patrolman who chased down his share of drug deals and gunslingers to become commissioner two years ago. He never went to college, has lived his whole life in Baltimore, and spent 28 years on the police force. Yet Bealefeld has bucked established department policy dramatically, pushing for a new, tighter focus on guns and gun offenders, while also emphasizing improved relations with the city's black residents.

He has become known as being exceptionally blunt, a colorful character who can disarm criminals, politicians, and citizens alike. The Baltimore Sun once published a column of Bealefeld

quotes turned into poetry; after losing a bet with the mayor's office over who could best run the Baltimore Marathon, the commissioner sang – badly – Whitney Houston's "I'm Every Woman" on a popular radio show. He's a regular participant in neighborhood safety walks, meets with community groups across the city, and still plays in multiple weekly ice hockey games.

But more important than the image, people here say, are the results underlying the personality: Under his leadership, Baltimore has seen the lowest homicide numbers in 20 years; nonfatal shootings are also at a decades-long low. And according to the mayor's office, the number of complaints called in against the police – in the past an almost daily event – have dropped significantly.

EARLIER THIS DECADE, BALTIMORE tried to implement a "zero tolerance" policing

policy – a strategy used to much acclaim in New York City, where officers arrested people for the most minor of violations. Get the troublemakers off the street, the theory went, and less trouble will happen; moreover, police might get tips from small-time crooks to nab the truly dangerous criminals.

In Baltimore, however, that strategy didn't make a dent: Homicides continued upward, and the historically bad relationship between police and black residents deteriorated further.

"To get one

tuna, you'd get a bunch of herring, and some minnows, and eels, and all sorts of stuff you don't want," Bealefeld says using the trademark

BEALEFELD continues on next page



MICHAEL BONFIGLI/SPECIAL TO THE CHRISTIAN SCIENCE MONITOR

Three Baltimore teens were caught on an October evening in possession of marijuana. Because guns are the priority for police resources, Police Commissioner Frederick H. Bealefeld III (left) took them home and spoke to their mother.

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▶ BEALEFELD continued from previous page

allegorical style that makes his press attaché, Anthony Guglielmi, put his head in his hands. "If sharks are the problem, then sharpen a spear and go after sharks. You don't troll through the city with a net. Because then you scoop up dolphins. And everyone loves dolphins."

He pauses, deadpan, before he breaks into a smile. But then his face turns serious, intense. There is no mistaking that this is a law enforcement officer who is exceedingly tough.

"Listen, I'm being facetious, but the analogy gets back to the core of relationships in city. And in particular African-American cities like Baltimore.... You know what I heard a lot in my 28 years here? I've gone and done search warrants, gone and done search warrants on the street, and we're dragging these guys off and we think we've done a good deed, we think we've done something good for the community - and we hear people yelling, 'Why don't you get the big guys?' And it's like, 'The guy had a kilo in his car! What are you talking about? I think he's a big fish.'" But not to them. That's not their priority.

"You know who their priorities are? These guys who are riding around with guns who rob them every time their kids go to the store. The community - they [understand] the drugs.... They don't like them, but they're really, really worried about these guys with guns shooting their children...."

Since becoming commissioner, Bealefeld has told his officers to focus on gun offenders. And it is a point of pride to him that while murder numbers have dropped significantly under his watch, so have arrests. In 2005, police made 105,000 arrests in this city of 600,000. Last year, which had the lowest homicide numbers in two decades, the number of arrests dropped to 75,000.

SO BEALEFELD LEAVES THE THREE teenage boys sitting on the ground in the alley under the watch of another officer and walks through the backyard to chat further with their mother. The woman looks ashen as she stands in her doorway, family members peeking around her.

She explains that the kids had slipped out of a family gathering; tonight was her mother's funeral.

"Their grandma?" Bealefeld is indignant, his eyes locked on hers, but his posture still relaxed. "They do not need to be out acting foolish. Tonight of all nights. Right now your family's grieving. You don't need any more drama. I'm going to leave them for you to take care of, OK?"

She clasps her hands in thanks, and he turns to the teens.

"You could be on your way to central booking," he says harshly. "You don't need to be going there tonight.... You need to be in the house being men. OK? And remembering your grandma. That's

what I need you to do. That's what your family needs you to do."

The teens start to shuffle back into the house, heads down.

"Excuse me," the woman says to the boys, glaring. She is empowered, hands on hips, on Bealefeld's team.

"I believe a thank-you is in order."

"Thank you," they mumble toward the commissioner.

He nods to their mother, walks back toward his SUV, and continues his nighttime patrol of the city. That's the corner where a 5-year-old got shot, he points out. There's the liquor store stoop where he regularly found bodies as a homicide detective. That open lot? That used to be an open-air heroin market where the fiends lined up 30 deep to get their hits.

He muses about the teens he encountered in the alley: "By arresting a couple of kids with weed, am I affecting the crime problem? I don't think I am. The power of that family will do more good for the kids than me taking them down to baby booking [juvenile detention]. Clearly we could fill up the jails with violations of the law. But I would trade a lot of missed drug lockups for a bad guy with a gun."

He looks out at the urban landscape - rows of boarded up houses, crumbling brick and wood in a weed-laced street; occasionally a swath illuminated by the surreal blue light of a Baltimore Police Department camera.

"Guns, guns, guns," he says. "It all comes back to guns."

- Stephanie Hanes

**'The community - they [understand] the drugs.... They don't like them, but they're really, really worried about these guys with guns shooting their children....'**

- Frederick H. Bealefeld III

them with a gun.

"There is a variation in how [different] cities and departments have approached the problem of firearms," says Richard Rosenfeld, professor of criminology and criminal justice at the University of Missouri, St. Louis. "There is a variation when it comes to strategy. But across the country, there has certainly been a heightened focus on reducing firearm crime. And privately, many will say that the drug war has been ineffective and a waste of public resources."

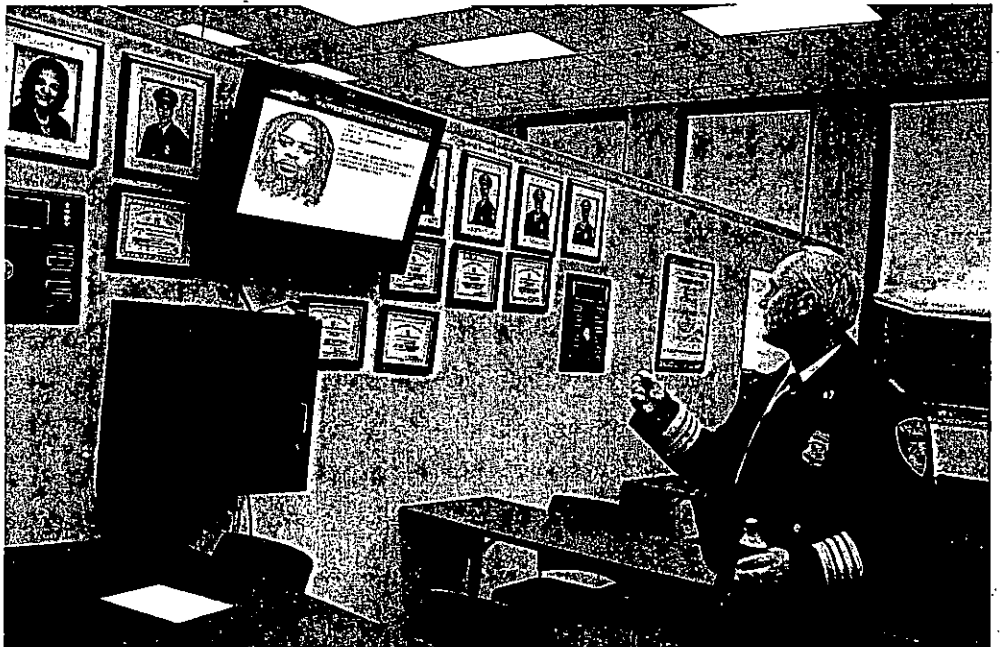
It is not as if any police department is giving up fighting drug crime, however. According to the US Bureau of Justice Statistics, drug-related arrests continue to rise. In 2007, there were more than 1.8 million drug-related arrests - most for drug possession - compared with 1980, when the number was less than 600,000. Even in police departments such as Baltimore's, where guns are the explicit priority, it will probably take years before there is a full institutional adjustment, criminal justice scholars say.

"I think that there is a shift," says Daniel Webster, the head of the Johns Hopkins University Center for Gun Policy and Research. "I think it can be shifted more.... I see more big-city departments putting greater resources to the gun effort, but you don't change institutions overnight."

"In my mind, the direction they should be heading is [toward] devoting fewer resources to disrupting illegal drug markets and more resources to disrupting illegal gun markets. They've been trying to fight this drug war for eons and they re-

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Baltimore Police Commissioner Frederick H. Bealefeld III, who has instituted vigorous targeting of gun violators, checks out one of the city's most wanted suspects in the police headquarters roll call room.



MICHAEL BONFIGLI/SPECIAL TO THE CHRISTIAN SCIENCE MONITOR



MICHAEL BONFIGLI/SPECIAL TO THE CHRISTIAN SCIENCE MONITOR

Police Detective Donny Moses (l.) questions youth on an evening patrol in Baltimore, where an intense focus on gun violations has begun to reduce the city's gun homicide rate.

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ally haven't been effective.... Sometimes it is even counterproductive—we know that drug markets are most violent when they are destabilized."

**TAKING AIM AT GUN CRIME HAS ITS ROOTS** in the early 1990s, when police departments and city governments started experimenting with new ways of fighting the crack cocaine wars that had propelled homicide numbers to record highs, says Hubert Williams, president of the Police Foundation. Gun buy-back programs, background checks, and, in some cities, out-and-out handgun bans were some of the measures put in place to get a handle on growing urban violence.

One well-known program, which, unlike many of the other efforts, had the support of the National Rifle Association (NRA), was "Project Exile" in Richmond, Va. Here, federal and local law enforcement teamed together to literally exile convicted gun offenders from the region; because of the federal system's stricter sentencing laws and its expansive federal prison network, someone convicted of illegal gun possession not only got more time, but often served it hundreds of miles away from friends and family.

"For some people, when they get up in the

morning, putting on the gun is like putting on their pants," Mr. Williams says. "And the question was, is there a message that we can get to these primarily young adults and kids that are carrying the weapons? In Richmond, police handed out cards that said, 'Carrying a gun will get you five.' At some point the message got through."

There has been much debate about Project Exile's effectiveness, however. Although killings in Richmond dropped 30 percent, critics claim the reduction was due to other factors, and that similar cities saw even greater declines without a comparable program. Williams says efforts to expand Project Exile to other jurisdictions fell flat, in large part because federal judges believed it was the responsibility of state courts to handle gun crimes.

Other innovative efforts against illegal guns "came to a screeching halt in 2000 with the Bush administration and a new Congress," says James Fox, a law and criminal justice professor at Northeastern University. Congress, for instance, passed laws that restricted local law enforcement's access to Bureau of Alcohol, Tobacco and Firearms (ATF) gun trace data; the NRA continued to oppose any efforts to limit gun trafficking or sales.

Many in city government and law enforcement see the gun control debate as a large obstacle to more effective gun prosecutions.

Although those involved in the growing effort against illegal guns are quick to say that their focus is not about gun ownership rights, but about criminal

behavior, they also acknowledge that it has become difficult in the United States to talk about any sort of gun regulation without delving into the emotional, larger debate. And one component of police and city efforts to target illegal firearms is, in fact, stricter legislation—both state and federal.

**It is difficult to talk about gun regulation without delving into an emotional debate.**

In Maryland, for instance, Baltimore city representatives have pushed the state legislature to pass tougher gun penalties. In Massachusetts, proponents have asked for tougher sentencing laws and the ability to hold gun offenders without bail. Mayors Against Illegal Guns has lobbied for changes to federal law, asking the Obama administration to allow the ATF to release to local officials more gun trace data. It has also supported legislation to block people on terrorism watch lists from purchasing guns and has pushed for an end to so-called gun-show loopholes, in which unlicensed

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firearms sellers can sidestep background-check requirements.

All of which sound warning bells to gun rights groups such as the NRA.

"The NRA has been on record for decades talking about strict and unequivocal prosecution of gun crimes," says Andrew Arulanandam, spokesman for the NRA. "The problem with groups like Mayors Against Illegal Guns is that they are actually a group that proposes gun control legislation, which will only affect law-abiding citizens. If you would just do some rudimentary research on existing gun laws and penalties that apply to them, you would find that existing laws are adequate."

It's already a crime for a convicted felon to have a gun, so further regulation is overkill, reason those who oppose gun controls.

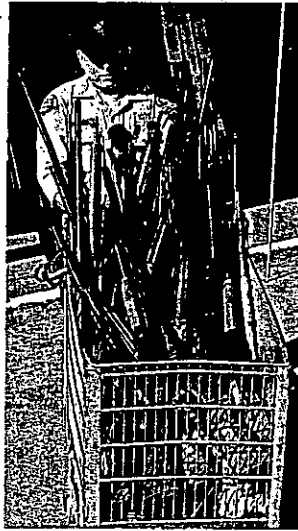
The NRA has urged its members to put pressure on politicians to leave the group.

For its part, Mayors Against Illegal Guns insists it supports Second Amendment rights. But the strident response from the gun lobby discourages national politicians from advocating changes to gun laws, say those working for more gun regulation.

"It's been a toxic issue," says John Feinblatt, Mayor Bloomberg's criminal justice coordinator. "The Democrats don't want to touch it because they blame their losses in '94 on it. It's become a political hot potato. But the mayors know this isn't about politics. This is about people's lives."

For now, says Robyn Thomas, executive director of the Legal Community Against Violence, the movement against illegal guns is likely to have most success on a local level.

"There is more political traction now in cities," she says. "That's where we're seeing the change."



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STILL, AS BALTIMORE SHOWS, this change can be significant. Since Bealefeld took the commissioner job two years ago, with the explicit goal of targeting gun crimes, homicide numbers in the city have dropped to record lows. The 234 murders in the city in 2008 was the lowest annual total in two decades; by Dec. 29, 2009, the city had 235, indicating a sustained trend rather than — as usually happens in Baltimore — a one-year dip.

Nonfatal shooting numbers have also dropped. In the early 2000s there were close to 1,000 nonfatal shootings in Baltimore annually; by Dec. 29 of 2009 there were 447 — down 23 percent from last year. And over the past two years, the department has seized 5,000 illegal guns — a number that equals 10 percent of the guns sold legally in Maryland, but only a

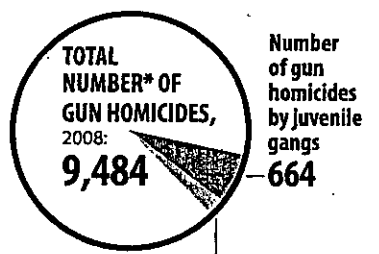
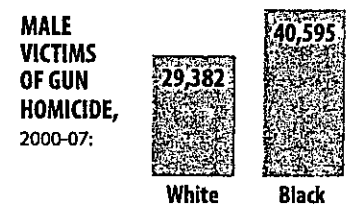
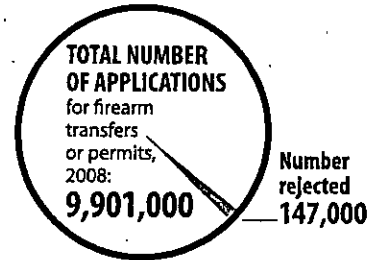
fraction of the illegal firearms police believe are in the city. (In New York, a city with a population more than 10 times that of Baltimore, police only confiscated about twice that number.)

Other cities engaging in the new focus also show progress.

Boston, for instance, which put a gun buy-back program into effect in 2006 after a spike in gun violence, has seen a decrease in nonfatal shootings — 323 in 2006, 273 in 2007, 274 in 2008, and just 191 as of Dec. 13, 2009. In New York, after years of refocused enforcement, police are finding fewer illegal guns on the street — 7,059 in 2006 and 5,913 in 2007, for example.

"I am just so convinced, and so animated, about this notion of going after gun violence," Bealefeld says. "Because we've been debating about the efficacy of drug enforcement, and whether we should legalize drugs, or what we should do about drugs, blah blah blah drugs forever. You can't get five people to agree on it. But I could get 500, I could get 5,000, I could get 500,000 to agree that one guy with a gun constitutes a danger to them. I can."

Guns in the US by the numbers



Number of justifiable gun homicides committed by private citizens 204

TOP THREE STATES\* WITH THE HIGHEST NUMBER OF GUN HOMICIDES per 100,000 people, 2008:

- 1) Louisiana: 7 gun homicides
- 2) Maryland: 6.3 gun homicides
- 3) Missouri: 5.9 gun homicides

TOP THREE STATES\* WITH THE LOWEST NUMBER OF GUN HOMICIDES per 100,000 people, 2008:

- 1) North Dakota: 0 gun homicides
- 2) New Hampshire: 0.15 gun homicides
- 3) Nebraska: 0.5 gun homicides

\*Does not include Florida or Washington, D.C., due to the absence of reliable statistics.

SOURCES: US Department of Justice; College of Criminal Justice, Northeastern University; FBI; US Census Bureau RICH CLARBAUGH/STAFF



MICHAEL BONFIGLI/SPECIAL TO THE CHRISTIAN SCIENCE MONITOR

Los Angeles County Deputy Sheriff Jason Molina (above) wheels away a load of guns turned in by citizens in exchange for \$100 gift cards last month. Baltimore police, too, (right) are refocusing resources on gun enforcement.



*From: Foreign Policy Magazine*

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# What's Spanish for Quagmire?

Five myths that caused the failed war next door.

BY JORGE G. CASTAÑEDA | JANUARY/FEBRUARY 2010

Mexico's current government took office on Dec. 1, 2006, but really only assumed power 10 days later, when Felipe Calderón, winner of a close presidential election that his leftist opponent petulantly refused to concede, donned a military jacket, declared an all-out war on organized crime and drug trafficking, and ordered the Mexican army out of its barracks and into the country's streets, highways, and towns. The bold move against odious adversaries (and change of topic) garnered Calderón broad support from the public and the international community, along with raised eyebrows among Mexico's political, business, and intellectual elites.

Three years and 15,000 deaths later, Calderón's war still commands support at home and backing from abroad, mainly from Barack Obama's administration, though skepticism about the Mexican president's strategy is spreading, as Rubén Aguilar and I discovered when we published *El Narco: La Guerra Fallida* last fall and found ourselves in the middle of a vigorous debate about where our country is headed. It is long overdue.

The Mexican drug war is costly, unwinnable, and predicated on dangerous myths. Calderón has deployed everything from distorted statistics to bad history as weapons to convince the country, and the world, that the war must be joined.

As Americans are painfully aware, wars predicated on false pretenses that pursue ill-defined aims usually turn into regrettable quagmires. Mexico is still far from being a failed state, but it is already entangled in a failed war. Until and unless it abandons the false narrative of the war as the necessary defense of a desperate land besieged by bad guys, it will be in serious danger of becoming one.

## 1. Mexico's Druggie Explosion

The Mexican government contends it had to deploy tens of thousands of soldiers to take on the drug cartels as never before in part to keep drugs away from Mexico's children. The argument behind this emotionally powerful rallying cry is that Mexico went from being simply a transit point and producer of drugs to being their consumer.

Mexico has been producing marijuana and heroin for export to the United States for decades; it does not produce cocaine but has been the main conduit from Colombia to the United States since the late 1980s. Over the past decade, it became a significant manufacturer of methamphetamines, also for sale in the United States. But now the government claims that Mexicans have started consuming drugs and that this must be stopped before Mexico City ends up like inner-city Baltimore.

The government's case is undermined, however, by its own statistics. Mexico's health ministry has been carrying out national addiction surveys across the country since 1988; the studies constitute a reliable and constant series of data collected by the same specialists in the same places. The most recent survey shows that there has been no significant increase in the number of users in Mexico. The total went from 307,000 to 465,000 addicts between 2002 and 2008 -- an increase of 26,000 addicts per year in a country of 110 million inhabitants. The overall addiction rate amounts to 0.4 percent of the population, far lower than the rate in the United States, Canada, and Western Europe, and lower also than in other Latin American countries such as Bolivia, Brazil, Uruguay, Argentina, and Chile. The number of Mexicans admitting that they had consumed specific drugs at least once in their lives -- the so-called incidence rate -- has also remained stable or even declined for all drugs over the past decade. The prevalence of drug use -- that is, the number of people who confessed to consuming any drug at least once over the previous year -- has remained stable.

These findings are corroborated by other surveys, for example, those carried out by the National Psychiatry Institute, and at the regional level by the Centros de Integración Juvenil. These figures show that in the country's largest urban centers, such as Mexico City, Guadalajara, and Monterrey, as well as in border towns wracked by violence like Tijuana and Ciudad Juárez, there is absolutely no evidence pointing to any meaningful increase in drug use, notwithstanding the considerable expansion of Mexico's middle class in recent years. The figures for Tijuana and Ciudad Juárez are especially noteworthy: From 1998 to 2005, the addiction rate in Tijuana fell from 4.4 percent to 3.3 percent; even in Ciudad Juárez, supposedly the narco capital of the world, it rose from 1.6 percent to just 4 percent.

## 2. Mexico's Violence Explosion

The second rationale given for Calderón's war was the increase in violence leading up to and throughout 2006, and the notion that organized crime's mayhem was undermining public safety, not to mention the rule of law. Gory cartel-on-cartel violence in the second half of that year, including the appearance of five decapitated heads in a disco in Uruapan, in Calderón's home state of Michoacán, had shocked society, and the new administration made much of campaign polls showing that security and violence ranked highest among the electorate's concerns.

Unfortunately, this rationale is also belied by the facts. Violence in Mexico, measured by murders per 100,000 inhabitants, had been falling in the previous decade -- according to the government's own statistics, which Calderón himself has quoted. According to U.N. data, the murder rate had fallen from 14.9 per 100,000 inhabitants in 1998 to less than 11 in 2006. This was higher than in the United States (5.6), but considerably lower than in much of the rest of Latin America, including El Salvador (58), Venezuela (48), Colombia (37), and Brazil (25).

People in Mexico may have felt more insecure when they elected Calderón, but in fact they were living in a significantly less violent and crime-prone country than a decade earlier.

The confusion separating perception from reality springs from a misreading of public-opinion surveys. Mexicans in 2006 were more concerned about ordinary crime and law and order than anything else, partly because financial worries had diminished in the wake of 11 years of macro-economic stability and modest but persistent growth. But they did not associate that concern with cartels, organized crime, or drug trafficking. In poll after poll, these issues ranked very low among Mexicans' preoccupations. Indeed, violence directly linked to the drug business really exploded only after Calderón took office: In 2006, 2,100 drug-related killings took place; in 2007 the number rose to 2,700; in 2008 to 5,660; and in 2009, through late November, to 5,800.

### 3. The Besieged State

The third rationale for the declaration of war was the specter of the Mexican government being "captured" -- at local, state, and even national levels -- by all-powerful cartels. This argument appears more credible than Calderón's other claims; a growing number of episodes seemed to prove that the cartels were taking over cities, highways, and ports of entry to the United States, charging for protection, putting entire police forces on their payroll, and so on. The Mexican state, Calderón told the country, was losing control of its territory.

Once again, though, the argument is undercut by the government's own repeated assertions, with the Obama administration's backing, that Mexico was not a "failed state." It wasn't and isn't, but one can hardly make the two cases simultaneously: that is, on the one hand, that Mexico is not a failed state, and, on the other, that it is losing control of its territory.

A dose of historical context also undermines the notion that the cartels all of a sudden threatened to infiltrate and corrupt the Mexican government. Mexico is

not Norway, and never was. In the 1980s, the entire Federal Security Directorate was disbanded because it had been completely taken over by the drug cartels. The U.S. ambassador at the time, John Gavin, specifically accused several state governors and cabinet members of drug trafficking in private conversations with President Miguel de la Madrid, a charge de la Madrid considered, in some cases, "excessive."

In 1998, President Ernesto Zedillo's newly appointed drug czar, Jesús Gutiérrez Rebollo, was arrested barely two months after being appointed, when U.S. drug czar Barry McCaffrey, after first applauding Gutiérrez Rebollo, discovered that his Mexican counterpart worked for the cartels.

The Calderón administration's declaration of war against the cartels and its narrative of local governments at risk of being captured by organized crime presupposed that the cartels' penetration of such governments, as well as of the police and army, must have been much greater in 2006 than over the previous 30 years. Unfortunately for Mexico, history makes clear that this is a dubious proposition. Although violence and the capture of certain prerogatives of statehood by the cartels today may be greater than in mid-2006, the issue is what came first: the war or the ascent of the cartels. Calderón argues that the growing threat of the cartels drove him to war; I believe that the failed war has led to the cartels' greater power.

#### 4. The Gun Dealer Next Door

Calderón has argued persistently that Washington shares responsibility for the drug war because of its bad-neighborly ways. The Mexican government accuses the United States of being its enemy's indispensable weapons supplier, ascribing a significant part of today's violence south of the Rio Grande to the Second Amendment of the Constitution in effect north of that river.

A large proportion of the assault weapons used by the cartels do come from the United States, but the figure is far lower than the oft-quoted 90 percent (90

percent of the guns Mexican authorities give to U.S. authorities to trace turn out to be from the United States -- but better estimates suggest 20 to 35 percent of guns in Mexico are American) or the also oft-quoted claim that 2,000 assault rifles cross into Mexico every day. If true, this would mean that more than 2 million weapons have entered Mexico just since Calderón has been in office. To put it into context, Mexico has an average of 15 guns per 100 inhabitants. Finland has 55.

Global statistics suggest that sharing a border with the United States means little in terms of the availability and price of assault weapons, as the favelados of Brazil, the peasants in Colombia, or the armless children in Sierra Leone may tell you. Mexican authorities would be wise to accept this reality, as the cost to legitimate trade and tourism of clamping down and scrutinizing all north-south border flows would be immense, and the effort, if pursued, would be futile. If there is one type of shadowy merchandise that is almost as easy to purchase on the world market as drugs, it is weaponry.

##### 5. The Neighbors Can Break Their Drug Habit

This fifth myth also binds the United States to Calderón's war and reflects the Mexican lament that if only Americans would curb their appetite for illicit drugs, or truly clamp down on their consumption, Mexico's situation would improve. This, too, is a quixotic fantasy.

U.S. drug consumption has not diminished over the past decade, and there is no reason to think it will in the future. What changes over time are the types of drugs consumed, the sectors of society that consume them, and the geographical location of their consumption. But American society will never reduce its overall demand for drugs, because it simply does not wish to; and it does not because, quite rightly, it does not believe that the cost of doing so is worth bearing.

If anything, the United States seems to be moving in the opposite direction; that is, toward decriminalization of marijuana, greater tolerance for safer forms of heroin, an effort to wean people off methamphetamines, and in general, the adoption of a far more relaxed attitude toward drugs. Hence the Obama administration's decision not to enforce federal anti-marijuana laws in states with legalized "medical" marijuana.

It is absurd for hundreds of Mexican soldiers, police officers, and petty drug dealers to be dying over the drug war in Tijuana when, 100 or so miles to the north in Los Angeles, there are, as the New York Times reported recently, more legal and public dispensaries of marijuana than public schools.

If you accept these myths as truths, it would be possible to remain optimistic about Mexico's war. The Calderón administration sporadically publishes statistics on seizures of drugs, chemicals for methamphetamine production, weapons, airplanes, boats, trucks, and even semisubmersible submarines -- the drug war equivalent of body counts -- all at far higher rates than those announced by previous presidents. It also claims that the best proof of the war's success lies in the higher price of several drugs on U.S. streets, like methamphetamines and cocaine.

In this narrative, almost anything can become a metric of "success." The Calderón government even maintains that the dramatic growth in the number of drug-linked killings in Mexico from 2007 to 2009 should be attributed to victories achieved in the war against the cartels; these unfortunate deaths, it claims, mean that the criminal organizations are killing each other in desperation as the army closes in.

The government has continued the two previous administrations' policy of building a national police force, so far without greater success than either Ernesto Zedillo or Vicente Fox, and is said to be pursuing a strategy of sealing off access to Mexico from the south of the country at the Isthmus of Tehuantepec, the 137-

mile narrow waist of Mexico that is much easier to patrol than the border with Guatemala and Belize.

But these claims, like the myths that led Mexico to war in the first place, are easily debunked. Colombia offers Mexico painful lessons on the need to crack down on the drug business's collateral damage—violence, corruption, kidnappings, extortion, and so on—as well as the hopelessness of attempting to eradicate the drug trade altogether. After 10 years of Plan Colombia, the U.S. policy dating back to Bill Clinton's administration of generously funding Colombia's counternarcotics and counterinsurgency campaigns, violence in that country has diminished dramatically, the guerrillas are on the run, the paramilitary groups have been largely dismantled, and even corruption has dropped slightly. But as of 2007 Colombian cocaine exports have remained stable, along with the amount of land under coca leaf cultivation, and any future changes in supply would in any case be replaced by increases in the cocaine produced by Peru and Bolivia. The street price of cocaine in the United States today is higher than several years ago but well below its level a decade ago.

Indeed, the success of Mexico's frontal assault on drug production and trafficking is about as unlikely as the prospect that American society will clamp down on demand. A wiser course for Mexico would be to join Americans in lobbying to decriminalize marijuana and heroin, the two drugs easiest to deal with (the first because it is the least harmful and the second because it is the most harmful). Although marijuana legalization may not be imminent, recent polls show that more than 40 percent of Americans favor it and 54 percent of Democrats do.

To continue on the present course will require more and more intrusive U.S. cooperation, both for equipment and training of Mexican law enforcement personnel, as well as for intelligence and other tactical support. It is hard to imagine a scenario requiring U.S. boots on the ground, as has been the case in Colombia, but it is worth pointing out that a poll taken last March shows that 40



percent of Mexicans, a surprising proportion, would favor a U.S. military presence in Mexico in the fight against drugs.

What is clear is that Mexico cannot continue to have its joint and smoke it too: wanting greater and more modern forms of U.S. support but continuing to place traditional limits on it. The United States is funding the Mérida Initiative to boost the Mexican fight, but current levels of aid -- about \$450 million per year -- are woefully insufficient, and doing the job properly would cost many billions of dollars a year. The Obama administration has followed in former President George W. Bush's footsteps during his last two years in office and made this war the central and practically the only item on the bilateral agenda. The administration signed off on Calderón's strategy as if its premises were rock-solid; this endorsement has been crucial for the ongoing crusade. But the premises proved misleading, the strategy is not working, and the mobilization of the army has led to mounting human rights abuses.

Mexico jumped into this fray without debate or reflection; it was easily misled by Calderón's myths into believing this was a necessary war. But while few Mexicans were originally critical of the war, more and more have emerged to agree with the title of our book. *The Failed War*, as we called it, has sold more than 20,000 copies in three months and is part of a broader reassessment, in books, essays, and newspaper columns, of the Mexican tragedy.

I voted for Calderón and called on readers and sympathizers to do the same; I actively backed him during the post-election turmoil in 2006, particularly with foreign skeptics. So it was with some chagrin that in mid-2007 I began formulating many of these criticisms.

But the political culture in Mexico still rewards unthinking loyalty; if you question policy, no matter how substantive your case, people are quick to accuse you of having ulterior political motives. The debate on the whys and hows of Calderón's war we have started seeing in print is still largely absent from

television, the country's dominant form of media. That's a shame. Until we in Mexico publicly and collectively confront the tough questions the drug war entails, we will not have a sustainable policy or a viable strategy. And as long as the United States doesn't question our answers, it will also lack a policy for the drug war and, more importantly, for Mexican development. This is a problem: If the war is to continue, it will be as much Obama's as Calderón's, and it will continue to distract from far more important matters, mainly, how to consummate Mexico's remarkable, ongoing transition to a middle-class society.

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PHOTOS BY TEUN VOETEN/PANOS PICTURES

*Jorge G. Castañeda, former Mexican foreign minister, is senior fellow at the New America Foundation and global distinguished professor of politics and Latin American and Caribbean studies at New York University.*

•

Joe Harding, DHHS, submitted for consideration with HB1652-FN-A and 1653-FN

Bureau of Drug and Alcohol Services  
New Hampshire Department of Health and Human Services 1-20-10

## New Hampshire Data:

Marijuana Use (past month)
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126,420

NH Youth Risk Behavior Survey -YRBS (2009):

- 40.5% of the students used marijuana one or more times during their life.
- 8.4% of the students tried marijuana for the first time before age 13.
- 25.6% of the students used marijuana one or more times during the past 30 days.

### NH TEDS (Treatment Episode Data) – 2008:

Of 4231 admitted for treatment in publicly funded programs in 2008 (which is less than 10 % of the people who meet the criteria for alcohol or drug addiction in NH), 1<sup>st</sup> primary drug of choice for admissions was alcohol at 1,423, followed by marijuana at 736 (17%) admissions.

## National Data:

### National Institute of Drug Addiction NIDA/NIH - From the Director

In the 1970s, the baby boom generation was coming of age, and its drug of choice was marijuana. By 1979, more than 60 percent of 12<sup>th</sup>-graders had tried marijuana at least once in their lives (national data). From this peak, the percentage of 12thgraders who had ever used marijuana decreased for more than a decade, dropping to a low of 33 percent in 1992. However, in 1993, first-time marijuana use by 12<sup>th</sup>-graders was on the upswing, reaching 50 percent by 1997. Although the percentage of 12<sup>th</sup>-graders who have experience with marijuana has remained roughly level since then, there is still reason to be concerned.<sup>1</sup> In 1999, more than 2 million Americans used marijuana for the first time. Two thirds of them were between the ages of 12 and 17.<sup>2</sup> Furthermore, the marijuana that is available today can be 5 times more potent than the marijuana of the 1970s.<sup>3</sup> The use of marijuana can produce adverse physical, mental, emotional, and behavioral changes, and - contrary to popular belief - it can be addictive.

Marijuana smoke, like cigarette smoke, can harm the lungs.<sup>4,5,6</sup> The use of marijuana can impair short-term memory,<sup>7,8</sup> verbal skills,<sup>9</sup> and judgment<sup>10</sup> and distort perception.<sup>11,12,13</sup> It also may weaken the immune system<sup>14,15,16,17</sup> and possibly increase a user's likelihood of developing cancer.<sup>15,18</sup> Finally, the increasing use of marijuana by very young teens may have a profoundly negative effect upon their development.<sup>9,19,20,21,22</sup>

## Over

The researchers from the National Institute on Drug Abuse (NIDA) and the National Institute on Alcohol Abuse and Alcoholism (NIAAA) compared trends in marijuana use, abuse, and dependence using the DSM-IV categories. The DSM defines marijuana abuse as repeated instances of use under hazardous conditions; repeated, clinically meaningful impairment in social/occupational/educational functioning; or legal problems related to marijuana use. Marijuana dependence is defined as increased tolerance, compulsive use, impaired control, and continued use despite physical and psychological problems caused or exacerbated by use.

“Marijuana is the most commonly used illegal substance in the United States, and its use is associated with educational underachievement, reduced workplace productivity, motor vehicle accidents, and increased risk of use of other substances,” says NIDA Director Dr. Nora D. Volkow. “This study suggests that we need to develop ways to monitor the continued rise in marijuana abuse and dependence and strengthen existing prevention and intervention efforts, particularly developing and implementing new programs that specifically target African-American and Hispanic young adults.”

### **Cesar Fax – University of Maryland August 8<sup>th</sup>, 2005:**

The number of treatment admissions reporting marijuana as a primary substance of abuse more than doubled from 1993 to 2003, according to data from the national Treatment Episode Data Set (TEDS).

There were 284,532 treatment admissions for marijuana use in 2003 (comprising 16% of all admissions), compared to 111,418 in 1993 (7% of all admissions). However, this increase was largely driven by an increase in admissions that were referred by the criminal justice system—from 48% in 1993 to 57% in 2003. Thus, the increase in marijuana treatment admissions may reflect changes in law enforcement and sentencing practices as well as actual changes in marijuana use and dependence (see graph below).

Amendment to HB 1652-FN-A

1 Amend RSA 318-E:2, I as inserted by section 2 of the bill by replacing it with the following:

2

3 I. A person who is 21 years of age or older and who acts in compliance with the provisions of  
4 this chapter shall be exempt from arrest, civil or criminal penalty, seizure or forfeiture of assets,  
5 discipline by any state or local licensing board, or state prosecution for the following acts:

6 (a) Using, obtaining, purchasing, transporting, or possessing, actually or constructively,  
7 one ounce or less of marijuana.

8 (b) Controlling any premises or vehicle where up to one ounce of marijuana is possessed  
9 or deposited.

10 (c) Selling marijuana seeds to a wholesaler.

11 (d) Possession or use of marijuana paraphernalia.

12 (e) Transfer of one ounce or less of marijuana without remuneration to a person who is  
13 21 years of age or older.

14 (f) Aiding and abetting another person who is 21 years of age or older in the possession  
15 or use of one ounce or less of marijuana.

16 (g) Aiding and abetting another person who is 21 years of age or older in the possession  
17 or use of marijuana paraphernalia.

18 (h) Any combination of the acts described in subparagraphs (a) to (g), inclusive.

<b>EFFECTS of PROHIBITION</b>	<b>EFFECTS of REGULATE &amp; TAX</b>
<p><b>1 Increases property crimes</b> as users commit crimes of theft in order to fund their marijuana use.</p>	<p>Legal supplies of currently illegal marijuana will cause the price to fall, leading to a partial collapse in the illegal supply industry and a reduction in crimes of theft committed by both marijuana suppliers and users.</p>
<p><b>2 Increases violence</b> because of "tuft wars" between illegal traffickers and commando-style raids by law enforcement; both of which place non-users at risk.</p>	<p>Legal retailers do not engage in "tuft wars" and law enforcement can more effectively monitor them without recourse to violent tactics.</p>
<p><b>3 Increases health risks and their associated costs</b> due to the absense of regulatory enforcement which is in the hands of traffickers.</p>	<p>Legal marijuana should be sold with regulated warnings (like tobacco) and purity levels clearly marked (like alcohol) Regulation will reduce the potential harm by certification; increasing legal liability on producers and retailers.</p>
<p><b>4 Increases risks to younger citizens</b> (under 21 years) who are being deliberately marketed to and who are being recruited by traffickers into their organizations.</p>	<p>Regulated marijuana cannot be legally sold to those under 21 years old and retailers have a clear investment interest in their business and the maintenance of their license. Law enforcement may increase their focus on traffickers that market to those younger than 21 years.</p>
<p><b>5 Installs a VAT</b> (value added tax) to production and distribution underwriting illegal profits, which are sent out of NH to South American traffickers.</p>	<p>Legal wholesalers and retailers will be taxed by the state with resulting funds allocated to administration, to the general revenue and to dependancy interdiction programs.</p>
<p><b>6 Imposes a range of social costs</b> (psychological and familial) on those arrested for marijuana law violations.</p>	<p>Funds from administrtion will be allocated to programs to educate users and alleviate dependancy issues.</p>
<p><b>7 Transfers resources</b> that could be applied more usefully to other health and social concerns.</p>	<p>Legal wholesale and retail activities increase resources that remain largely within NH and surrounding states.</p>

From Rep. Pratt  
HB 1652-FN-A

# Marijuana in New Hampshire

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**Arrests, Usage, and Related Data**

**Jon Gettman , Ph.D.**

**The Bulletin of Cannabis Reform**

**[www.drugscience.org](http://www.drugscience.org)**

**10/19/2009**

# Marijuana in New Hampshire

## Introduction

This state report is part of a comprehensive presentation of national, state, county, and local level data on marijuana arrests in the United States. The primary report in this collection is "Marijuana Arrests in the United States (2007)".<sup>1</sup> Additional details on marijuana arrests and related topics in New Hampshire are available in the Marijuana Policy Almanac<sup>2</sup>, from which the data presented below has been excerpted. Arrest totals are based on Uniform Crime Reporting (UCR) program data; local data may differ due to various reasons, including reporting procedures and data availability.

There were 3,307 arrests for marijuana offenses in New Hampshire in 2007, representing an arrest rate of 251 per 100,000, which ranks New Hampshire at number 28 in the nation. There were an estimated 154,000 past year marijuana users in New Hampshire during 2007. Reconciling this estimate with the number of arrests for marijuana offenses provides an arrest rate of 2,147 per 100,000 users, which ranks New Hampshire at number 44 in the nation.

In terms of overall severity of maximum sentences for marijuana possession, New Hampshire ranks number 19 in the nation (based on penalties for a first offense). When it comes to penalties for just under 1 ounce of marijuana, New Hampshire is ranked at number 3, along with 17 other states (because of similarities between states there are only 12 rankings in this category). Here are the penalties for possession of various amounts of marijuana in New Hampshire:

Amount	Max. Sentence	Max. Fine
1 Ounce*	1 year	\$2,000
2 Ounces	1 year	\$2,000
3 Ounces	1 year	\$2,000
4 Ounces	1 year	\$2,000

(\*To simplify comparisons, for some states this category covers amounts just under 1 ounce)

Marijuana possession arrests accounted for 85% of all marijuana arrests in New Hampshire during 2007. (Nationally, marijuana possession arrests account for 89% of all marijuana arrests.) There were 2,803 arrests for marijuana possession in New Hampshire in 2007, and 504 arrests for marijuana sales. The arrest rate for marijuana possession in New Hampshire was 213 per 100,000 for 2007, while the arrest rate for marijuana sales was 38. Marijuana arrests also accounted for 72% of all drug arrests in New Hampshire during 2007.

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<sup>1</sup> [http://www.drugscience.org/Archive/bcr7/bcr7\\_index.html](http://www.drugscience.org/Archive/bcr7/bcr7_index.html)

<sup>2</sup> [http://www.drugscience.org/States/US/US\\_home.htm](http://www.drugscience.org/States/US/US_home.htm)



## Marijuana in New Hampshire

Here is an overall scorecard for how New Hampshire ranks nationally in terms of marijuana arrests, penalties, and marijuana use.

Category	Ranking
Maximum Sentences for Possession	19
Maximum Sentence for Possession of 1 ounce	3
Arrest Rate per 100,000 population	28
Arrest Rate per 100,000 users	44
Past Month Users (Pct.)	6
Past Year Users (Pct.)	4
Past Month Users Age 12 – 17 (Pct.)	5
Past Year Users Age 12 – 17 (Pct.)	9

This report provides a summary of the following topics related to marijuana arrests in New Hampshire: (1) related national trends, (2) trends in New Hampshire marijuana arrests and marijuana use, (3) the costs of marijuana arrests in New Hampshire, (4) statistics on past month and past year marijuana use in New Hampshire by age group, (5) county level rankings in marijuana arrests and rates, and (6) drug treatment admissions for alcohol, marijuana, and other drugs. Extensive detail on these and related subjects, including local agency marijuana arrest data and historical data, is available in table format in the on line Marijuana Policy Almanac<sup>3</sup> for New Hampshire and other states, as well as similar national data.

### 1) Background – National Trends in Arrests and Marijuana Use from 2003 to 2007

While marijuana arrests have increased significantly since the 1980s, the prevalence of marijuana use in the United States has remained essentially unchanged.

Marijuana arrests in the United States increased from 755,200 in 2003 to 872,720 in 2007. This represents an average annualized change of +2.93% per year.

Historically, marijuana arrests in the United States increased by 150% in the 1990s, rising dramatically from 287,850 in 1991 to 723,627 in 2001, an average annualized change of 8.74% per year. During this time the number of individuals who reported marijuana use in national surveys increased modestly from 19.2 million in 1991 to 21 million in 2001.

The arrest rate for marijuana offenses (possession and sales combined) in the United States has increased from 260 per 100,000 in 2003 to 290 in 2007. This represents an average annualized change of +2.19% per year.

The number of past year marijuana users in the United States has remained relatively stable during this period, changing from 25.5 million annual users in 2003 to 25.2 million annual users in 2007. The number of past month users has also remained the same, 14.6 million in both 2003 and 2007.

On a percentage basis, annual marijuana use was reported by 10.78% of the population in 2003 and 10.22% in 2007, while monthly use was reported by 6.18% in 2003 and 5.92% in 2007.

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<sup>3</sup> [http://www.drugscience.org/States/US/US\\_home.htm](http://www.drugscience.org/States/US/US_home.htm)

## Marijuana in New Hampshire

Consequently, at the national level over the last five years, an increase in marijuana arrests of 2.93% per year has resulted in an average annualized decrease in the number of annual marijuana users of 0.21% per year and a similar decrease in the prevalence of annual marijuana use of 0.03% per year.

### 2) Marijuana Arrest and Use Trends In New Hampshire (2003 – 2007)

Marijuana arrests in New Hampshire increased from 2,294 in 2003 to 3,307 in 2007. The arrest rate in 2003 was 178 per 100,000 while in 2007 it was 251.

Compared to a 2.93% average annual increase in marijuana arrests nationally, marijuana arrests in New Hampshire increased by 7.59% per year. (While the arrest rate nationally increased 2.19% annually in this period, in New Hampshire the arrest rate changed by 1.63% per year.)

During this same period, the number of annual marijuana users in New Hampshire decreased from 175,000 in 2003 to 154,000 in 2007. This was an average annualized change of -2.52% per year. The number of monthly marijuana users decreased from 110,000 in 2003 to 92,000 in 2007, which produced an average annualized change of -3.51%.

### 3) The Costs of Marijuana Laws

The above comparison of marijuana arrests and marijuana use provide a basis for evaluating the benefits of marijuana laws. Here are three perspectives that help frame the issue of evaluating the costs of marijuana laws in New Hampshire.

#### a) Fiscal Costs.

The criminal justice system in New Hampshire cost \$554.01 million for 2006. This includes state, county, and local costs. Here is the breakdown for those costs:

Police Protection	\$274.31 million
Judicial and Legal Services	\$114.59 million
Corrections	\$165.12 million
<b>Total</b>	<b>\$554.01 million</b>

The federal Office of National Drug Control Policy (ONDCP) provides a simple way of making a general estimate of the criminal justice costs of drug-related arrests. Actually, estimating the costs of different types of arrests is a very complicated challenge because of the differences between individual offenses and, for example, the investigative and follow-up work they require. However the use of a percentage basis method provides a general estimate of the costs associated with marijuana offenses. The method utilized by ONDCP is to (a) calculate the percentage of total arrests accounted for by drug arrests and then (b) apply that percentage to total criminal justice system costs.

There were 115,448 arrests in New Hampshire in 2006. There were 3,919 marijuana arrests that year, accounting for 3.39% of all arrests in New Hampshire for 2006. Consequently, according to this percentage basis method of estimation, marijuana arrests cost \$18.78 million in New Hampshire for 2006.

# Marijuana in New Hampshire

## ***b) Opportunity Costs***

Budgets are, out of necessity, about making choices. This is especially true when resources are scarce, such as when state and local governments are grappling with budget gaps between revenue and program commitments. Economists recognize opportunity costs as the consequences of making specific budgetary decisions. Providing funds for one program often means accepting less or no funds for some other government activity. For example, providing law enforcement with the obligation, or opportunity, to make arrests for marijuana offenses deprives law enforcement of funds to apply to other investigations and activities.

Law enforcement agencies publish statistics on their ability to resolve known offenses through the arrest of criminal suspects. After an offense is reported to the police, the objective is "cleared" by an arrest. Crime rates are based on the number of reported offenses. Arrest rates are based on the number of arrests. Clearance rates, usually provided for the most serious crimes, are based on the percentage of known offenses cleared by arrest.

Here are the 2007 clearance rates for serious crimes in New Hampshire:

Murder	20.00%
Rape	21.00%
Robbery	38.60%
Assault	49.20%
Larceny	15.40%
Motor Vehicle Theft	17.80%
<b>All the above crimes</b>	<b>28.50%</b>

Another significant aspect of evaluating law enforcement priorities concerns the growing economic impact of what is referred to as "white-collar crime." This is a broad term for what are essentially non-violent theft, including such crimes as fraud, identity theft, embezzlement, and securities fraud. While a great deal of media attention is devoted to law enforcement responses to street crimes, the economic impact of these crimes is dwarfed by the magnitude of white-collar crime, which is conservatively estimated to have an impact of 10 times the value of street crimes.

Marijuana arrests also divert law enforcement and criminal justice system resources from possession and sales offenses involving other illicit drugs. In 2007, marijuana arrests were 72% of all drug arrests in New Hampshire. Other drugs such as cocaine, heroin, methamphetamine, and synthetic narcotics such as Oxycontin present far more serious threats to both individuals and the public. These other illegal drugs also have far more severe dependence liabilities than marijuana. Here is a summary of drug arrests in New Hampshire for 2007:

Drug	Arrests	Pct.
Opiates/Cocaine	502	11%
Marijuana	3,307	72%
Synthetic Narcotics	347	8%
Other Dangerous Drugs	339	7%
<b>All Illicit Drugs</b>	<b>4,590</b>	<b>100%</b>

## Marijuana in New Hampshire

The need to improve clearance rates for serious crime, to devote greater resources to white-collar crime, and to address the problems presented by more dangerous drugs all provide compelling reasons for society to reconsider whether the opportunity costs of marijuana law enforcement are acceptable.

### *c) Social Costs*

Marijuana arrests have a disproportionate impact on two demographic groups – young people and minorities. In many cases an arrest for marijuana possession makes a criminal out of an otherwise law-abiding individual. It is not surprising that the majority of marijuana arrests involve teenagers and young adults given the popularity of marijuana use with younger age groups. However differences in the arrest rates between whites and blacks cannot be explained by differences in marijuana use. In 2007, for example, 10.5% of whites used marijuana in the last year while 12.2% of blacks reported such use. For marijuana use in the last month, the comparable figures were 6% of whites and 7.2% of blacks. These figures indicate that marijuana use by blacks is about 20% more prevalent than use by whites. While this is a statistically significant difference, it does not explain why arrest rates for marijuana possession for blacks are three times higher nationally than for whites. For example, the arrest rate per 100,000 for blacks in 2007 was 598, while for whites the arrest rate was 195.

Here are selected 2007 marijuana possession arrest rates for New Hampshire:

Group	Pct of Arrests	Arrest Rate per 100,000
All individuals	100%	213
Males age 15 to 19	36%	1,688
Females age 15 to 19	8%	384
Males age 20 to 24	22%	1,146
Females age 20 to 24	4%	199
Whites	97%	169
Blacks	3%	427

### **4) Marijuana Use**

There were 154,000 annual marijuana users in New Hampshire during 2007, of which 92,000 reported marijuana use in the past month. As noted above, the number of annual marijuana users in New Hampshire decreased from 175,000 in 2003 to 154,000 in 2007. This was an average annualized change of -2.52% per year. The number of monthly marijuana users decreased from 110,000 in 2003 to 92,000 in 2007, which produced an average annualized change of -3.51%.

There is general consensus that minors should not use alcohol, marijuana, or tobacco. According to the most recent (2007) data 15.90% or 18,000 youths aged 12 to 17 in New Hampshire used marijuana in the past year. Of these, 8.70% (of the total population of this age group) or 10,000 youths used marijuana in the past month. Marijuana's illegal status did not prevent these youths from having access to marijuana. Indeed, most teenagers report that marijuana is fairly easy to obtain. One of the reasons marijuana remains easy for youths to obtain is the profit incentive created by the illegal market. Simply put, teenagers make money by selling marijuana to other youths, which increases the availability of marijuana among teens. In this way, marijuana's illegality makes it more widely and readily available to teenagers.

## Marijuana in New Hampshire

Here are data on the prevalence and population estimates for marijuana use by various age groups in New Hampshire:

### Past Month Marijuana Use (2007)

Age	Pct.	Pop.
Age 12 to 17	8.70%	10,000
Age 18 to 25	26.10%	35,000
Age 26 +	5.40%	47,000
<b>Total</b>	<b>8.20%</b>	<b>92,000</b>

### Past Year Marijuana Use (2007)

Age	Pct.	Pop.
Age 12 to 17	15.90%	18,000
Age 18 to 25	41.10%	55,000
Age 26 +	9.30%	81,000
<b>Total</b>	<b>13.80%</b>	<b>154,000</b>

### 5) County-Level Rankings

Most marijuana arrests are made by local police agencies. Individual agencies and officers exercise considerable discretion regarding law enforcement, not just for marijuana offenses, but for a number of offenses. The number of marijuana arrests also varies because of differences in local populations and the local prevalence of marijuana use. Furthermore, some areas have exceptionally high arrest rates for marijuana because they attract large visitor populations. Because arrest rates are calculated by dividing the number of arrests by the local resident population, numerous arrests of visitors to the area artificially inflate the local arrest rate. For a town with a relatively small population, the arrest of several people driving through the town or on a nearby highway (such as an interstate) can produce a comparatively high arrest rate for marijuana possession.

College towns may have large arrest rates for marijuana offenses because they have larger resident populations of young adults, among whom marijuana use is more prevalent than in older populations. On the other hand, college towns may have lower arrest rates for marijuana possession, for example, because of the discretionary policies of local police agencies.

Similarly, areas with large concentrations of African-Americans may have higher arrest rates for marijuana possession than other areas because law enforcement agencies throughout the United States consistently arrest more blacks for marijuana possession than whites.

Areas such as beach towns, ski resorts, and natural resource areas also exhibit relatively high marijuana arrest rates because they attract numerous visitors, including large numbers of young adults.

Finally, some areas have larger arrest rates for marijuana possession simply because marijuana use is popular among the local residents; local police agencies have aggressive enforcement policies, or both.

County level marijuana possession arrest rates should be compared against the benchmark provided by the statewide arrest rate of 213 in New Hampshire for 2007. The following tables provide the leading

## Marijuana in New Hampshire

counties in New Hampshire for marijuana possession arrests, marijuana possession arrest rates, the possession arrest rates for males aged 15 to 19, and the possession arrest rates for blacks:

### **New Hampshire County Leaders in Marijuana Possession Arrests (2007)**

Hillsborough	537
Rockingham	459
Grafton	392
Merrimack	376
Cheshire	251

### **New Hampshire County Leaders in Marijuana Possession Arrest Rates (2007)**

Coos	492
Grafton	460
Cheshire	325
Sullivan	318
Carroll	254

### **New Hampshire County Leaders in Marijuana Possession Arrest Rates, Males Aged 15 to 19 (2007)**

Grafton	2,689
Cheshire	2,276
Carroll	2,211
Belknap	2,125
Sullivan	1,942

### **New Hampshire County Leaders in Marijuana Possession Arrest Rates of Blacks (2007)**

Coos	4,160
Grafton	894
Carroll	812
Belknap	712
Cheshire	584

## **6) Drug Treatment Admission Trends**

Data on drug treatment admissions is often used to justify devoting law enforcement resources to making marijuana arrests. The argument is two-fold. First, the number of marijuana-related admissions to drug treatment facilities is offered as evidence that marijuana is a dangerous drug. Second, marijuana arrests are justified because they force people to get treatment.

There are a number of flaws to this argument. Alcohol is also responsible for a large proportion of drug treatment admissions, however regulation is widely recognized as the most effective policy for

## Marijuana in New Hampshire

restricting access and reducing prohibition related crime. Furthermore, despite well-deserved public concern over drug abuse and a general consensus that it should be reduced, drug abuse is not a crime. The legal basis for drug laws is that the manufacture, distribution, sale, and possession of drugs are illegal. It is unconstitutional to criminalize illness, mental health problems, or drug dependency in the United States. Alcoholism, for example, is not illegal. Instead we hold alcoholics legally accountable for their conduct, such as being drunk in public or driving while intoxicated. Forcing individuals into drug treatment programs is a dubious justification for making arrests of individuals for marijuana possession. Law enforcement officers, prosecutors, and other criminal justice professionals are not medically trained or certified to diagnose drug dependency and make discretionary decisions about individual treatment requirements.

However the most significant characteristic of marijuana-related drug treatment admissions is that a majority of them in New Hampshire are the result of referrals from the criminal justice system, often as an alternative to jail time as a sentence for a marijuana possession or sales offense.

During 2007, there were 677 admissions for drug treatment services in New Hampshire. Of these, 58.49% were the result of referrals from the New Hampshire criminal justice system.

Here is a breakdown of the majority of 2007 drug treatment admissions in New Hampshire:

Primary Drug	Admissions	Pct.
Alcohol	2,737	49%
Marijuana	677	12%
Cocaine	733	13%
Synthetic Narcotics	329	6%
Methamphetamine	35	1%
<b>All Admissions</b>	<b>5,557</b>	<b>100%</b>

### Sources:

Sentences for Marijuana Possession were obtained from: ImpactTeen Illicit Drug Team. Illicit drug policies: Selected laws from the 50 states. Berrien Springs, MI: Andrews University, 2002. [http://www.impactteen.org/generalarea\\_PDFs/IDTchartbook032103.pdf](http://www.impactteen.org/generalarea_PDFs/IDTchartbook032103.pdf) and updated from other sources. Rankings of sentences were calculated independently and are based on the maximum number of days allowed by state law for the listed quantities of marijuana. The overall ranking is based on a weighted index for the four quantity levels. The weighting used in this index was: 70% for penalties for 1 ounce and 10% each for the penalties for 2, 3, and 4 ounces.

All arrest and clearance data were obtained from the FBI's Uniform Crime Reporting (UCR) Program. Data on drug use were obtained from the National Survey on Drug Use and Health (NSDUH); data on drug treatment admissions were obtained from the Treatment Episodes Data Set (TEDS). NSDUH and TEDS are compiled and published by the Substance Abuse and Mental Health Services Administration (SAMHSA) of the U.S. Department of Health and Human Services. Data on Criminal Justice Service costs were obtained from the Criminal Justice Expenditure and Employment Extracts Program (CJEE) of the Bureau of Justice Statistics of the U.S. Department of Justice. More information on source data for this report can be obtained at <http://www.drugscience.org/States/Notes.htm>.

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## **The Budgetary Implications of Marijuana Prohibition**

June 2005

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The Marijuana Policy Project provided funding for the research discussed in this report. Daniel Egan provided excellent research assistance.

### **Executive Summary**

- Government prohibition of marijuana is the subject of ongoing debate.
- One issue in this debate is the effect of marijuana prohibition on government budgets. Prohibition entails direct enforcement costs and prevents taxation of marijuana production and sale.
- This report examines the budgetary implications of legalizing marijuana – taxing and regulating it like other goods – in all fifty states and at the federal level.
- The report estimates that legalizing marijuana would save \$7.7 billion per year in government expenditure on enforcement of prohibition. \$5.3 billion of this savings would accrue to state and local governments, while \$2.4 billion would accrue to the federal government.
- The report also estimates that marijuana legalization would yield tax revenue of \$2.4 billion annually if marijuana were taxed like all other goods and \$6.2 billion annually if marijuana were taxed at rates comparable to those on alcohol and tobacco.
- Whether marijuana legalization is a desirable policy depends on many factors other than the budgetary impacts discussed here. But these impacts should be included in a rational debate about marijuana policy.

**The Effect of Marijuana Decriminalization on the Budgets of Massachusetts Governments,  
With a Discussion of Decriminalization's Effect on Marijuana Use  
An Update of Miron (2002a)**

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October, 2008

This study is an updated version of Miron (2002a), which was commissioned by the Drug Policy Forum of Massachusetts. This update was commissioned by New England Policy Advocates. I am grateful to Grace Kim for excellent research assistance.

## **Executive Summary**

- Decriminalization of marijuana has received substantial attention over the last several decades. Decriminalization means that possession is not subject to criminal sanctions but instead punishable only by a civil fine. Trafficking, and selling or distributing to minors, remain subject to standard criminal penalties.
- Proponents suggest that decriminalization has several beneficial consequences, including budgetary savings for state and local governments, improved welfare for marijuana users, and an improved allocation of criminal justice resources. Opponents suggest that decriminalization produces a substantial increase in marijuana use along with increased crime and other negative effects.
- This report examines two effects of decriminalization: the impact on government budgets and the impact on marijuana use.
- The report estimates that decriminalization of marijuana in Massachusetts would produce an annual savings in law enforcement resources of approximately \$29.5 million.
- This report also reviews evidence from other states and countries on the effects of marijuana decriminalization on marijuana use. This evidence provides no indication that decriminalization leads to a measurable increase in marijuana use.

## I. Introduction

Decriminalization of marijuana is a policy that has received substantial attention over the last several decades. Decriminalization means that possession of marijuana is not subject to criminal sanctions but instead punishable only by a civil fine. Trafficking, and selling or distributing to minors, remain subject to standard criminal penalties.

During the 1970s eleven U.S. states adopted some form of decriminalization, and numerous countries have decriminalized as well.<sup>1</sup> The issue has resurfaced in recent years as ballot initiatives or legislative proposals to decriminalize have appeared in several states.<sup>2</sup> Proponents suggest that decriminalization has several beneficial consequences, including budgetary savings for state and local governments, improved welfare for marijuana users, and an improved allocation of criminal justice resources. Opponents suggest that decriminalization produces a substantial increase in marijuana use along with increased crime and other negative effects.

This study addresses two of the issues that are central to the debate over marijuana decriminalization: the impact of decriminalization on government budgets and the impact of decriminalization on marijuana use.

This report is not an overall evaluation of whether marijuana decriminalization is a beneficial change in policy. The fact that the budgetary savings would be large or small does not, by itself, determine the wisdom of this policy change. Similarly, the fact that any change in marijuana or other drug use would be large or small does not, by itself, determine whether decriminalization is better than current policy. Both pieces of information are nevertheless relevant to policy makers and the public when considering changes to current policy toward marijuana.

This report concludes that decriminalization of marijuana in Massachusetts would produce an annual savings in law enforcement resources of approximately \$29.5 million. The estimates provided here necessarily make use of approximations in cases where available data do not permit a more detailed analysis. Wherever possible, however, the report has relied on

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<sup>1</sup> The states are Alaska, California, Colorado, Maine, Minnesota, Mississippi, Nebraska, New York, North Carolina, Ohio, and Oregon. Alaska (1990) has since voted to recriminalize, although in 1998 it decriminalized for medical purposes. A twelfth state, South Dakota, also decriminalized during this period but recriminalized within a year. In 1996 Oregon recriminalized, but in 1998 the voters rescinded recriminalization and returned to decriminalization. More recently, Nevada decriminalized in 2001. See <http://www.norml.org/> and <http://www.drugpolicy.org/statebystate/> for details. Countries that have decriminalized include Italy (1990), Spain (1992), Portugal (2001), Luxembourg (2001), Belgium (2001), and Austria (1998). Several other countries (Netherlands, Germany, Denmark, France, Switzerland, United Kingdom, and Canada) have either de facto decriminalized or are in the process of decriminalizing. See <http://eldd.emecdda.org/> and <http://www.norml.org> for details.

<sup>2</sup> For example, Question 9 on the November, 2002 ballot in Nevada would have eliminated criminal penalties for possession of up to 3 ounces of marijuana and required the state to provide a legal means of purchasing marijuana. Issue 1 on the November, 2002 ballot in Ohio would have allowed treatment instead of incarceration for many drug offenses. Proposition 203 on the November, 2002 Arizona ballot would have decriminalized possession of 2 ounces or less of marijuana. Several states have also passed or are considering medical marijuana laws. See the references in fn. 1 above.

approximations that bias the estimated budgetary effects downward, so the actual effects are plausibly higher than suggested here.

This report also reviews existing evidence from other states and countries on the effects of marijuana decriminalization on marijuana use. This evidence provides no indication that decriminalization leads to a measurable increase in marijuana use.

## **II. Estimating the Budgetary Implications of Decriminalization**

There are two budgetary implications of marijuana decriminalization. The first is the savings in criminal justice resources that occurs to the extent police, prosecutors, state forensic laboratories, court clerical personnel, judges, and prisons are not utilized in connection with marijuana possession offenses. The second is any change in revenue that occurs because the criminal fines currently levied on marijuana possession offenders are replaced by civil fines. Of these two components, the savings in criminal justice resources is the more important. This section addresses each of these components in turn.

### *The Savings in Criminal Justice Resources*

A simple approach to estimating the savings in criminal justice resources from decriminalization entails the following steps:

1. determine the percentage of all Massachusetts arrests that is for marijuana possession;
2. determine the criminal justice budget of Massachusetts;
3. multiply the first number by the second.

Under certain assumptions, this approach yields a reasonable estimate of the resources utilized due to the criminalization of marijuana possession in Massachusetts.<sup>3</sup> Some of these assumptions are questionable, however, so modification of this approach is in order.

To begin, many arrests for marijuana possession do not lead to trials or prison terms. Instead, a substantial fraction of such arrests are plea-bargained, continued without a finding, dismissed, diverted to treatment, or otherwise handled in a manner that makes substantially less use of the criminal justice system than many other arrests. Thus, the approach outlined so far must be modified to account for the differential degree to which marijuana possession arrests utilize police resources, prosecutorial and judicial resources, and correctional resources. This report implements this more detailed approach below.

A second difficulty with the approach outlined above is that some arrests for marijuana possession occur because the arrestee was under suspicion for a different crime, but during a

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<sup>3</sup> An implicit assumption is that the technology is roughly constant-returns to scale, so that average costs equal marginal costs. This equivalence is not necessarily accurate in the short-run or for very small communities, but it is likely a good approximation overall. Relatedly, the police conduct activities that are unrelated to arrests, such as traffic control. These related police tasks are likely minor, however, in comparison to police activities that involve arrests.

routine search the police discovered marijuana. This means a marijuana possession arrest is recorded, along with an arrest on the other charge. But if marijuana possession is not a criminal offense, the suspects in such cases would still be arrested on the charge that led to the search, and police resources would be used to approximately the same extent as if marijuana possession were criminal.<sup>4</sup>

Taken to the extreme, the fact that some marijuana arrests are incidental to arrests for other offenses suggests decriminalization might produce minimal savings of police resources. The extreme is probably not an accurate description, for reasons given below, but it is important to think carefully about this issue.

To this end, it is useful to consider the various ways that marijuana possession arrests can occur. The first possibility, here labeled stand-alone, is those arrests that arise entirely out of the criminalization of marijuana possession. Stand-alone arrests include instances where police observe someone smoking marijuana or believe someone possesses marijuana because of detection of the characteristic odor. The second category, here labeled civil-incidental, includes arrests that are incidental to a non-criminal infraction, such as a traffic violation in which a police officer observes or smells marijuana. The third category, here labeled criminal-incidental, consists of arrests that occur because the police have detained a suspect under suspicion of a different crime and then determined that the suspect possesses marijuana.

A rough first approximation to the amount of police resources that would be saved under decriminalization would be that corresponding to stand-alone plus civil-incidental marijuana arrests. In both cases, under decriminalization the police would no longer make an arrest but instead simply cite the offender for possession, as occurs now for various traffic violations.<sup>5</sup> Thus, it is useful to know what fraction of possession arrests are in these two categories as opposed to the criminal-incidental category.

Two kinds of information are available to estimate this fraction. The first is the experiences of judges and lawyers who are involved with marijuana possession cases. These impressions provide a useful baseline, even though they do not constitute hard evidence. For the purposes of this report, the author contacted several representatives from these groups. Each person contacted suggested that stand-alone plus civil-incidental arrests account for at least 40% of the marijuana possession arrests in Massachusetts, and several thought the percentage substantially higher.

The second approach to estimating this fraction is to obtain data on the fraction of those marijuana possession arrest incidents involving a single charge of marijuana possession, as compared to a charge of marijuana possession and a charge of something else. These data are available for two locations in Massachusetts, Brockton and Barnstable.<sup>6</sup> These data indicate that

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<sup>4</sup> This assessment of equivalent resource utilization is an overstatement since there is typically a lab test to determine the precise content of any drugs seized. Also, it presumably takes additional resources to prosecute a given offender on multiple charges rather than on a single charge.

<sup>5</sup> A charge of driving under the influence of marijuana might still occur, but that is a separate issue.

<sup>6</sup> The data are averages over the 1999-2002 period (through 9/23/02). For first offenses the fraction is 34% in Brockton and 38% in Barnstable. For subsequent offenses the fraction is 24% in Brockton and 50% in Barnstable. First offenses are substantially more common, and the Brockton sample is substantially larger. Thus, 33% is a reasonable bound.

approximately 33% of marijuana possession arrests involve one charge only, meaning they are either stand-alone or civil-incidental.<sup>7</sup>

These facts together suggest that 33% is a reasonable lower bound on the fraction of marijuana possession arrests that would no longer occur *and* result in a savings in criminal justice resources under decriminalization.

To determine the implication of this fact for the Massachusetts budget requires information on the fraction of arrests due to marijuana possession. In 2006, 130,219 total arrests occurred in Massachusetts, of which 17,729 were for drug law violations.<sup>8</sup> Also in 2006, 42.5% of arrests for drug law violations were for marijuana possession, implying that 5.8% ( $= .425 * (17,729/130,219)$ ) of arrests in Massachusetts were for marijuana possession.<sup>9</sup> Multiplying this percentage by 33% gives 1.9% as the fraction of arrests that would not occur and result in a savings of criminal justice resources under decriminalization.

The savings in criminal justice resources implied by this percentage has three components in principal: a reduction in police resources because of the reduced number of arrests; a reduction in prosecutorial and judicial resources because of the reduced number of criminal applications, pre-trial hearings, and trials; and a reduction in correctional resources because of the reduced number of prisoners.

In practice, only the first of these three components is likely to be affected to any substantial degree by decriminalization of marijuana possession in Massachusetts. Data on the disposition of marijuana possession arrests are not readily available, but data on the number of prisoners serving time for marijuana possession suggest that only modest numbers of possession charges go to trial.<sup>10</sup> Likewise, the relatively small number of persons imprisoned on marijuana possession charges means that correctional costs related to this charge are modest as well.<sup>11</sup>

The most important source of savings is therefore that corresponding to the reduced use of police resources. The fiscal year 2004 Massachusetts budget for police protection was

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<sup>7</sup> Reuter, Hirschfield, and Davies (2001) provide data on this fraction for Baltimore in the late 1990s; the fraction of marijuana only arrests is 46%. They also present data for Montgomery County indicating that 616/1237 marijuana possession arrests occurred because of direct observation, with 436 additional arrests arising out of traffic stops. This would suggest an even higher stand-alone plus civil-incidental fraction.

<sup>8</sup> See U.S. Department of Justice (2006, Table 69), [http://www.fbi.gov/ucr/cius2006/data/table\\_69.html](http://www.fbi.gov/ucr/cius2006/data/table_69.html).

<sup>9</sup> See U.S. Department of Justice (2006, Arrest Table), <http://www.fbi.gov/ucr/cius2006/arrests/indx.html>. The 42.5% figure is for states in the Northeast; data specifically for Massachusetts are not yet available for 2006. Massachusetts data for earlier years, however, confirm that the Northeast figure is a reasonable estimate of the fraction of arrests due to marijuana possession in Massachusetts.

<sup>10</sup> See Massachusetts Department of Corrections (2006). It is not possible to pin down the precise number of persons being held on marijuana possession charges since for certain prisoners the exact charge is difficult to determine (e.g., possession of a controlled substance in a school zone). In addition, these data sources do not indicate the length of sentence for different charges.

<sup>11</sup> As discussed further below, this conclusion of modest impact takes as given current rules on probation and parole violations, under which detection of any marijuana use can send parolees/probationers to prison. If these rules were relaxed, the number of prisoners would be affected more substantially, resulting in more savings from decriminalization.

\$1,479.7 billion.<sup>12</sup> Adjusting this figure upwards by 5% to allow for inflation over two years implies 2006 expenditure of \$1,553.7 billion. The arguments above thus suggest savings equal to 1.9% of this amount as the result of decriminalization, since this fraction of arrests would not occur and result in a proportionate reduction in police resources utilized. This implies a savings of \$29.5 million in 2006.<sup>13</sup>

#### *Change in Revenue from Fines*

Under current law, the penalty for marijuana possession can include a fine of up to \$500. Under decriminalization, marijuana possession would be punishable by a civil fine of, for example, \$100. The net effect of decriminalization on the revenue accruing to Massachusetts governments is difficult to determine. Many offenders under current law do not pay the criminal fine, but some indigent offenders under decriminalization might not pay the fine as well. Given these uncertainties, this report does not estimate the net change in revenue. Since the number of arrests in question is modest, the maximum effect of the change in policy on revenue collections is minor in comparison to the effect of decriminalization on savings in criminal justice resources.

## **II. Does Marijuana Decriminalization Lead to Increased Marijuana Use?**

One critical issue in the debate over decriminalization is the degree to which marijuana use increases after adoption of decriminalization. Advocates of decriminalization do not regard all increases in use as undesirable; indeed, some suggest that allowing responsible marijuana use by adults is a benefit rather than a cost. Opponents of decriminalization regard any increase in use as undesirable. Whatever one's view on this issue, however, it is useful to know whether the change in marijuana use caused by decriminalization would be large or small. If the change is small, determining whether it is a cost or a benefit is not critical to the debate.

Evaluations of decriminalization experiences in other states and countries provides little indication that use increases to any substantial degree as the result of decriminalization.<sup>14</sup>

Johnston, O'Malley, and Bachman (1981) use data from Monitoring the Future, an annual survey of U.S. high school seniors, to see whether the changes over time in marijuana use differed across states that did or did not decriminalize during the 1970s. They find little evidence of any difference.

Thies and Register (1993) use data from the National Longitudinal Survey of Youth for 1984 and 1988 to determine whether individuals in decriminalized states had different use rates for alcohol, marijuana, or cocaine. They find little evidence that decriminalization affects use of any of these substances.

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<sup>12</sup> See [http://www.census.gov/govs/estimate/0422masi\\_1.html](http://www.census.gov/govs/estimate/0422masi_1.html).

<sup>13</sup> For a comparison to other estimates of the budgetary impacts of decriminalization, see Miron (2002a).

<sup>14</sup> This report summarizes the most complete and convincing of the evaluations of decriminalization's effect on marijuana use. Several additional studies are either small-scale or less well-designed than those summarized here (see, for example, Office of Alcoholism and Drug Abuse Prevention (1978)). These studies nevertheless reach the same conclusion documented above.



Model (1993) finds some evidence of increased marijuana use resulting from decriminalization, but this evidence is hard to interpret because the measure of marijuana use is emergency room drug mentions of marijuana. This measure might reflect attitudes toward drug use, which could correlate with decriminalization. Model also finds that decriminalization is accompanied by decreased mentions of drugs other than marijuana, suggesting substitution away from other drugs.

MacCoun and Reuter (1997, 2001) discuss the evidence on marijuana decriminalization in the United States, Australia, and the Netherlands. They conclude there is no evidence that decriminalization increases marijuana use.<sup>15</sup> Single, Christie, and Ali (2000) reach the same conclusion regarding evidence on the experience with decriminalization in several Australian states.

#### **IV. Discussion**

This report estimates the savings in criminal justice resources that would accrue to Massachusetts state and municipal governments under marijuana decriminalization. The estimate is \$29.5 million per year. Several aspects of this estimate deserve further discussion.

The estimated savings in criminal justice resources is likely the minimum savings that would occur under decriminalization, since most of the assumptions underlying this estimate err on the low side. In particular, the estimate assumes no trials on charges of marijuana possession and no prison terms due to marijuana possession. Both assumptions appear to be reasonable approximations, but they are not literally correct. To the extent trials and imprisonments occur, the estimated savings in criminal justice resources reported here is downward biased.<sup>16</sup> Further, the estimate reported here uses 33% as the fraction of current marijuana arrests that would not occur and not be offset by resources devoted to other arrests; this estimate appears to be conservative. Indeed, results in Reuter, Hirschfield and Davies (2001) imply a fraction more than twice as high, which would imply a cost savings more than twice as high as that reported here.

The estimate presented here takes as given that current rules regarding parole and probation would remain in effect under decriminalization. Under these rules, a positive test for marijuana use constitutes a violation that can cause any parolee or probationer, regardless of underlying offense, to be sent to prison. It is plausible these rules would be relaxed under decriminalization. This would keep non-trivial numbers of parolees and probationers out of prison, with substantial savings for the government budget.

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<sup>15</sup> While finding no significant affect on use from decriminalization, MacCoun and Reuter do conclude that the commercialization of cannabis in the Netherlands has contributed to an increase in use. They are correct to suggest that commercialization might expand use more than decriminalization, but they potentially exaggerate the implications of the Dutch experience. See Miron (2002b).

<sup>16</sup> The estimate here also ignores the fact that some prosecutorial and judicial resources are utilized in connection with possession arrests even when no trial occurs, such as in pre-trial hearings.

Several aspects of the results here could be refined if more detailed data were available. These data include information on the precise disposition of marijuana arrests, on the length of sentences served by marijuana offenders, and on the exact nature of the offense under which certain drug offenders are imprisoned. In addition, future work might fruitfully consider other aspects of policy toward marijuana, such as the rules regarding marijuana use by probationers and parolees.

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Working to Reform Marijuana Laws

**The NORML Almanac of Marijuana Arrest Statistics**

**New Hampshire Marijuana Arrests**

**Marijuana Arrests 1995-2002 (Summary)**

**Marijuana Possession Arrests-2002 (Demographics)**

**Marijuana Sales Arrests-2002 (Demographics)**

**Marijuana Arrests by County 1998-2002**

# The NORML Almanac of State Marijuana Statistics

## Introduction

The NORML Almanac of Marijuana Arrest Statistics provides detailed data on the distribution and composition of marijuana arrests to supplement the analysis and data contained in NORML's 2005 report "Crimes of Indiscretion: Marijuana Arrests in the United States."

The data used for these tables were produced by the Uniform Crime Reports (UCR) program of the Department of Justice - Federal Bureau of Investigation. Local police agencies report data to state agencies, which compile and report it to the national program office. Some local agencies do not participate in the program, and neither do some states. Florida, Illinois, and Washington D.C. did not report data to the UCR program in 2002, though some Illinois data was obtained directly from the state for this report.

This report relies on two UCR data sets. UCR County-Level Detailed Arrest and Offense Data have been used to generate state and county level arrest totals and rates, generally for the years 1995 to 2002. County-level data are reported along with codes that indicate 9 categories of population sizes. Generally the largest arrest rates reported are for small jurisdictions with significant numbers of arrests of non-residents, such as in a popular vacation area.

The UCR Age, Sex, and Race file has been used along with US Census population data to produce arrest rates by demographic category for marijuana possession and sales arrests in 2002. The four categories used for race-based data in the UCR program are White, Black, Indian (Native American), and Asian. The race-based data are also subdivided by general age group: adult, juvenile, and all. Age/sex data are presented in two formats. The primary presentation

utilizes five year age categories for males, females, and both. Age/sex data are also presented using single year categories for age 15 to age 24 to highlight the impact of marijuana arrests on these specific age groups.

All arrest rates reported in these tables are per 100,000 population. Some arrest rates may vary due to differences in the data sets; for example the arrest rate for possession derived from the county level file may be 200 while the same arrest rate derived from the age, sex and race file may be 192. Data reported in these tables may also differ from reports from state criminal justice agencies; UCR files are frequently updated at the state level.

State sections include the following additional data: marijuana arrests as a percentage of drug arrests, marijuana arrests as a percentage of all arrests, the 2002 Census population, 2002 reporting coverage for demographic data, and the maximum state penalties for possession or sale of 1 ounce of marijuana. Marijuana arrests as a percentage of all drug arrests indicate the resources marijuana offenses take away from other drug control efforts. Marijuana arrests as a percentage of all arrests provide an index of the cost of marijuana enforcement in a state; the percentage of all arrests indicates a general percentage of overall criminal justice costs that can be attributed to marijuana. The maximum penalties indicate the potential severity of punishment for marijuana offenses; these data also help characterize the potential cost of state marijuana laws under conditions of maximum enforcement.

Jon B. Gettman, Ph.D.

# The NORML Almanac of State Marijuana Statistics

## Key to Almanac Tables

### Marijuana Arrests 1995 – 2002

**Source:** Uniform Crime Reporting Program  
**Data:** County-level Detailed Arrest and Offense Data. [Computer File]

**All:** Both adults and juveniles.

**Adults:** Age 18 and older.

**Juvenile:** Under age 18.

**Arrests:** Total marijuana arrests, possession and sales arrests combined.

**Rate:** The arrest rate per 100,000 for all marijuana offenses is calculated by dividing the number of arrests by the coverage population and multiplying the result by 100,000.

**Pct of Drug Arrests:** The percent of drug arrests represented by marijuana arrests. This figure is calculated by dividing the number of marijuana arrests by the number of all arrests for drug offenses.

**Pct of All Arrests:** The percentage of all arrests represented by marijuana arrests. This figure is calculated by dividing the number of marijuana arrests by the number of arrests for all criminal offenses.

### Marijuana Sales/Possession Arrests – 2002

**Source:** Uniform Crime Reporting Program  
**Data:** Arrests by Age, Sex, and Race. [Computer File]

**Population:** The total population estimated by the U.S. Census.

**Coverage:** The percentage of the total population represented by the coverage

population. This figure is calculated by dividing the coverage population by the census population for a region.

**Poss. Max:** The maximum penalty for possession of 1 ounce of marijuana.

**Sales. Max:** The maximum penalty for sales of one ounce of marijuana.

**Arrest Rate:** The arrest rate per 100,000 population, calculated by dividing the number of arrests by the population served by the arresting police agencies and multiplying the result by 100,000.

**Adults:** Individuals age 18 and older.

**Juveniles:** Individuals under the age of 18.

**Rate:** The demographic composition of coverage populations has been estimated using U.S. Census data and used to calculate arrest rates for marijuana offenses per 100,000 population for specific demographic groups.

**Arrest Pct.:** The percentage of arrests for the offense accounted for by the demographic group.

**Pop. Pct.:** The estimated percentage of the regional population accounted for by the demographic group.

**Ratio:** The ratio produced by dividing Arrest Pct by Pop. Pct. by the population percentage. A group that accounts for equal shares of marijuana possession arrests and the general population will have a ratio of 1.0.

**Source:** Uniform Crime Reporting Program Data: County-level Detailed Arrest and Offense Data. [Computer File]

**Population Size:** Nine categories are used to distinguish counties of similar population size. Special circumstances are more likely to disproportionately affect arrest rates in counties with smaller resident populations, such as high numbers of vacation visitors for beach and mountain resort areas.

**Arrests:** Total marijuana arrests, possession and sales arrests combined.

**Arrest Rates:** The arrest rate per 100,000 for all marijuana offenses is calculated by dividing the number of arrests by the coverage population and multiplying the result by 100,000.

**Rank (Rates):** Ranking among all the counties in the State, from highest (1) to lowest.

**Population Size Codes**

Size 1	Population	< 2,500		
Size 2	Population	2,500	to	9,999
Size 3	Population	10,000	to	24,999
Size 4	Population	25,000	to	49,999
Size 5	Population	50,000	to	99,999
Size 6	Population	100,000	to	249,999
Size 7	Population	250,000	to	499,999
Size 8	Population	500,000	to	999,999
Size 9	Population	1,000,000 +		

**1. County-level Totals and Arrest Rates.** Local agency data from the UCR Age, Sex, and Race file are combined to produce county-level totals and arrest rates for the overall population. While the agency-level file provides data on the number of blacks arrested by each agency, for example, it does not provide data on the local black population. However calculation of the arrest rate for blacks can take place at the county level through the use of Census Bureau data on county-level populations.

**2. State, and National Level Totals and Arrest Rates.** County level data are combined to produce state, and national-level totals of coverage populations and arrests by offense, providing a basis for calculating the arrest rate for the overall coverage population.

**3. Demographic-based Arrest Rates.** The coverage population for Blacks in each region, for example, can be estimated using Census data on the overall Black population of the region. If Blacks comprise 65% of the population of a county, for example, these tables are based on the premise that Blacks also comprise 65% of the coverage population reported in the UCR data for that county. The estimation of the Black population within the overall coverage population provides a basis for calculating the arrest rates for Blacks in the region.

**4. Coverage Indicators.** A comparison of the coverage population of the reporting local agencies and the overall census population produces a coverage indicator indicating the extent the reported data represents a particular region and its diversity.



The NORMAL Arrests of State

		1996	1997	1998	1999	2000	2001	2002
All	Arrests	3,662	4,865	5,916	5,857	4,256	5,136	4,189
All	Rate	252.21	332.00	400.20	397.11	282.20	347.00	287.15
All	Pct. Of Drug Arrests	83.41%	58.28%	55.35%	52.82%	57.55%	57.50%	51.00%
All	Pct. Of All Arrests	6.26%	2.09%	4.72%	6.96%	9.97%	8.20%	7.99%
Adult	Arrests	2,291	1,449	2,397	2,390	3,332	3,370	3,158
Adult	Rate	197.16	123.53	252.91	248.96	269.63	315.28	247.52
Adult	Pct. Of Drug Arrests	64.52%	45.28%	67.62%	69.63%	68.48%	68.51%	63.20%
Adult	Pct. Of All Arrests	4.93%	2.38%	3.82%	5.34%	6.56%	6.34%	5.94%
Juvenile	Arrests	673	414	919	868	926	1,168	1,032
Juvenile	Rate	67.92	35.29	77.55	72.27	74.93	92.78	80.94
Juvenile	Pct. Of Drug Arrests	18.95%	12.94%	20.74%	20.21%	19.03%	20.16%	20.66%
Juvenile	Pct. Of All Arrests	1.45%	0.68%	1.11%	1.55%	1.82%	1.87%	1.94%

New Hampshire Marijuana Possession Arrests

		1996	1997	1998	1999	2000	2001	2002
All	Arrests	2,754	1,575	3,560	3,521	3,706	4,206	3,535
All	Rate	237.01	134.27	300.42	293.17	299.89	334.03	277.24
All	Pct. Of Drug Arrests	77.56%	49.22%	80.32%	82.00%	76.16%	72.58%	70.78%
All	Pct. Of All Arrests	5.93%	2.59%	4.30%	6.29%	7.29%	6.72%	6.65%
Adult	Arrests	2,109	1,189	2,701	2,716	2,899	3,217	2,658
Adult	Rate	181.50	101.36	227.93	226.14	234.59	255.48	208.46
Adult	Pct. Of Drug Arrests	59.39%	37.16%	60.94%	63.25%	59.58%	55.51%	53.22%
Adult	Pct. Of All Arrests	4.54%	1.96%	3.26%	4.85%	5.70%	5.14%	5.00%
Juvenile	Arrests	646	385	859	805	807	990	876
Juvenile	Rate	55.59	32.82	72.49	67.03	65.30	78.62	68.70
Juvenile	Pct. Of Drug Arrests	18.19%	12.03%	19.38%	18.75%	16.58%	17.08%	17.54%
Juvenile	Pct. Of All Arrests	1.39%	0.63%	1.04%	1.44%	1.59%	1.58%	1.65%

New Hampshire Marijuana Sales Arrests

		1996	1997	1998	1999	2000	2001	2002
All	Arrests	208	290	356	338	550	930	654
All	Rate	17.90	24.72	30.04	27.98	44.51	73.86	51.29
All	Pct. Of Drug Arrests	5.86%	9.06%	8.03%	7.82%	11.30%	16.05%	13.10%
All	Pct. Of All Arrests	0.45%	0.48%	0.43%	0.60%	1.08%	1.49%	1.23%
Adult	Arrests	182	260	298	274	433	753	498
Adult	Rate	15.66	22.17	24.98	22.81	35.04	59.80	39.06
Adult	Pct. Of Drug Arrests	5.13%	8.12%	6.68%	6.36%	8.90%	12.99%	9.97%
Adult	Pct. Of All Arrests	0.39%	0.43%	0.36%	0.49%	0.85%	1.20%	0.94%
Juvenile	Arrests	27	29	60	63	119	178	156
Juvenile	Rate	2.32	2.47	5.06	5.25	9.63	14.14	12.23
Juvenile	Pct. Of Drug Arrests	0.76%	0.91%	1.35%	1.47%	2.45%	3.07%	3.12%
Juvenile	Pct. Of All Arrests	0.06%	0.05%	0.07%	0.11%	0.23%	0.26%	0.29%

# The NORML Almanac of State Marijuana Statistics

only marijuana marijuana possession arrests 2002

Population	Arrest Rate				Adults	White	Black	Indian	Asian	
1 275.056					Rate	271.94	112.84	122.20	95.88	
Coverage	19.78%	2000			289.60	Arrest Pct.	73.30%	2.19%	0.12%	0.27%
Poss. Max.	12 months	2001			270.92	Pop. Pct.	73.41%	0.59%	0.19%	1.12%
Sales Max.	84 months	2002				Ratio	1.00	3.71	0.63	0.24
All	White	Black	Indian	Asian	Juveniles	White	Black	Indian	Asian	
Rate	255.97	992.50	163.10	64.62	Rate	279.20	141.66	0.00	0.00	
Arrest Pct.	97.27%	2.35%	0.12%	0.27%	Arrest Pct.	23.91%	0.15%	0.00%	0.00%	
Pop. Pct.	96.46%	0.89%	0.25%	1.48%	Pop. Pct.	23.05%	0.29%	0.06%	0.36%	
Ratio	1.01	2.64	0.48	0.18	Ratio	1.04	0.52	0.00	0.00	
Total	Age 15-19	Age 20-24	Age 25-29	Age 30-34	Age 35-39	Age 40-44	Age 45-59	Age 50-54	Age 55-59	Age 60-64
Rate	1,740.59	1,043.01	400.81	232.01	184.59	130.33	66.32	47.43	23.96	5.13
Arrest Pct.	45.45%	24.26%	7.75%	6.00%	5.69%	4.39%	2.02%	1.26%	0.50%	0.08%
Pop. Pct.	7.08%	6.30%	5.24%	7.00%	8.35%	9.13%	8.27%	7.20%	5.62%	4.03%
Ratio	6.42	3.85	1.48	0.86	0.68	0.48	0.24	0.18	0.09	0.02
Male	Age 15-19	Age 20-24	Age 25-29	Age 30-34	Age 35-39	Age 40-44	Age 45-59	Age 50-54	Age 55-59	Age 60-64
Rate	2,914.78	1,881.41	693.19	388.56	297.29	214.54	113.07	86.62	44.32	10.41
Arrest Pct.	38.88%	21.73%	8.72%	4.97%	4.51%	3.59%	1.72%	1.15%	0.46%	0.08%
Pop. Pct.	3.61%	3.13%	2.63%	3.48%	4.11%	4.53%	4.12%	3.58%	2.80%	1.99%
Ratio	10.77	6.94	2.56	1.43	1.10	0.79	0.42	0.32	0.18	0.04
Female	Age 15-19	Age 20-24	Age 25-29	Age 30-34	Age 35-39	Age 40-44	Age 45-59	Age 50-54	Age 55-59	Age 60-64
Rate	514.32	215.42	108.79	79.32	75.58	47.28	19.94	8.59	3.68	0.00
Arrest Pct.	6.57%	2.52%	1.03%	1.03%	1.18%	0.80%	0.31%	0.11%	0.04%	0.00%
Pop. Pct.	3.46%	3.17%	2.62%	3.52%	4.25%	4.60%	4.15%	3.62%	2.81%	2.05%
Ratio	1.90	0.79	0.39	0.29	0.28	0.17	0.07	0.03	0.01	0.00
Total	Age 15	Age 16	Age 17	Age 18	Age 19	Age 20	Age 21	Age 22	Age 23	Age 24
Rate	722.49	1,167.76	2,132.77	2,578.48	2,220.77	1,684.10	1,119.13	940.12	718.37	659.43
Arrest Pct.	3.93%	6.34%	11.27%	12.99%	10.92%	8.29%	5.58%	4.43%	3.21%	2.75%
Pop. Pct.	1.48%	1.47%	1.43%	1.36%	1.33%	1.33%	1.35%	1.28%	1.21%	1.13%
Ratio	2.67	4.31	7.87	9.52	8.20	6.22	4.13	3.47	2.65	2.43
Male	Age 15	Age 16	Age 17	Age 18	Age 19	Age 20	Age 21	Age 22	Age 23	Age 24
Rate	1,223.41	1,837.43	3,528.74	4,512.12	3,673.35	2,949.37	2,125.20	1,795.23	1,227.52	1,131.46
Arrest Pct.	3.40%	5.08%	9.63%	11.61%	9.17%	7.30%	5.19%	4.13%	2.71%	2.41%
Pop. Pct.	0.75%	0.75%	0.74%	0.70%	0.68%	0.67%	0.66%	0.62%	0.60%	0.58%
Ratio	4.52	6.78	13.02	16.65	13.56	10.89	7.84	6.63	4.53	4.18
Female	Age 15	Age 16	Age 17	Age 18	Age 19	Age 20	Age 21	Age 22	Age 23	Age 24
Rate	200.53	472.99	642.71	558.25	725.00	405.86	150.46	126.52	220.00	168.21
Arrest Pct.	0.53%	1.26%	1.64%	1.38%	1.76%	0.99%	0.38%	0.31%	0.50%	0.34%
Pop. Pct.	0.72%	0.72%	0.89%	0.67%	0.66%	0.66%	0.69%	0.65%	0.61%	0.55%
Ratio	0.74	1.75	2.37	2.06	2.88	1.50	0.56	0.47	0.81	0.62

**New Hampshire Marijuana Sales Arrests - 2002**

Population	1,275,056		Arrest Rate		Adults	White	Black	Indian	Asian	
Coverage	75.79%		2000	41.97	Rate	48.60	175.19	0.00	6.99	
Poss. Max.	12	months	2001	61.66	Arrest Pct.	73.35%	2.99%	0.00%	0.21%	
Sales Max.	84	months	2002	48.53	Pop. Pct.	73.41%	0.59%	0.19%	1.12%	
					Ratio	1.00	5.07	0.00	0.19	
<b>All</b>	<b>White</b>	<b>Black</b>	<b>Indian</b>	<b>Asian</b>	<b>Juveniles</b>	<b>White</b>	<b>Black</b>	<b>Indian</b>	<b>Asian</b>	
Rate	48.49	243.77	0.00	9.23	Rate	48.93	35.47	0.00	0.00	
Arrest Pct.	98.59%	3.20%	0.00%	0.21%	Arrest Pct.	23.24%	0.21%	0.00%	0.00%	
Pop. Pct.	96.46%	0.89%	0.25%	1.48%	Pop. Pct.	23.05%	0.29%	0.06%	0.36%	
Ratio	1.00	3.60	0.00	0.14	Ratio	1.01	0.72	0.00	0.00	
<b>Total</b>	<b>Age 15-19</b>	<b>Age 20-24</b>	<b>Age 25-29</b>	<b>Age 30-34</b>	<b>Age 35-39</b>	<b>Age 40-44</b>	<b>Age 45-59</b>	<b>Age 50-54</b>	<b>Age 55-59</b>	<b>Age 60-64</b>
Rate	305.70	177.39	67.10	42.85	37.17	32.87	15.02	8.62	1.84	0.00
Arrest Pct.	44.56%	23.03%	7.25%	6.18%	6.40%	6.18%	2.56%	1.28%	0.21%	0.00%
Pop. Pct.	7.08%	6.30%	5.24%	7.00%	8.35%	9.13%	8.27%	7.20%	5.62%	4.03%
Ratio	6.29	3.66	1.38	0.88	0.77	0.68	0.31	0.18	0.04	0.00
<b>Male</b>	<b>Age 15-19</b>	<b>Age 20-24</b>	<b>Age 25-29</b>	<b>Age 30-34</b>	<b>Age 35-39</b>	<b>Age 40-44</b>	<b>Age 45-59</b>	<b>Age 50-54</b>	<b>Age 55-59</b>	<b>Age 60-64</b>
Rate	483.89	297.59	102.40	71.36	62.98	50.21	25.13	17.32	3.69	0.00
Arrest Pct.	36.03%	19.19%	5.54%	5.12%	5.33%	4.69%	2.13%	1.28%	0.21%	0.00%
Pop. Pct.	3.61%	3.13%	2.63%	3.48%	4.11%	4.53%	4.12%	3.58%	2.80%	1.99%
Ratio	9.98	6.13	2.11	1.47	1.30	1.04	0.52	0.36	0.08	0.00
<b>Female</b>	<b>Age 15-19</b>	<b>Age 20-24</b>	<b>Age 25-29</b>	<b>Age 30-34</b>	<b>Age 35-39</b>	<b>Age 40-44</b>	<b>Age 45-59</b>	<b>Age 50-54</b>	<b>Age 55-59</b>	<b>Age 60-64</b>
Rate	119.81	58.75	31.64	14.69	12.19	15.76	4.99	0.00	0.00	0.00
Arrest Pct.	8.53%	3.84%	1.71%	1.07%	1.07%	1.49%	0.43%	0.00%	0.00%	0.00%
Pop. Pct.	3.46%	3.17%	2.62%	3.52%	4.25%	4.60%	4.15%	3.62%	2.81%	2.05%
Ratio	2.47	1.21	0.65	0.30	0.25	0.32	0.10	0.00	0.00	0.00
<b>Total</b>	<b>Age 15</b>	<b>Age 16</b>	<b>Age 17</b>	<b>Age 18</b>	<b>Age 19</b>	<b>Age 20</b>	<b>Age 21</b>	<b>Age 22</b>	<b>Age 23</b>	<b>Age 24</b>
Rate	49.10	218.08	441.01	401.94	442.60	279.39	214.63	162.09	94.07	119.08
Arrest Pct.	1.49%	6.61%	13.01%	11.30%	12.16%	7.68%	5.97%	4.26%	2.35%	2.77%
Pop. Pct.	1.48%	1.47%	1.43%	1.38%	1.33%	1.33%	1.35%	1.28%	1.21%	1.13%
Ratio	1.01	4.49	9.09	8.28	9.12	5.76	4.42	3.34	1.94	2.45
<b>Male</b>	<b>Age 15</b>	<b>Age 16</b>	<b>Age 17</b>	<b>Age 18</b>	<b>Age 19</b>	<b>Age 20</b>	<b>Age 21</b>	<b>Age 22</b>	<b>Age 23</b>	<b>Age 24</b>
Rate	82.48	359.20	686.14	638.23	688.75	416.93	375.03	282.58	155.60	233.48
Arrest Pct.	1.28%	5.54%	10.45%	9.17%	9.59%	5.76%	5.12%	3.62%	1.92%	2.77%
Pop. Pct.	0.75%	0.75%	0.74%	0.70%	0.68%	0.67%	0.66%	0.62%	0.60%	0.58%
Ratio	1.70	7.40	14.14	13.15	14.19	8.59	7.73	5.82	3.21	4.81
<b>Female</b>	<b>Age 15</b>	<b>Age 16</b>	<b>Age 17</b>	<b>Age 18</b>	<b>Age 19</b>	<b>Age 20</b>	<b>Age 21</b>	<b>Age 22</b>	<b>Age 23</b>	<b>Age 24</b>
Rate	14.32	71.67	179.36	155.07	189.13	140.42	60.18	47.45	33.85	0.00
Arrest Pct.	0.21%	1.07%	2.56%	2.13%	2.56%	1.92%	0.85%	0.64%	0.43%	0.00%
Pop. Pct.	0.72%	0.72%	0.69%	0.67%	0.66%	0.66%	0.69%	0.65%	0.61%	0.55%
Ratio	0.30	1.48	3.70	3.20	3.90	2.89	1.24	0.98	0.70	0.00

## The NORML Almanac of State Marijuana Statistics

**New Hampshire  
Marijuana Arrests by County**

	Population		Arrests				Arrest Rates					Rank
	Size	1998	1999	2000	2001	2002	1998	1999	2000	2001	2002	2002
Belknap	5	218	216	198	225	203	413.66	406.07	351.53	392.05	349.31	4
Carron	4	143	137	156	180	151	363.98	343.53	357.26	404.56	335.15	6
Cheshire	5	262	258	249	372	274	362.53	354.38	337.28	494.53	359.72	3
Coos	4	57	74	172	230	51	169.96	222.08	519.46	681.72	149.28	10
Grafton	5	244	249	345	565	335	309.12	313.84	422.05	678.35	397.20	2
Hillsborough	7	1,110	1,074	1,108	1,205	1,075	306.80	291.99	290.41	310.53	273.58	9
Merrimack	6	401	430	599	751	643	315.16	333.05	439.71	641.05	457.48	1
Rockingham	7	979	984	958	1,029	962	362.81	358.04	344.68	364.11	336.16	5
Strafford	6	372	338	327	371	363	340.65	306.92	291.36	324.42	313.47	8
Sullivan	4	130	97	148	208	132	323.41	239.09	365.81	504.56	316.21	7
<b>State Total</b>		<b>3,916</b>	<b>3,857</b>	<b>4,256</b>	<b>5,136</b>	<b>4,189</b>	<b>330.46</b>	<b>321.15</b>	<b>344.40</b>	<b>407.88</b>	<b>328.53</b>	

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## Weldon Angelos

On November 16, 2004, 25-year-old Weldon Angelos was sentenced to 55 years in federal prison for selling several hundred dollars' worth of marijuana to a police informant on three separate occasions. Though Angelos had no criminal record, federal mandatory minimum laws required the draconian sentence because Angelos had a gun strapped to his ankle during the commission of the crimes.



The maximum sentence in Angelos' case was so severe that a group of former judges and prosecutors ' including U.S. attorneys from nine states ' urged U.S. District Judge Paul G. Cassell to rule the federal mandatory minimum law unconstitutional.

Despite this, Cassell issued Angelos the mandatory 55-year sentence for his gun crimes and a symbolic one-day sentence for the drug and other related charges. At sentencing, Cassell called the penalty "unjust, cruel, and even irrational" but explained that he "had no choice" but to issue the sentence required by law. Cassell then urged Angelos to exhaust every legal appeal available to him and ask President Bush for clemency. The judge also noted that the sentence for hijacking an airplane is 25 years; for second-degree murder, 14 years; and for the rape of a child, 11 years.

Nevertheless, Angelos' hopes for mercy within the justice system died on December 4, 2006, when the U.S. Supreme Court let his sentence stand without comment.

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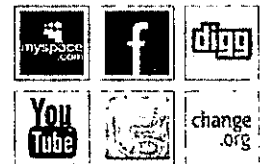
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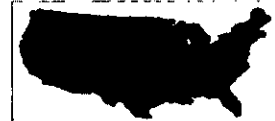
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## Kathryn Johnston

Members of a Georgia narcotics investigation team shot and killed 92-year-old Kathryn Johnston during a drug raid in her Atlanta home November 21, 2006.

A search warrant stating crack cocaine was being sold in her apartment allowed the officers to cut through the burglar bars protecting Johnston's home and burst through her door without identifying themselves.

Johnston, who lived alone, apparently mistook the plainclothes officers for intruders and, according to the prosecutor trying the officers, fired one shot through the door and hit nothing. The police responded, firing 39 shots, killing Johnston and apparently wounding three of their own.

Investigators did not find any crack cocaine or any evidence that drugs were being sold in the apartment. In an apparent attempt to fabricate a cover story, one of the officers, J.R. Smith, planted three bags of marijuana in the home, according to Assistant U.S. Attorney Yonette Sam-Buchanan.

Those involved in the raid gave contradictory accounts of the events leading up to Johnston's death. The officers claimed the raid was executed after they received a tip from an unnamed informant who said he had purchased crack cocaine from a man in Johnston's apartment. They also said the informant had reported the apartment was equipped with a video surveillance system justifying the "no-knock" warrant.

However, after the shooting, the informant told a local news station that he had never even been to Johnston's home, and that police asked him to fabricate the story after the shooting. Also, investigators found no surveillance equipment in the apartment.

On April 26, 2007, two of the officers, Smith and Gregg Junnier, pleaded guilty to several charges, including manslaughter, and expect more than 10 years in prison. Another officer who was involved in the raid but did not fire any shots, Arthur Tesler, pleaded guilty on Oct. 30, 2008, to federal charges of conspiring to violate Johnston's civil rights. His sentencing is scheduled for February 2009, but as part of his plea agreement federal prosecutors will recommend he receive 10 years and one month in prison.

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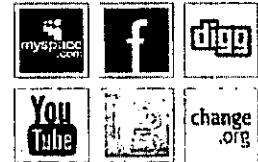
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## Jonathan Magbie

On September 24, 2004, 27-year-old Jonathan Magbie died while serving a 10-day sentence for marijuana possession in a Washington, D.C., jail. Magbie, a quadriplegic since a drunk driving accident at the age of 4, was a first-time offender.



D.C. Superior Court Judge Judith E. Retchin defied a presentencing recommendation that Magbie be given a term of probation — a sentence that even the prosecutor found acceptable.

Retchin imposed the sentence because she didn't like Magbie's attitude, and the car in which Magbie was riding when apprehended had a loaded gun and cocaine. Magbie had told Retchin that marijuana made him feel better and that he didn't think there was anything wrong with using it.

A miscommunication between jail, hospital, and court officials gave Retchin the impression that the D.C. jail could handle Magbie's medical needs — primarily, a near-constant need for ventilation to help him breathe. In fact, the jail could not accommodate him, but by the time Magbie reached a hospital, he was dead.

Ironically, D.C. voters passed a medical marijuana initiative in 1998 with 69% of the vote. The initiative has never taken effect because Congress blocks its implementation. Had the law been in effect, Magbie might have been able to present a medical defense in court, and might be alive today.

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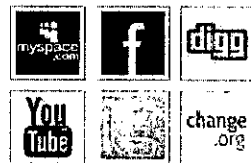
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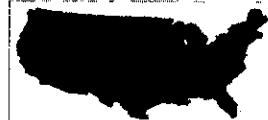
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## Clayton Helriggle

On September 27, 2002, 23-year-old Clayton Helriggle of West Alexandria, Ohio, was shot and killed by police conducting a no-knock raid of his home in search of marijuana.



A convicted felon had informed Preble County prosecutors that Helriggle, who worked in his family's garage door business, was dealing marijuana from his rural farmhouse, which also housed four other roommates.

Based on this tip, the nearly 30-member SWAT-style team, clad in body armor and riot shields, raided Helriggle's house on a Friday evening, using a battering ram to open the front door and detonating stun grenades to disorient the occupants of the house.

Helriggle had been napping in his bedroom; when he heard noises from the raid, he grabbed a gun he kept in his room and went downstairs to investigate. An officer shot Helriggle in the chest. He died within minutes, slumped in roommate Ian Albert's arms.

Police eventually seized a small amount of marijuana, a bong, and rolling papers from the house. News reports also cited the seizure of "packaging items used in the distribution of marijuana" (plastic sandwich baggies found in most kitchens) and "pills" (a roommate's prescription pain medication for a knee injury).

The Helriggle family later filed a civil suit against Preble County and 20 named individuals involved with the raid, for wrongful death and violation of Clayton Helriggle's civil rights.

Later, one of his roommates admitted to selling approximately one ounce of marijuana from the house each week, which led the police informant to tip off police about the farmhouse.

Under Ohio law, possession of less than 100 grams (about 3.5 ounces) of marijuana is considered a civil citation and brings only a \$100 fine and no jail time or criminal record. Possession of between 100 and 200 grams of marijuana (3.5 to 7 ounces) is considered a misdemeanor but brings only a variable fine (around \$250) and no jail time.

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## Goose Creek, South Carolina, School Raid

On November 5, 2003, police raided Stratford High School in Goose Creek, South Carolina, in an effort to purge the school of drugs. The school principal ordered the raid after being tipped off by an informant that drugs were being sold openly by students on school grounds.



School and police cameras captured officers bursting into the school hallway and waving their guns at 130 students, pointing guns at students' heads, handcuffing them, and making them lie on the floor or kneel with their faces to the wall while an officer with a drug-sniffing dog searched backpacks and other belongings.

No drugs were found and no arrests were made.

"I assumed that they were trying to protect us, that it was like Columbine, that somebody got in the school that was crazy or dangerous," one student told *The New York Times*. "But then a police officer pointed a gun at me. It was really scary."

The American Civil Liberties Union later filed a lawsuit against the school, alleging Fourth Amendment search-and-seizure violations and concerns that the raid may have been racially motivated: 70% of the raided students were black, though less than 25% of the school's student population is black.

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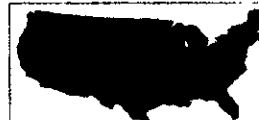
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**Police: Man cut himself after stop**

**BYLINE:** KRISTEN SENZ Union Leader Correspondent  
**DATE:** September 7, 2007  
**PUBLICATION:** New Hampshire Union Leader (Manchester, NH)  
**EDITION:** State  
**SECTION:** Local  
**PAGE:** B1

LEBANON -- In an apparent suicide attempt, a Lebanon man slashed his throat with a knife during a traffic stop in front of Lebanon Junior High School on Wednesday, according to police.

Lebanon police officer Jeffrey Perkins stopped a 1997 Plymouth Neon in front of the entrance to the Bank Street school for a minor traffic violation around 12:30 p.m. While questioning the driver, 19-year-old Brenden Mayo of Grantham, Perkins discovered a small amount of marijuana in the vehicle, police said.

As Perkins and Lt. Phil Roberts were putting handcuffs on Mayo, they looked up and saw Mayo's passenger, 21-year-old Douglas Birnie of Lebanon, step out of the vehicle and begin cutting his throat with a pocket knife, according to police.

The officers tackled Birnie, who has a felony charge for allegedly growing marijuana pending against him in Grafton County Superior Court. Perkins and Roberts wrestled the knife away from Birnie, who already had inflicted "significant" wounds, and they eventually took him into custody, Lebanon Police Chief Jim Alexander said.

"They had to physically take (the knife) away from him and take him to the ground to stop it, as well as to protect themselves during the incident," Alexander said. "The officers felt like they needed to act immediately to protect him, and I think they did a great job."

The Lebanon Fire Department transported Birnie to Dartmouth-Hitchcock Medical Center, where he was treated for serious but not life-threatening injuries. In the process of the transport, police searched Birnie, found a small amount of marijuana and charged him with misdemeanor drug possession. Finding the marijuana prompted police to request a warrant to search Birnie's residence in Lebanon, Alexander said.

"We found a small amount of marijuana on him, and based on that we applied for the warrant," he said.

During the search of Birnie's residence, police reportedly found drug paraphernalia and a small amount of marijuana. Alexander said charges relating to that search could be forthcoming.

Birnie posted \$2,500 personal recognizance bail at DHMC and was released from police custody.

He was already out on \$10,000 bail for the previous felony charge, Alexander said.

Mayo and Birnie are both scheduled for arraignment on misdemeanor charges Oct. 9 in Lebanon District Court.

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# The Limited Relevance of Drug Policy: Cannabis in Amsterdam and in San Francisco

Craig Reinman, PhD, Peter D.A. Cohen, PhD, and Hendrien L. Kaal, PhD

There is a trend among Western democracies toward liberalization of cannabis laws. (Cannabis includes both marijuana and hashish.) In 1976, the Netherlands adopted *de facto* decriminalization. Under Dutch law, possession remains a crime, but the national policy of the Ministry of Justice is to not enforce that law. After 1980, a system of “coffee shops” evolved in which the purchase of small quantities of cannabis by adults was informally tolerated and was then formally permitted in shops that were licensed.<sup>1–3</sup> During the 1990s, Switzerland, Germany, Spain, Belgium, and Italy shifted their drug policies in the Dutch direction. Portugal decriminalized cannabis in 2001, and England similarly reclassified cannabis in 2004. Canada and New Zealand are currently considering cannabis decriminalization. These shifts constitute the first steps away from the dominant drug policy paradigm advocated by the United States, which is punishment-based prohibition.<sup>4–6</sup>

Moving in the opposite direction, the United States has stiffened criminal penalties for drug offenses and has increased arrests for cannabis offenses. Since 1996, voters in 8 states and the District of Columbia have passed medical-marijuana initiatives, but the federal government has resisted implementation. In 2001, 723 627 people were arrested for marijuana offenses.<sup>7</sup> In 2002, the Drug Enforcement Administration began raiding medical-marijuana organizations,<sup>8</sup> and the White House Office of National Drug Control Policy launched a campaign against marijuana.<sup>9,10</sup>

Such policies are designed to deter use. The core empirical claim made by criminalization proponents is that, absent the threat of punishment, the prevalence, frequency, and quantity of cannabis use will increase and will threaten public health.<sup>11–16</sup> The question of whether deterring use enhances public health was beyond the scope of our study, but we

**Objectives.** We tested the premise that punishment for cannabis use deters use and thereby benefits public health.

**Methods.** We compared representative samples of experienced cannabis users in similar cities with opposing cannabis policies—Amsterdam, the Netherlands (decriminalization), and San Francisco, Calif (criminalization). We compared age at onset, regular and maximum use, frequency and quantity of use over time, intensity and duration of intoxication, career use patterns, and other drug use.

**Results.** With the exception of higher drug use in San Francisco, we found strong similarities across both cities. We found no evidence to support claims that criminalization reduces use or that decriminalization increases use.

**Conclusions.** Drug policies may have less impact on cannabis use than is currently thought. (*Am J Public Health.* 2004;94:836–842)

did examine the proposition that drug policies affect user behavior and deter use. It is possible that the causal arrow points the other way—that user behavior affects laws and policies, which has been the case with alcohol policies in some countries.<sup>17</sup> However, the Marijuana Tax Act of 1937, which first criminalized cannabis, predated widespread cannabis use in the United States and had clear political origins.<sup>18–21</sup> In the Netherlands, *de facto* decriminalization of cannabis was first forged in the late 1960s, when use was spreading among the youth counterculture. But Dutch policymakers decided that cannabis use was unlikely to lead to deeper deviance and that criminalization could lead to greater harm to users than the drug itself.<sup>3</sup> In neither country, then, was user behavior the effective cause of laws or policies.

The presumed effects of cannabis policies have been explored by those who are critical of criminalization in the United States<sup>22</sup> and by those who are skeptical of Dutch decriminalization.<sup>23</sup> However, until now there have been no rigorously comparative studies of user behavior designed to assess whether criminalization constrains use or whether decriminalization increases it. Our study compared the career use patterns of representative samples of experienced cannabis users in 2 cities with many similarities but with differ-

ent drug-control regimes—Amsterdam, the Netherlands (decriminalization), and San Francisco, Calif (criminalization).

San Francisco was selected as the US comparison city not because it is representative of the United States but because it is the US city most comparable to Amsterdam. Both cities are large, highly urbanized port cities with diverse populations of slightly more than 700 000. They are financial and entertainment hubs for larger regional conurbations, and they have long been perceived within their home countries as cosmopolitan, politically liberal, and culturally tolerant.

Law enforcement officials in San Francisco are not as zealous about enforcing marijuana laws as law enforcement officials are in most other US cities. Nonetheless, San Francisco is embedded in the drug policy context of criminalization, which is a markedly different drug policy context than that of Amsterdam. Buying and selling cannabis are permitted in Amsterdam in 288 licensed “coffee shops,”<sup>24</sup> and public use is permitted, whereas in San Francisco, buying, selling, and public use of marijuana remain criminal offenses. In Amsterdam, there is neither proactive nor reactive policing of use or low-level sales, although police do enforce regulations against coffee shops’ advertising, selling to minors, and creating public nuisances.

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# Office of National Drug Control Policy

## Drug Policy Information Clearinghouse

### State of New Hampshire

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#### Profile of Drug Indicators

November 2007



ONDCP Drug Policy Information Clearinghouse staff compiled this profile by using the most recent data available from open sources. The data presented are as accurate as the sources from which they were drawn. The information contained in this profile should not be used to rank or compare States or jurisdictions, due to differences in data collection and reporting methods.



## **New Hampshire**

The following profile contains information on demographics, political figures, programs, crime, drug use, drug trafficking, and enforcement statistics.

### **Demographics**

- Population (2006 American Community Survey): 1,314,895<sup>1</sup>
- Race/Ethnicity (2006 American Community Survey): 95.1% white; 1.1% black/African American; 0.2% American Indian/Alaska Native; 2.0% Asian; 0.0% Native Hawaiian/other Pacific Islander; 0.8% other race; 0.8% two or more races; 2.3% Hispanic/Latino origin (of any race)<sup>2</sup>

### **Politics**

- Governor: John Lynch<sup>3</sup>
- Attorney General: Kelly Ayotte<sup>4</sup>
- Secretary of State: William Gardner<sup>5</sup>
- U.S. Senate: John Sununu (R), Judd Gregg (R)<sup>6</sup>
- U.S. House of Representatives (Districts 1-2, respectively): Carol Shea-Porter (D); Paul W. Hodes (D)<sup>7</sup>
- Capital: Concord<sup>8</sup>

### **Programs/Initiatives**

- High Intensity Drug Trafficking Area (HIDTA)<sup>9</sup>  
Designated in 1999, the New England HIDTA is responsible for areas in Massachusetts, Connecticut, Rhode Island, Vermont, Maine and Hillsborough County in New Hampshire.
- Commission on Alcohol and Drug Abuse Prevention, Intervention, and Treatment<sup>10</sup>  
The purpose of the Governor's Commission is to significantly reduce alcohol and drug problems and their behavioral, health and social consequences. The Commission advises the Governor regarding policy, funding and the delivery of effective, efficient coordinated alcohol and drug abuse prevention and treatment services.
- Partnership for a Drug-Free New Hampshire<sup>11</sup>  
Launched in 1994 as part of the national Partnership for a Drug-Free America, the Partnership for a Drug-Free New Hampshire develops and distributes anti-drug messages and works with New Hampshire's media outlets to air and publish the messages and resources.
- New Futures<sup>12</sup>  
The mission of New Futures is to foster, promote, and support effective strategies to reduce alcohol problems in New Hampshire. New Futures focuses on two goals: the reduction of underage alcohol problems and an increase in access to treatment.

### **Crime and Drug-Related Crime**

- The Drug Enforcement Administration (DEA) reported 43 drug arrests in New Hampshire during 2006.<sup>13</sup>

**Number of DEA Drug Arrests, New Hampshire, 2002-2006**

Year	Arrests
2002	89
2003	104
2004	75
2005	61
2006	43

- There were 3,228 total arrests in New Hampshire for drug abuse violations during 2006.<sup>14</sup>

**Number of Arrests, Select Offenses, New Hampshire, 2006**

Offense	Juvenile	All Ages
Murder/non-negligent manslaughter	0	8
Forcible rape	12	67
Robbery	24	145
Aggravated assault	68	372
Burglary	133	397
Larceny-theft	819	2,298
Motor vehicle theft	46	136
Arson	27	54
Drug abuse	715	3,228
DUI	102	4,783
Liquor laws	1,211	5,376

**Drugs**

- Cocaine<sup>15</sup>  
Both powder and crack cocaine are readily available throughout New Hampshire in retail quantities. Furthermore, in recent years the seacoast region has experienced a significant increase in availability.
- Heroin<sup>16</sup>  
Heroin remains readily available throughout New Hampshire at the retail level and its use is widespread. The state continues to experience increases in heroin availability, particularly along the seacoast, southeast region and western part of the state. Heroin prices on the retail level have remained stable. Heroin prices on the retail level have remained stable.
- Marijuana<sup>17</sup>  
Marijuana is readily available throughout New Hampshire and is the predominant drug of choice in the state. Most of the marijuana available in the state originates in Mexico, although high grade hydroponic marijuana from Canada is increasingly available. THC content in excess of 22% has been encountered in the state.
- Methamphetamine<sup>18</sup>  
There has been a growth in the availability of methamphetamine in the state, particularly in and around the seacoast area. Most of the methamphetamine available in New Hampshire is produced in Mexico.

- Club Drugs<sup>19</sup>
- MDMA is widely available and is frequently sold to teenagers and young adults at nightclubs, rave parties and on college campuses.
- Other Drugs<sup>20</sup>
  - OxyContin® continues to be a pharmaceutical drug of abuse in the state, while the diversion and abuse of methadone is an emerging problem in New Hampshire.
- According to 2004-2005 data from the National Survey on Drug Use and Health (NSDUH), approximately 98,000 (9%) of New Hampshire citizens (ages 12 or older) reported past month use of an illicit drug.<sup>21</sup>

**Citizens (Ages 12 or Older) Reporting Drug Use, New Hampshire, 2004-2005 Data**

Drug Type and Use	Number*	Percent
Past month illicit drug use	98	8.88%
Past year marijuana use	139	12.59
Past month marijuana use	84	7.60
Past month use of illicit drug other than marijuana	35	3.19
Past year cocaine use	25	2.31
Past year non-medical pain reliever use	51	4.66

\* The number of users is in thousands

- Nearly 300,000 (27.1%) New Hampshire citizens reported that using marijuana occasionally (once a month) was a "great risk".<sup>22</sup>
- Additional 2004-2005 NSDUH results indicate that 32,000 (2.86%) New Hampshire citizens reported illicit drug dependence or abuse within the past year. Approximately 21,000 (1.88%) reported past year illicit drug dependence.<sup>23</sup>

**Juveniles**

- Approximately 11% of New Hampshire high school students surveyed in 2005 reported abusing inhalants at least once during their lifetimes.<sup>24</sup>

**Percent of High School Students Reporting Drug Use, by Gender, New Hampshire, 2005**

Drug Type and Use	Female	Male	Total
Lifetime marijuana use	42.7%	46.1%	44.4%
Current marijuana use	22.8	28.8	25.9
Lifetime cocaine use	8.2	9.8	9.0
Current cocaine use	3.3	3.3	3.3
Lifetime inhalant use	13.1	9.5	11.3
Lifetime heroin use	2.1	2.0	2.1
Lifetime illegal steroid use	2.6	3.4	3.0
Lifetime injecting illegal drug use	2.0	1.5	1.8
Lifetime methamphetamine use	4.2	6.8	5.5
Lifetime ecstasy use	5.9	5.1	5.5
Tried marijuana before age 13	5.8	8.3	7.1

- During 2005, more than 50% of 11th and 12th grade New Hampshire students reported using marijuana at least once in their lifetimes.<sup>25</sup>

**Percent of High School Students Reporting Drug Use, by Grade, New Hampshire, 2005**

Drug Type and Use	9th Grade	10th Grade	11th Grade	12th Grade
Lifetime marijuana use	29.7%	39.9%	51.7%	59.8%
Current marijuana use	16.7	23.6	29.8	35.1
Lifetime cocaine use	7.0	6.2	10.2	12.9
Current cocaine use	4.1	3.5	2.2	2.8
Lifetime inhalant use	15.5	10.7	10.0	7.9
Lifetime heroin use	1.4	1.6	2.8	2.1
Lifetime illegal steroid use	2.8	2.2	2.9	3.6
Lifetime injecting illegal drug use	0.9	1.2	2.4	2.2
Lifetime methamphetamine use	5.7	4.1	7.0	4.6
Lifetime ecstasy use	4.3	3.0	6.0	8.5
Tried marijuana before age 13	9.5	7.6	4.9	6.1

- According to 2004-2005 NSDUH data, approximately 11% of New Hampshire 12-17 year olds reported past month use of an illicit drug.<sup>26</sup>

**Youth (12-17 Year Olds) Reporting Drug Use, New Hampshire, 2004-2005 Data**

Drug Type and Use	Number*	Percent
Past month illicit drug use	13	10.98%
Past year marijuana use	17	14.60
Past month marijuana use	10	8.59
Past month use of illicit drug other than marijuana	6	4.95
Past year cocaine use	2	1.85
Past year non-medical pain reliever use	8	7.36

\* The number of users is in thousands

**Enforcement**

- New Hampshire Drug Task Force (DTF)<sup>27</sup>  
The New Hampshire DTF was created in 1986 within the New Hampshire Attorney General's Office to combat the increasing effects illicit drugs were having on the state. The DTF consists of investigators from the Attorney General's Office as well as police officers from local, county and state police departments.
- As of October 31, 2006, there were 3,197 full-time law enforcement employees in New Hampshire (2,414 officers and 783 civilians).<sup>28</sup>

**Trafficking and Seizures**

- Dominican drug traffickers are the principal distributors of cocaine and heroin in the state.<sup>29</sup>
- Most of the marijuana available in the region is transported from the southwestern U.S. and originates in Mexico with local Caucasian violators traveling weekly or bi-

- monthly to Arizona and southern California to obtain 200-300 pound quantities of the drug. The marijuana is usually transported into the state via land vehicle.<sup>30</sup>
- Hydroponic marijuana from Canada is smuggled into New Hampshire by a variety of methods, including concealment in couriers' backpacks and hockey-type travel bags, helicopter air drops and by the use of snowmobiles during the winter months.<sup>31</sup>
  - Mexican produced Methamphetamine is primarily transported into the state via express mail packages, by common carrier and by privately owned vehicles from the West Coast of the United States.<sup>32</sup>
  - In 2006, authorities eradicated and seized more than 11,000 cultivated marijuana plants in New Hampshire under the DEA Domestic Cannabis Eradication/Suppression Program.<sup>33</sup>

**Marijuana Plants Eradicated and Seized, New Hampshire, 2006**

Outdoor Operations		Indoor Operations		Total Cultivated Plants Eradicated
Plots Eradicated	Cultivated Plants Eradicated	Grows Seized	Plants Eradicated	
29	793	31	11,085	11,878

- Approximately 43.1 kilograms of marijuana were seized by Federal agencies in New Hampshire during 2006.<sup>34</sup>

**Amount of Federal Drug Seizures, New Hampshire, 2006**

Drug Type	Amount Seized
Cocaine	7.5 kilograms
Heroin	0.0 kilograms
Methamphetamine	0.1 kilograms
Marijuana	43.1 kilograms
MDMA	1 dosage unit

*9.0 lbs*

- During 2006, the DEA and state and local authorities in New Hampshire reported 2 methamphetamine laboratory incidents.<sup>35</sup>

**Methamphetamine Laboratory Incidents, NH, 2002-2006**

Year	Laboratories Incidents
2002	1
2003	1
2004	2
2005	6
2006	2

**Courts**

- Drug Courts<sup>36</sup>  
As of April 16, 2007, there were 7 drug courts in New Hampshire that were in operation or being planned. Five drug courts had been in existence for at least two years and 2 drug courts were being planned at that time.

- During FY 2006, 45.2% of the Federally sentenced defendants in New Hampshire had committed drug offenses. More than 40% of the drug offenses involved crack cocaine.<sup>37</sup>

**Federally-Sentenced Drug Offenders, New Hampshire, FY 2006**

Drug Type	Number	Percent
Powder cocaine	15	15.2%
Crack cocaine	43	43.4
Heroin	8	8.1
Marijuana	10	10.1
Methamphetamine	2	2.0
Other	21	21.2

**Corrections**

- The New Hampshire Department of Corrections is made up of 4 State Prison Facilities: State Prison (NHSP) for Men (located in Concord); State Prison for Women (Goffstown); Northern New Hampshire Correctional Facility (Berlin); and the Lakes Region Facility (Laconia).<sup>38</sup>
- As of June 30, 2006, the New Hampshire Department of Corrections prison population was 2,594. Approximately 11.26% of the inmates committed drug offenses.<sup>39</sup>
- At yearend 2005, there were an estimated 4,615 adults on probation and 1,402 adults on parole in New Hampshire.<sup>40</sup>

**Consequences of Use**

- During 2005, there were 2 New Hampshire methamphetamine laboratory sites reported to the El Paso Intelligence Center in which a child was present.<sup>41</sup>

**Treatment**

- During 2006, there were 5,729 admissions to drug/alcohol treatment in New Hampshire.<sup>42</sup> This is down from 4,976 treatment admissions in 2005.<sup>43</sup> During 2004, there were 5,611 admissions to treatment in New Hampshire.<sup>44</sup>

**Admissions to Treatment, by Primary Drug of Abuse, New Hampshire, 2004-2006**

Drug Type	2004		2005		2006	
	#	%	#	%	#	%
Alcohol only	1,803	32.1%	1,445	29.0%	1,585	27.7%
Alc. w/ second. drug	1,282	22.8	1,184	23.8	1,421	24.8
Cocaine – smoked	318	5.7	360	7.2	463	8.1
Cocaine – other route	214	3.8	251	5.0	356	6.2
Marijuana	923	16.4	747	15.0	806	14.1
Heroin	746	13.3	634	12.7	663	11.6
Other opiates	233	4.2	220	4.4	284	5.0
PCP	1	0.0	n/a	n/a	1	0.0
Hallucinogens	9	0.2	10	0.2	8	0.1

Amphetamines	30	0.5	52	1.0	73	1.3
Other stimulants	7	0.1	5	0.1	13	0.2
Tranquilizers	18	0.3	35	0.7	19	0.3
Sedatives	5	0.1	3	0.1	6	0.1
Inhalants	1	0.0	5	0.1	3	0.1
Other/none specified	21	0.4	25	0.5	28	0.5
Total	5,611	100.0	4,976	100.0	5,729	100.0

- According to 2004-2005 NSDUH data, approximately 28,000 (2.50%) New Hampshire citizens reported needing but not receiving treatment for illicit drug use within the past year.<sup>45</sup>

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<sup>5</sup> New Hampshire Secretary of State Web site: <http://www.sos.nh.gov/index.html>

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<sup>8</sup> U.S. Census Bureau Web site: <http://www.census.gov>

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## **CONCLUSION:**

# **DECRIMINALIZING MARIJUANA POSSESSION OR DEPRIORITIZING MARIJUANA LAW ENFORCEMENT DOES NOT APPEAR TO INCREASE MARIJUANA USE**

Researchers adopting diverse research methodologies provide no evidence that the decriminalization of marijuana leads to increased marijuana use. Similarly, the Seattle City Council Marijuana Policy Review Panel concluded that the de-emphasis of marijuana law enforcement mandated by ballot initiative I-75 did not result in increased marijuana use or problems related to public safety. When combined with substantial evidence that the intensification of marijuana enforcement since 1990 has not been associated with decreased marijuana use, and has therefore failed to reduce any harm potentially associated with the use or abuse of marijuana, *these findings strongly suggest that the enforcement of marijuana laws does not reduce marijuana use or any harm with which it may be associated.*

## **CONCLUSION**

This report draws on a wide range of data sources to assess the consequences and costs of enforcing criminal laws that prohibit the use of marijuana. Despite widespread and longstanding disagreement about the continuation of marijuana prohibition, the number and rate of marijuana arrests have increased significantly in the United States since the early 1990s. These arrests are not evenly distributed across the population, but are disproportionately imposed on African Americans. Our findings regarding the costs and consequences of marijuana prohibition, as well as state and local efforts to relax it, are summarized below.

### **FINDING 1: Intensified enforcement of marijuana laws does not achieve the stated goals of marijuana prohibition.**

- Marijuana arrests in the U.S. have increased dramatically since 1992. In 2006, there were a record 829,625 marijuana arrests. Nearly half (44%) of the roughly 1.9 million annual drug arrests were for marijuana.
- Despite increases in marijuana arrests, the price of marijuana dropped; its average potency increased; it has become more readily available; and marijuana use rates increased during the 1990s, the decade of increasing rapidly increasing marijuana arrests. It thus appears that the goals of marijuana prohibition have not been achieved.

### **FINDING 2: The collective costs of marijuana prohibition for the public are significant; The personal costs to individuals and their families are also substantial, even in the absence of incarceration**

- The enforcement of the laws prohibiting marijuana consumes significant

fiscal and organizational resources that could usefully be allocated toward other pressing public safety goals.

- Marijuana arrests are not evenly distributed across the population, but are disproportionately imposed on African Americans.
- The enforcement of marijuana laws imposes a range of social, psychological, and familial costs on those arrested for marijuana law violations. A complete accounting of the costs and benefits of marijuana prohibition requires consideration of these non-monetary costs.
- A full and adequate analysis of the cost of enforcing current marijuana laws requires better and more complete record-keeping and data reporting by the police and others in the criminal justice system.

**FINDING 3: Decriminalizing marijuana and deprioritizing enforcement of Marijuana laws Leads to no significant increase in marijuana use.**

- Many states and localities have either decriminalized marijuana or deprioritized the enforcement of marijuana laws.
- There is no evidence that the decriminalization of marijuana by certain states or the deprioritization of marijuana enforcement in Seattle and other municipalities caused an increase in marijuana use or related problems.
- This conclusion is consistent with the findings of studies indicating that the increasing enforcement of marijuana laws has little impact on marijuana use rates, and that the decriminalization of marijuana in U.S. states and elsewhere did not increase marijuana use.

As the stories of Adam and Brian illustrate, the human costs associated with enforcing marijuana laws can be high even in the absence of conviction or incarceration. These costs, along with the absence of evidence that criminalization reduces marijuana use and any harm associated with it, underscore the need to reconsider the criminalization of marijuana.

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# Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1652-FN-A

**BILL TITLE:** allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana.

**DATE:** January 27, 2010

**LOB ROOM:** 204

**Amendments:**

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Timothy N. Robertson

Seconded by Rep. Barbara A. McCarthy

Vote: 8-10 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Shannon E. Chandley

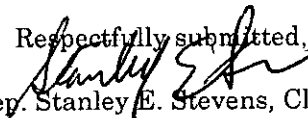
Seconded by Rep. Roger R. Berube

Vote: 16-2 (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,  
  
Rep. Stanley E. Stevens, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1652-FN-A

BILL TITLE: allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana.

DATE: 1/27/10

LOB ROOM: 204

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP/OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Robertson

Seconded by Rep. ~~Swint~~ McCarthy

Vote: 8-10 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Chandler

Seconded by Rep. Bamber

Vote: 16-2 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Stanley E. Stevens, Clerk

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

Bill #: HB 1652-FN-A Title: \_\_\_\_\_ allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana.

PH Date: 01 / 20 / 2010

Exec Session Date: 1 / 27 / 10

Motion: GTP

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Shurtleff, Stephen J, Chairman		✓
Pantelakos, Laura C, V Chairman		✓
Berube, Roger R		✓
Robertson, Timothy N	✓	
Movsesian, Lori A		✓
Burridge, Delmar D	✓	
Cushing, Robert R		
Rodd, Beth	✓	
Chandley, Shannon E		✓
McCarthy, Barbara A	✓	
Ryder, Mark R		
Welch, David A	✓	
Charron, Gene P		✓
Fesh, Robert M		✓
Weare, Everett A		✓
Stevens, Stanley E, Clerk		✓
Villeneuve, Moe		✓
Gagne, Larry G	✓	
Swinford, Elaine B	✓	
Willette, Robert F	✓	
	8	10
TOTAL VOTE:		

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

Bill #: 1652 Title: allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana.

PH Date: 01 / 20 / 2010

Exec Session Date: 1 / 27 / 10

Motion: Interim Study

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Shurtleff, Stephen J, Chairman	✓	
Pantelakos, Laura C, V Chairman	✓	
Berube, Roger R	✓	
Robertson, Timothy N		✓
Movsesian, Lori A	✓	
Burridge, Delmar D		✓
Cushing, Robert R		
Rodd, Beth	✓	
Chandley, Shannon E	✓	
McCarthy, Barbara A	✓	
Ryder, Mark R		
Welch, David A	✓	
Charron, Gene P	✓	
Fesh, Robert M	✓	
Weare, Everett A	✓	
Stevens, Stanley E, Clerk	✓	
Villeneuve, Moe	✓	
Jagne, Larry G	✓	
Swinford, Elaine B	✓	
Willette, Robert F	✓	
	16	2
TOTAL VOTE:		

# Committee Report

**REGULAR CALENDAR**

**January 28, 2010**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

The Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY to which was referred HB1652-FN-A,

AN ACT allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana. Having considered the same, report the same with the recommendation that the bill be REFERRED FOR INTERIM STUDY.

**Rep. Shannon E Chandley**

**FOR THE COMMITTEE**



## COMMITTEE REPORT

Committee:	<b>CRIMINAL JUSTICE AND PUBLIC SAFETY</b>
Bill Number:	<b>HB1652-FN-A</b>
Title:	<b>allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana.</b>
Date:	<b>January 28, 2010</b>
Consent Calendar:	<b>NO</b>
Recommendation:	<b>REFER TO COMMITTEE FOR INTERIM STUDY</b>

### STATEMENT OF INTENT

This bill would allow the purchase and use of marijuana by adults, regulate the purchase and use of marijuana and impose a tax on the wholesale and retail use of marijuana. There was tremendous support for the concept brought forth in this bill. The committee was divided as to the particulars outlined in HB 1652. The Criminal Justice and Public Safety Committee strongly urges Interim Study. It is understood that this is bold legislation with far-reaching consequences. Nonetheless, the Criminal Justice and Public Safety Committee believes that this measure should be given thorough, timely and serious consideration.

Vote 16-2.

Rep. Shannon E Chandley  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

**REGULAR CALENDAR**

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

**HB1652-FN-A**, allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana. **REFER TO COMMITTEE FOR INTERIM STUDY.**

Rep. Shannon E Chandley for **CRIMINAL JUSTICE AND PUBLIC SAFETY**. This bill would allow the purchase and use of marijuana by adults, regulate the purchase and use of marijuana and impose a tax on the wholesale and retail use of marijuana. There was tremendous support for the concept brought forth in this bill. The committee was divided as to the particulars outlined in HB 1652. The Criminal Justice and Public Safety Committee strongly urges Interim Study. It is understood that this is bold legislation with far-reaching consequences. Nonetheless, the Criminal Justice and Public Safety Committee believes that this measure should be given thorough, timely and serious consideration. **Vote 16-2.**

Original: House Clerk  
Cc: Committee Bill File

**HB 1652-FN-A allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana.**

**This bill would allow the purchase and use of marijuana by adults, regulate the purchase and use of marijuana and impose a tax on the wholesale and retail use of marijuana. There was tremendous support for the concept brought forth in this bill. The committee was divided as to the particulars outlined in HB 1652. The Criminal Justice and Public Safety Committee strongly urges Interim Study. It is understood that this is bold legislation with far-reaching consequences. Nonetheless, the Criminal Justice and Public Safety Committee believes that this measure should be given thorough, timely and serious consideration.**

**Rep. Shannon E. Chandley  
For the Committee**



**16-2 IS RC**

# COMMITTEE REPORT

COMMITTEE: Criminal Justice and Public Safety

BILL NUMBER: HB 1652-FN-A

TITLE: allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana.

DATE: Jan 28, 2010 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No.  
\_\_\_\_\_

## STATEMENT OF INTENT:

HB 1652 would allow the purchase and use of marijuana by adults, regulate the purchase and use of marijuana and impose a tax on the wholesale and retail use of marijuana. There was tremendous support for the concept brought forth in this bill. The committee was divided as to the particulars outlined in HB 1652. The Criminal Justice and Public Safety Committee strongly urges Interim Study. It is understood that this is bold legislation with far-reaching consequences. ~~Never~~<sup>None</sup>theless, the Criminal Justice and Public Safety Committee believes that this measure should

COMMITTEE VOTE: 16-2 →

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Marionne Chandler  
For the Committee

be given thorough, timely and serious  
consideration.

**INTERIM STUDY  
COMMITTEE REPORT.**

COMMITTEE: CJ + PS  
BILL NUMBER: HB 11652  
TITLE: \_\_\_\_\_  
DATE: 10/13/2010

RECOMMENDED FOR FUTURE LEGISLATION

LSR No. \_\_\_\_\_

(If legislation is already filed, please list LSR no.)

NOT RECOMMENDED FOR FUTURE LEGISLATION

STATEMENT OF INTENT: (May be handwritten)

This bill would allow the use of, regulation of and taxation of marijuana. The interim study committee welcomed and received ~~the~~ participation <sup>from</sup> many interested parties, including members of law enforcement, ~~and~~ the legal community, those dedicated to changing marijuana laws as well as the sponsors. The interim study committee engaged in vigorous debate and discussion, yet emerged with out recommendation ~~that the committee~~ <sup>interim study</sup> was split reflects the very ~~split~~ <sup>split</sup>. The CJ+PS ~~split~~ committee does not recommend <sup>that</sup> future legislation based on HB11652, but ~~is~~ the split in the interim

COMMITTEE VOTE: 15-2 (Attach Committee Voting Sheet) →

Rep. *Se Crumley*  
For the Committee

study committee, <sup>vote</sup> reflects a desire among many  
to address the weaknesses in current marijuana  
laws.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

INTERIM STUDY

EXECUTIVE SESSION on HB 1652-FN-A

**BILL TITLE:** allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana.

**DATE:** October 13, 2010

**LOB ROOM:** 204

**RECOMMENDED FOR FUTURE LEGISLATION**

LSR No. \_\_\_\_\_  
(If legislation is already filed, list LSR No.)

**NOT RECOMMENDED FOR FUTURE LEGISLATION**

Moved by Rep. Stevens

Seconded by Rep. Gagne

Vote: 15-2 (Please attach record of roll call vote.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Stanley Stevens, Clerk



HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

INTERIM STUDY

EXECUTIVE SESSION on HB 1652-FN-A

**BILL TITLE:** allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana.

**DATE:** October 13, 2010

**LOB ROOM:** 204

**RECOMMENDED FOR FUTURE LEGISLATION**

LSR No. \_\_\_\_\_  
(If legislation is already filed, list LSR No.)

**NOT RECOMMENDED FOR FUTURE LEGISLATION**

Moved by Rep.

*Stevens*

Seconded by Rep.

*Gagne*

Vote: *15-2* (Please attach record of roll call vote.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,  
*Stanley E. Stevens*  
Rep. Stanley Stevens, Clerk

