Written Testimony for Senate Judiciary Hearing Consideration of SB. 16

March 2nd, 2020

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Members of the Judiciary Committee,

Thank you for the opportunity to submit testimony on the topic of the legalization and regulation of cannabis. I represent Smart Approaches to Marijuana (SAM), the leading non-partisan national organization offering a science-based approach to marijuana policy. SAM was founded by former Congressman Patrick Kennedy, senior editor of The Atlantic David Frum, and Dr. Kevin Sabet, a White House advisor to three U.S. Administrations.

I serve as the Regional Director at SAM and have had the privilege to work as community activist on issues of social justice at the local and national level.

Citing social justice, an increasing number of politicians are calling for marijuana legalization and commercialization. To make their case, they point to ethnically disparate arrest rates that show that people of color, especially African-Americans are disproportionally targeted for enforcement of marijuana laws¹. They’re right to raise this issue.

Marijuana arrest statistics clearly illustrate systemic injustice in our criminal justice system which should be condemned and abolished. Effective decriminalization laws can remove a tool used to execute prejudice against people of color and should be implemented across the country. However, commercialization is a step too far and is counter-productive to real social justice progress in two critical ways.

First, it creates a predatory industry that targets communities of color and other disenfranchised communities with an over saturation of ads and stores likes its predecessors Big Tobacco, the...
alcohol industry. Second, it distracts from true criminal justice reform while producing no measurable progress itself.

We should not fall for this scheme.

In many African-American communities, the first store community members get to in any direction is a liquor store or a little further, a convenience store so plastered with advertisements for liquor, cigarettes and the lottery that one can't even see inside the window. A study from Hopkins found that "Such stores have been shown to be an important component of the social infrastructure that destabilizes communities." So why are we celebrating a model that will allow marketing of another intoxicating and addictive substance? Anticipating and pushing for federal legalization, major alcohol brands have already invested billions in marijuana including Heineken®, Molson® Coors, Blue Moon® Corona®, and cannabis investors proudly say® this is only the beginning.

This should be extremely troubling coming from an industry that makes nearly 80 percent of its revenue from just 10 percent of its users- those with substance abuse struggles who consume an average of 10 drinks or more a day8. Big Tobacco isn’t standing by either. In 2018, Altria, parent company to Phillip Morris, invested over a billion dollars in marijuana® and subsequently invested another several billion in Juul, the E-vaping company that is now being investigated by the FDA for their marketing practices which have corresponded with a near epidemic of teen vaping.

These companies are irresponsible, unrepentant, and poorly regulated. A quick glance at Colorado shows that that the marijuana industry has continued in this reckless addiction for profit model, drawing 70 percent of its revenue from just over 20 percent of its users 10— the heavy users and those struggling with addiction. There are more marijuana shops than McDonalds and Starbucks© combined and like the ubiquitous liquor store on every corner, some neighborhoods of color in Denver have a saturation of one marijuana business for every 47 residents©.

This is especially concerning as new research shows that poorer marijuana users smoke the most, with those who make under $20,000 annually making up 29 percent of use compared to the 19 percent of total adult population that they comprise. The study authors further found that “The concentration of use among poorer households means that many marijuana users are spending a high proportion of their income on their marijuana habit. Users who spend fully one quarter of their income on marijuana account for 15 percent of all marijuana use 13.” Is this social justice? With John Boehner, former Big Tobacco lobbyist and former Republican Speaker of the House now leading Big Marijuana, we can see clearly the intent.

Even more troubling is that while wealthy white investors are co-opting issues of systemic injustice as a front for their business dreams, real criminal justice reform is being left by the wayside. I am baffled that legislation that does nothing to punish, prosecute or remove individuals or institutions with records of racism and discriminatory law enforcement, is heralded as a victory for social justice.

To be sure, states that have legalized have shown a reduction in arrests for marijuana, yet this
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reduction is of little real value if those officers who are racist, simply find another excuse to enforce their bias. Looking at arrests and incarceration, we can see racial disparities in marijuana arrests have remained in places like CO where people of color are still 2-3 times more likely to be arrested for marijuana infractions, and that no state that passed legalization saw any corresponding drop in prison populations.  

Places like Colorado, and DC, have seen increases, reversing what had been a downward trend for years. By contrast, legislation like Alaska SB 91 or Colorado SB15-124 were passed after marijuana legalization and in the same time frame that legalization did nothing, those bills significantly reduced the prison population in their states in the year after passing. Yet no one knows about them.

In New Jersey, a decriminalization bill introduced by Senator Rice, head of the New Jersey Legislative Black Caucus, has received no support and been left to languish—long with those whom it might have helped—while the governor and New Jersey politicians wrangle over who is going to get the money from their commercialization bill.

Again, I ask, is this social justice?

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