2020 Candidate Packet

The politics of cannabis have changed dramatically over the past two decades. More than two-thirds of US states regulate retail access to medical marijuana, and an estimated one in four Americans reside in a jurisdiction where cannabis is legal for anyone over the age of 21.

These changing politics reflect the even more dramatic shift that has occurred in public opinion. More than 80 percent of Americans support allowing qualified patients the option to access cannabis, and an estimated two-thirds of voters -- including majorities of self-identified Democrats, Republicans, and Independents -- believe that it should be regulated for all adults in a manner similar to alcohol.

If you are running for elected office in 2020, voters will expect you to have a public position on marijuana policy. And whether or not you are running as a Democrat or as a Republican, the majority of your base will be supportive of marijuana policy reforms -- and they will expect you to be too.

This packet provides a primer on a variety of marijuana-related topics for candidates, including relevant statistics and talking points that are designed to better educate you on these issues. In short, <u>supporting sensible reform to our nation's marijuana laws is not just overwhelmingly popular, it is the economic, scientific, and moral thing to do.</u>

Recent Polling

- A super-majority of Americans support the outright legalization of marijuana nationally, including majorities of Democrats, Independents, and Republicans. (Pew Research Center, Nov. 2019 | Gallup, Oct. 2019)

- Ninety-three percent of Americans support the legalization of medical cannabis according to Quinnipiac University (Mar. 2019)

- Seventy percent of voters support clean slate legislation that automatically seals nonviolent criminal records according to the Center for American Progress (June, 2018)

- Eighty-one percent of veterans support medical marijuana access and 22% of veterans self-report having consuming marijuana to alleviate symptoms of a physical or mental ailment (American Legion, 2017)

A representative sample of data points have been included at the bottom of this document, however we strongly recommend that you review our full suite of Fact Sheets.

For questions, comments, and concerns, please email policy@norml.org.

Suggested Platform Language

Federal: End Federal Marijuana Criminalization and Encourage States To Legalize and Expunge Criminal Records For Minor Offenses

The ongoing enforcement of cannabis prohibition financially burdens taxpayers, encroaches upon civil liberties, engenders disrespect for the law, impedes legitimate scientific research into the plant's medicinal properties, and disproportionately impacts communities of color -- while simultaneously fueling a multi-billion-dollar illicit marketplace of unregulated and potentially unsafe products. It is time for federal lawmakers to acknowledge this reality.

As your voice in Congress, I will support the ending of this failed policy by supporting legislation to remove cannabis from the criminal statutes of the Controlled Substances Act (CSA).

By descheduling cannabis, states will possess the autonomy to set their own cannabis regulatory policies, free from undue federal interference.

Further, I also believe that it is crucial that those who have been adversely impacted as a result of criminalization are no longer marginalized by the stigma of a criminal conviction. That is why I support the facilitation of criminal records expungement at both the federal and state level.

These are the tenets of the MORE Act, HR 3884, of which I would/have cosponsor(ed) in Congress.

State: Support Statewide Adult-Use Marijuana Legalization

The prohibition of marijuana in our state financially burdens taxpayers, encroaches upon civil liberties, engenders disrespect for the law, and disproportionately impacts communities of color. It also fuels a multi-million-dollar illicit marketplace that is dominated by criminal entrepreneurs. Through legalizing and regulating the licensed production and retail access of marijuana by adults, we can respect individual freedoms, end the overcriminalization of historically marginalized communities, more effectively keep marijuana out of the hands of our youth, and generate much needed tax revenue for important social programs in our state. This can be effectively done in a manner that promotes local pathways to economic opportunity and ownership that reflect the overall diversity of our community.

Further, I also believe that it is crucial that those who have been adversely impacted as a result of criminalization are no longer marginalized by the stigma of a criminal conviction. That is why I support the automatic review and expungement of the records of those with past, low-level marijuana-related convictions.

State: Support Medical Cannabis Access

Cannabis is an effective treatment for a wide array of ailments and in many cases, it possesses a safer profile than many of the prescription drugs it could replace, such as opioids.

Ultimately, physicians, not lawmakers, should possess the ability and discretion to decide what treatment options are best for their patients. Just as doctors are entrusted to make decisions with regard to the supervised use of opioids and other medicines – many of which pose far greater risks to patients than cannabis – the law should provide doctors with similar flexibility when it comes to recommending cannabis therapy to a bona fide patient.

Sample Stump Speech Section

A crucial component to reforming our nation's criminal justice system, and policing in general, is the reform of America's marijuana laws. Over 600,000 Americans are arrested every year for minor marijuana possession offenses. These individuals, who are overwhelmingly young people and individuals of color, are all too often saddled with a lifelong criminal record as well as the stigma and lost opportunities associated with it -- such as the loss of student financial aid or denial of employment. We should not be wasting law enforcement's time, taxpayer money, or judicial resources to target these citizens.

By continuing to criminally prohibit the use, production, and sale of cannabis, we are ceding control of this marketplace to criminals rather than to licensed, regulated businesses, while also perpetuating disrespect for the law and a cruel and unnecessary tension between police and the communities they serve and protect.

It is time to end this failed and morally bankrupt policy. It is time to remove marijuana from the federal Controlled Substances Act, where it is improperly classified in the same category as heroin, and allow states the flexibility and freedom to set their own cannabis-related policies in a manner that comports with public opinion and the plant's evolving cultural status.

Key Pending Federal Legislation

The Marijuana Opportunity, Reinvestment, and Expungement Act: also known as The MORE Act (HR 3884 / S. 2227), is bipartisan legislation that removes marijuana from the Controlled Substances Act, thus decriminalizing the substance at the federal level and enabling states to set their own policies free from undue federal interference.

The Act also makes several other important changes to federal law. For example, it permits physicians affiliated with the Veterans Administration to authorize medical marijuana recommendations to qualifying veterans who reside in legal states, and it incentivizes states to move ahead with expungement policies that will end the stigma and lost opportunities suffered by those with past, low-level cannabis convictions. It also allows the Small Business Administration to provide economic relief and assistance to state-licensed entrepreneurs and businesses as they seek to gain a foothold in this emerging industry.

Last November, the MORE Act became the first bill to end federal prohibition to ever be advanced by members of a Congressional Committee (the House Judiciary Committee). It awaits action by the full House of Representatives. It has yet to receive consideration in the Senate.

The Secure and Fair Enforcement Banking Act: also known as The SAFE Banking Act, (HR 1595 / S. 1200), would allow state-licensed marijuana-related businesses to engage freely in relationships with banks and other financial institutions.

If enacted, banks would no longer face the threat of federal sanction for working with marijuana-related businesses and entrepreneurs.

Currently, hundreds of licensed and regulated businesses do not have access to the banking industry and are unable to accept credit cards, deposit revenues, access loans, or write checks to meet payroll or pay taxes. No industry can operate safely, transparently, or effectively without access to banks or other financial institutions. Congress must move to change federal policy so that these growing number of state-compliant businesses, and their consumers, may operate in a manner that is similar to other legal commercial entities.

The SAFE Banking Act became the first cannabis-centered reform to pass the House of Representatives on September 25th, 2019 with a bipartisan vote of 321-103. As of July 4th, it has yet to receive consideration in the Senate.

Economic Benefits of Legalization and Regulation

- The legal market for adult and medical use of marijuana accounted for over 240,000 jobs in 2019. For context, that's more than four times the number of jobs in the coal industry *(Source: Leafly)*

- Legal cannabis markets are estimated to reach sales of $25-30.4 billion by 2023. *(Source: Marijuana Business Daily Factbook)*

- In calendar year 2018, Colorado collected $267 million and Washington collected $439 million in state marijuana taxes, or roughly 1 percent of state and local own-source revenue in each state. *(Source: Tax Policy Center)*

For more information: Marijuana Regulation: Impact on Health, Safety, Economy

Legalization is a social and racial justice issue

- According to the most recent FBI's Uniform Crime Report, police made 663,367 arrests for marijuana-related violations in 2018. That is more than 21 percent higher than the total number of persons arrested for the commission of violent crimes (521,103). Of those arrested for cannabis-related activities, some 90 percent (608,776) were arrested for marijuana possession offenses only. 2018 marked the third year in a row that total marijuana arrests have increased nationwide. *(Source: FBI Uniform Crime Report 2018)*

- African-Americans are nearly four-times as likely as whites to be arrested in the United States for marijuana-possession offenses, according to an analysis published in April 2020 by the American Civil Liberties Union. Authors wrote, *"In every single state, Black people were more likely to be arrested for marijuana possession, and in some states, Black people were up to six, eight, or almost ten times more likely to be arrested. In 31 states, racial disparities were actually larger in 2018 than they were in 2010."* (Source: ACLU's "Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform,")

For more information: Racial Disparity In Marijuana Arrests

Medical Cannabis

Modern research suggests that cannabis is a valuable aid in the treatment of a wide range of clinical applications. These include pain relief — particularly of neuropathic pain (pain from nerve damage) — nausea, spasticity, and movement disorders. Marijuana is also a powerful appetite stimulant, specifically for patients suffering from HIV, the AIDS wasting syndrome, or dementia, among other disorders.

More than 60 U.S. and international health organizations support granting patients immediate legal access to medicinal marijuana under a physician's supervision. A key-word search using the term 'marijuana' on the PubMed database yields over 33,000 peer-reviewed studies specific to cannabis and its constituents, thousands of which affirm the safety and efficacy of marijuana for the treatment of various diseases and symptoms.

- Medical Marijuana is currently legal in over 30 states and the District of Columbia

- Over 90% of Americans support legalizing the use of marijuana for medical purposes

For more information: Recent Medical Marijuana Research

Marijuana and Opioids

Observational studies consistently show an association between legal cannabis access laws and reduced opioid consumption and prescribing patterns. In addition, longitudinal trials find that patients enrolled in state-regulated medical cannabis access programs either reduce or even eliminate their opioid use over time following marijuana therapy.

"The aim of this study was to evaluate the short-term and long-term effects of plant-based medical cannabis (MC) on outcomes of interest related to pain, quality of life, tolerability, and opioid medication use in a large cohort of chronic pain patients using medical cannabis over the course of one year. … Medical cannabis treatment was associated with improvements in pain severity and interference. … In patients who reported opioid medication use at baseline, there were significant reductions in oral morphine equivalent doses. … Taken together, the results of this study add to the cumulative evidence in support of plant-based MC as a safe and effective treatment option and potential opioid substitute or augmentation therapy for the management of chronic pain symptomatology and quality of life." *(Source: Medical cannabis for the management of pain and quality of life in chronic pain patients: A prospective observational study, Pain Medicine, 2020)*

"In this study, we observed an association between state-level legalization of medical cannabis and opioid prescribing by orthopedic surgeons in the Medicare Part D cohort. We found that overall opioid prescribing by orthopedic surgeons in this cohort was reduced in states permitting patient access to medical cannabis, compared with those who do not. ... On examination of prescription data of different opioid classes, we found that prescriptions for hydrocodone, the most commonly prescribed opioid medication, by orthopedic surgeons had a statistically significant negative association with state MCLs." *(Source: State medical cannabis laws associated with reduction in opioid prescriptions by orthopedic surgeons in Medicare Part D cohort, Journal of the American Academy of Orthopedic Surgeons, 2020)*

"We examined the association between the legalization of recreational marijuana and prescription opioid distribution in Colorado. Utah and Maryland, two states that had not legalized recreational marijuana, were selected for comparison. ... There was a larger reduction from 2012 to 2017 in Colorado (-31.5%) than the other states. Colorado had a significantly greater decrease in codeine and oxymorphone than the comparison states." *(Source: Prescription opioid distribution after the legalization of recreational marijuana in Colorado, International Journal of Environmental Research and Public Health, 2020)*

"A 10% sample of a nationally representative database of commercially insured population was used to gather information on opioid use, chronic opioid use, and high-risk opioid use for the years 2006–2014. ... In states where marijuana is available through medical channels, a modestly lower rate of opioid and high-risk opioid prescribing was observed. Policy makers could consider medical marijuana legalization as a tool that may modestly reduce chronic and high-risk opioid use." *(Source: Impact of medical marijuana legalization on opioid use, chronic opioid use, and high risk opioid use, Journal of General Internal Medicine, 2019)*

"In this research, we have examined the effect of MML laws and the presence of active legal dispensaries on CDC age-adjusted opioid overdose death rates over the years 1999-2015. Our results suggest that states with active legal dispensaries see a drop in opioid death rates over time. ... Overall, this research provides evidence that states with MMLs may see a decline in opioid overdose death rates if they enact legal dispensaries." *(Source: Medical marijuana laws and their effect on opioid-related morality, Economics Bulletin, 2019)*

For more information: Relationship Between Marijuana and Opioids

Common Myths About Legalization

The legalization and regulation of marijuana for medical or adult use is generally not associated with significant changes in trends with respect to automobile accidents, traffic fatalities, youth use rates, crime, or workplace injuries.

Drugged Driving

- Fatal traffic accident rates in legal marijuana states are no different than those in states where cannabis remains illegal. (*Source:* _American Journal of Public Health_)
- "[O]n average, medical marijuana law states had lower traffic fatality rates than non-MML states. .... Medical marijuana laws are associated with reductions in traffic fatalities, particularly pronounced among those aged 25 to 44 years. ... It is possible that this is related to lower alcohol-impaired driving behavior in MML-states." (*Source:* _American Journal of Public Health_)

For more information: _Marijuana and Psychomotor Performance_

Youth Use

- "The percentage of adolescents in 2018 who used marijuana in the past year was lower than the percentages in 2002 to 2004 and in 2009 to 2013, but it was similar to the percentages in 2005 to 2008 and in 2014 to 2017." (*Source:* _Substance Abuse Mental Health Services Administration, Key Substance Use and Mental Health Indicators in the United States: Results from the 2018 National Survey on Drug Use and Health, 2019_)

- "Consistent with the results of previous researchers, there was no evidence that the legalization of medical marijuana encourages marijuana use among youth. Moreover, the estimates reported showed that marijuana use among youth may actually decline after legalization for recreational purposes." (*Source:* _Association of marijuana laws with teen marijuana use: New estimates form the Youth Risk Behavior surveys, JAMA Pediatrics, 2019_)

For more information: _Marijuana Regulation and Teen Use Rates_

Crime

- "[M]arijuana legalization and sales have had minimal to no effect on major crimes in Colorado or Washington. We observed no statistically significant long-term effects of recreational cannabis laws or the initiation of retail sales on violent or property crime rates in these states. ... Our results from Colorado and Washington suggest that legalization has not had major detrimental effects on public safety." *(Source: The cannabis effect on crime: Time-series analysis of crime in Colorado and Washington State, Justice Quarterly, 2019)*

- "Our models show no negative effects of legalization and, instead, indicate that crime clearance rates for at least some types of crime are increasing faster in states that legalized than in those that did not. ... [T]he current evidence suggests that legalization produced some demonstrable and persistent benefit in clearance rates, benefits we believe are associated with the marijuana legalization proponents' prediction that legalization would positively influence police performance." *(Source: Marijuana legalization and crime clearance rates: Testing proponent assertions in Colorado and Washington state, Police Quarterly, 2018)*

For more information: Marijuana Regulation and Crime Rates

Workplace Safety

Cannabis use is not positively correlated with elevated rates of occupational accidents or injuries.

- "This systematic review investigates the potential link between cannabis use and occupational injury. ...The current body of evidence does not provide sufficient evidence to support the position that cannabis users are at increased risk of occupational injury." *(Source: Systematic review of cannabis use and risk of occupational injury, Substance Use and Misuse, 2020)*

- "There is no or insufficient evidence to support ... a statistical association between cannabis use and ... occupational accidents or injuries." *(Source: The National Academies of Sciences, Engineering, and Medicine, 2017)*

- Marijuana decriminalization is associated with increased probability of employment, particularly for young males, and an average increase of 4.5 percent in weekly earnings. African American males experienced the greatest average wage increase. "This data provides suggestive evidence that marijuana decriminalization laws improve extrinsic labor market outcomes. … This result is consistent with existing literature that suggests black adults, especially men, stand to benefit the most from removing these penalties."*(Source: Marijuana decriminalization and labor market outcomes, ESSPRI (Economic Self-Sufficiency Policy Research Institute, University of California, Irvine) Working Paper, 2016*)

For more information: Marijuana Legalization and Impact on the Workplace