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Effects of the Legalization of Recreational Cannabis in Washington State

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Pursuing New Perspectives: Effects of Legalization of Recreational Cannabis in Washington State

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Criminal Justice
May, 2016

Faculty Adviser: Dr. Jeffery Cohen

Essay completed in partial fulfillment of the requirements for graduation with Global Honors,
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Director, Global Honors

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Introduction

Drug policy reforms are a topic of increasing debate in the United States and globally. As the United Nations has come to realize, drug policy has little effect on the actual rates of drug use, but does have significant implications for public health and enforcement. According to Blickman (2008), “Globally, one thing is clear: the number of people using illicit drugs has not diminished... In fact, since [1998], despite the dominance of an enforcement-led approach, global drug production and consumption have increased” (as cited by Rolles et al., 2016, p.145). Since an enforcement-led global drug policy has not produced reductions in the production or consumption of drugs, this research seeks to explore the effects of alternative drug policies.

Perhaps the drug most considered for policy reform is cannabis. This is due to the drug’s popularity, as well as the perception that it poses a relatively low risk to adult users. Rolles et al. (2016) wrote “Cannabis is by far the most widely used illegal drug, accounting for around 80% of all illegal drug use globally” (p.153). This large global market share of illicit drug use makes the study of cannabis policy an important contribution to drug policy research.

This paper will explore cannabis policies and the effects they have on crime, public health, and society. In order to provide historical context, frameworks and models for cannabis regulation will be examined. There is a substantial literature base from which to analyze enforcement-led cannabis policy, its benefits, drawbacks and potential reforms. Currently, a gap in the literature exists regarding the effects of recent legalization of recreational cannabis within the United States. If legalization produces substantial benefits in the realms of public health, criminal justice, and societal welfare, then policy makers around the world should consider adopting legalization policies in their nations as well. This study captures a piece of this debate

through an analysis of interview data from four individuals with expertise in the fields of public health, criminal justice, sociology, and the cannabis industry.

Literature Review

Comparison of Criminalization and Harm Reduction Frameworks

Under a criminalization framework, drug use is perceived as an issue of morality and a major risk to individual health. Therefore, if individuals cannot stop themselves from using, the government has the responsibility to intervene. The intervention method typically involves incarceration or fines for the user. According to Graham (2001), proponents of cannabis criminalization believe it is necessary to impose criminal sanctions in order to identify users and facilitate treatment, while using criminal charges to exert leverage. Proponents of criminalization also argue that cannabis criminalization is a solid basis for confining people whom they believe likely to commit theft or murder (Graham, 2001). In this sense, proponents of criminalization see keeping drug users behind bars as a way of preventing crime more broadly.

An alternative to the criminalization framework is the harm reduction framework. Rather than seeking to prohibit the use of drugs, the harm reduction framework seeks to limit the potential physical and institutional harm done to the individual user as well as to reduce the financial burden to society stemming from law enforcement costs. Harm reductionists view drug use as an inevitable reality. According to the United Nations Office on Drugs and Crime (UNODC) (2014), “90% of illicit drug use is not problematic” (as cited by Rolles et al., 2016, p.145). The UNODC defines problem users as injecting drug users, people who use drugs on a daily basis, people diagnosed with drug use disorders, or those who are drug-dependent (2014).

Under a harm reduction framework, cannabis consumption is not viewed as a criminal act and those who use the drug responsibly do not require treatment (Graham, 2001).

From a cost-benefit perspective, proponents of a harm reduction framework suggest that criminalization does not make sense because enforcement efforts are costly and do not tend to reduce the use or availability of a drug (Rolles et al., 2016). Through the harm reduction framework, the government may regulate the quality and purity of a drug, offering the user a more informed method of selecting their desired dosage. This framework also affords the user the additional peace of mind that the drug will have its intended effect. For example, harm reductionists also argue the illegal market for drugs, which may result in ancillary crimes related to the illegal distribution of cannabis, can be driven out through legalization.

Prevailing Cannabis Policy Model in the United States

In 1970, Congress enacted the Comprehensive Drug Abuse Prevention and Control Act (CDAPCA), which outlawed the manufacture, distribution and possession of several substances, including cannabis, at the federal level (Graham, 2001). The intended purpose of the CDAPCA was to promote public welfare and prevent harm (Graham, 2001). Under the CDAPCA, cannabis is classified as a Schedule I drug, which means it has the highest abuse potential and no accepted medicinal value. In most of the United States, whether a person is a trafficker or recreational user, they are sometimes subject to incarceration or fines, even for possession of small amounts of cannabis (Graham, 2001). Graham (2001) writes that the legislative prohibition of drugs contributed to the creation of a narcotics black market similar to the prohibition of alcohol. The intent of the laws was to decrease the use of cannabis, but instead this prohibition simply caused prices to rise and without decreasing overall demand (Graham, 2001).

Criminalization has also contributed to U.S. possessing the world's largest prison population, highest incarceration rate, and an ever more expensive criminal justice system. According to the Drug Policy Alliance, (2015a), has a total incarcerated population of approximately 2.2 million. In 2012, the U.S. Department of Justice found that drug charges accounted for approximately 50% of males and 58% of females incarcerated in federal prison, as well as 25% combined of those in state prisons. According to the Drug Policy Alliance (DPA) (2015a), this results in significant cost to the American public, since the U.S. spends more than \$51 billion annually to maintain the criminalization of drugs. Additionally, according to the Sentencing Project (2016), incarceration is not a cost effective method of reducing crime. The prevalence of drug crimes is not significantly affected by incarceration because incarcerated offenders are easily replaced (Sentencing Project, 2016).

Recent developments in U.S. cannabis policy. As the literature challenging prohibition and supporting legalization builds, more U.S. drug policy experts are embracing alternative drug policy reform possibilities. Paul Finkleman (as cited in Gay & Ray, 2013) states, if the entire United States were to follow the legalization model, the drug industry in Mexico would be dramatically changed. Cannabis trade could occur through legal markets by people in three-piece suits rather than people with guns. "The [cannabis] laws [would] also push the larger players who are gun toting and dangerous out of those states... It is a win-win for law enforcement, safer streets, and taxpayers" argues Finkleman (as cited in Gay & Ray, 2013).

Although under federal law the possession, cultivation and distribution of cannabis remain criminal activities, in 2009 a U.S. Deputy Attorney General released a memo declaring the sale and use of cannabis in states where it is legal as a low priority for federal prosecutors (Darnell, 2015). Four years later, another U.S. Deputy Attorney General followed-up on this

earlier declaration with the release of a memo listing eight cannabis enforcement priorities for federal prosecutors (Darnell, 2015). Those priorities are (a) distribution to minors; (b) revenue from sales going to criminal enterprises, gangs or cartels; (c) transportation of cannabis from a legal state to other states where it is illegal; (d) cannabis activities being used as a cover for the trafficking of other illegal drugs or activities; (e) violence and the use of firearms in the cultivation and distribution of cannabis; (f) DUI or other negative public health effects associated with cannabis use; (g) the cultivation or environmental dangers posed by cultivation on public land; and (h) cannabis possession or use on federal property (Darnell, 2015).

The aforementioned shifts in federal policy have allowed states to attempt different approaches to lawmaking and enforcement (Thoumi, 2014). In 2012, citizens of both Washington and Colorado voted to legalize limited adult possession and consumption of cannabis, as well as the licensed production and sale of cannabis products (Darnell, 2015). In 2014, voters in Alaska, Oregon and the District of Columbia also passed forms of recreational cannabis legalization (Darnell, 2015). Since June 30, 2015, twenty-three states and the District of Columbia have legalized medical cannabis (Darnell, 2015).

However, the shifts in U.S. policy described above have led Thoumi (2014) to conclude that double morals within U.S. drug policy have the potential to undermine the international war on drugs. In other words, as recreational cannabis use continues to be legalized by individual states, the Federal criminalization of cannabis is undermined. Because United States cannabis policy has a profound effect on the International Drug Control Regime (IDCR), UN and Mexico, it is necessary to examine the effectiveness of current policy as well as alternative policies in order for legislators to make more informed decisions on the future of drug policy of the federal government in the U.S. and globally.

Global implications of U.S. cannabis policy. It is important to understand the influence the U.S. holds on prevailing global drug policy. Francisco Thoumi (2014) writes that the U.S. is perceived around the world as the designer and main proponent of the IDCR, as a means to control United Nations drug policy enforcement around the world. U.S. cannabis policy therefore has the ability to influence global drug policy. According to Lakobishvilli (2012), as cited in Rolles et al., (2012) one in four women in prison in Europe and Central Asia are incarcerated for drug offenses. According to Grillo (2011) as cited in Rolles et al., (2012), drug trafficking in Mexico has contributed to more than 25,000 children leaving school in order to join drug trafficking organizations. According to Metaal (2010) as cited in Rolles et al., (2012), approximately 70% of women in Latin American prisons are incarcerated for nonviolent low-level drug dealing. According to the International Displacement Monitoring Centre (2010) as cited in Rolles et al. (2012), the U.S.-led global war on drugs has led to increased insecurities along the U.S.-Mexico border, since more than 230,000 people fled their homes due to fear caused by civilian deaths at the hands of military operations.

Decriminalization as an Alternative Policy Model

One alternative to criminalization, which embraces a harm reduction approach, is decriminalization. Rolles et al. (2016) write that “decriminalization-based reforms from around the globe show that removing criminal penalties for personal drug possession does not result in significant increases in the prevalence of drug use” (p.150). Spain, Switzerland, Mexico, Ecuador, Czech Republic, Costa Rica, Columbia, Belgium, Netherlands and Argentina have all decriminalized cannabis. Typically, in these countries it is still illegal to purchase, sell or distribute cannabis. However, the use or possession in minimal amounts is not considered a focus of law enforcement due to their subscription to the harm reduction framework. In order to fully

understand the decriminalization model, it is necessary to review the context surrounding decriminalized cannabis use and the impetus behind the laws that tolerate its controlled use.

In order to illustrate what decriminalization looks like in practice, this paragraph outlines the context of decriminalization in the Netherlands. According to Graham (2001), “The main purpose of drug and cannabis laws in the Netherlands is to help rehabilitate the addicts, and ‘protect the health of the individual users, the people around them and society as a whole’” (p. 298). According to the government of the Netherlands (2016), an individual’s health is less damaged by soft drugs like cannabis or hash. This belief drives the Netherlands’ tolerance of the sale, possession and use of cannabis. It is, however, against the law to grow cannabis, and growers may be evicted or see their electric bills altered. If an individual is found to be growing five or fewer plants, generally, the police will seize the plants. If more than five are found the police may prosecute (Government.nl.com 2016). The sale of soft drugs in coffee shops is still considered a criminal offense, but coffee shops are not prosecuted (Government.nl.com 2016). For users, the possession of small quantities of cannabis is tolerated (Government.nl.com 2016).

The Netherlands does require specific criteria be followed in order for coffee shops to be allowed to sell cannabis (Government.nl.com 2016). These criteria forbid the causation of any nuisance, sale of hard drugs, sale of cannabis to minors, advertisement of drugs, and the sale of large quantities in a single transaction (Government.nl.com 2016). Municipalities are allowed to choose if they want to allow coffee shops to operate within their borders, as well as limit the number of coffee shops and implement additional criteria for them to follow (Government.nl.com 2016). In an effort to stop coffee shops from marketing to users from abroad, the government is attempting to terminate the open door policy; meaning only registered

residents may use the coffee shops (Government.nl.com 2016). Coffee shop owners are also required to verify customer residency and age (Government.nl.com 2016).

Legalization as an Alternative Policy Model

In 2012, Washington voters approved Initiative 502 (I-502), which legalized the purchase and possession of cannabis for adults age 21 and older. According to the Washington State Liquor and Cannabis Board (WSLCB) (2016), the purchase limits are up to one ounce of useable cannabis harvested flowers, 16 ounces of cannabis-infused edibles in solid form, 72 ounces in liquid form, and 7 grams of marijuana concentrates. The purchase and sale of cannabis may only be conducted at state-licensed retail stores. A valid photo ID is required in order to purchase cannabis, and no one under 21 is allowed on any premises where it is sold (WSLCB, 2016). The resale or giving away of cannabis to another person is still a felony, and providing or selling cannabis to a minor under 18 can result in up to 10 years in prison and a \$10,000 fine. Use of cannabis in public view is still illegal, as is taking cannabis outside of the state (WSLCB, 2016).

Legal marijuana must be grown by specially licensed Washington farmers and sold exclusively in cannabis-only retail stores (WSLCB, 2016). These stores must be operated by Washington-licensed businesses and are regulated by the state (WSLCB, 2016). Cannabis products are sold with a 25% excise tax. According to I-502, the bill which legalized the retail sale of cannabis in Washington, 40% of the sales tax revenues is allocated to the state general fund and local budgets, while the remainder is dedicated to research, education, healthcare, and substance-abuse prevention (Holcomb, 2011). Restrictions were placed on advertising, and the legal limit for driving under the influence (DUI) was altered to reflect legalization. The DUI maximum threshold for Washington is five nanograms-per-milliliter of tetrahydrocannabinol

(THC) (Join Together Staff, 2016). I-502 also removed state criminal and civil penalties for the use, possession, and licensed manufacture and distribution of cannabis (Holcomb, 2011).

Present Study

In order to contribute to the current literature on the legalization of cannabis in Washington State, this descriptive exploratory study seeks to understand the social, criminal and public health effects of the legalization of cannabis. The purpose is to provide policymakers and the public with information that expands the current discourse on global drug policy in order to reduce harm and generate revenue. The primary research question that guided this study is: What are the effects of legalization of recreational cannabis in Washington State?

Method

The data collection method chosen for this study was exploratory qualitative face-to-face interviews. Individuals with expertise related to the legalization of cannabis in Washington State were selected from the fields of public health, criminal justice, sociology and the cannabis industry. An exploratory qualitative design was chosen because it is still relatively early in the legalization process in Washington State, and little data has been collected. This qualitative design enables participants to offer richer descriptions of their experiences, understandings and interpretations of the effects of legalization. Broad, open-ended interview questions were developed in a manner that would not lead participants to specific answers. Once the participants answered the broader initial interview questions, spontaneous follow-up questions were asked, in order to allow for more specific clarification and interpretation of participant voice, opinion and perception.

Participant recruitment. A purposive sampling strategy was employed in this study. The Human Subjects Division (HSD) of the University of Washington's Institutional Review

Board approved the procedures and interview questions for the purpose of the research (see Appendix A). Upon approval from the HSD, e-mail was used as a medium for contacting and scheduling interviews with participants. Informed of the nature of the study and how their expertise would be valuable to the academic discourse, participants were asked if they were willing to participate in an in-person interview.

Four Washington State professionals were interviewed for this study. These four individuals were Alexander Garrard, Pharm.D., the Clinical Managing Director of the Washington Poison Center; Attorney Kent W. Underwood, J.D.; Roger A. Roffman, DSW, Professor Emeritus at the University of Washington School of Social Work and author of *Marijuana Nation*; and Dan Devlin, Co-Founder of Db3, a Washington-licensed producer and processor of cannabis. These individuals were recruited in order to obtain key perspectives within fields that have been affected by the legalization of cannabis in Washington State.

Procedure. Interview questions were designed to help provide insight into the positive, negative and collateral effects of the legalization of cannabis in Washington State. Each participant was interviewed once. Interviews lasted approximately one hour and were conducted in person. Interviews were recorded using a digital audio recording device for later analysis and written notes were taken. Participants signed a written consent form. Participants were verbally notified of their freedom to refuse to answer any question, be audio recorded, or have written notes taken. Participants were also informed that they may request a copy of the research paper, and initial research questions. Afterwards, the interviews were then analyzed for themes.

Analysis. The final piece of the research process was the analysis and interpretation of interview data. In order to accomplish this, the audio recordings of the interviews were reviewed multiple times. While listening, the researcher noted key themes. Once the themes were

established, the researcher went back and recorded key quotes, attempting to capture the voice of participants regarding the themes expressed.

Qualitative Research Threats

Threat to truthfulness. The purpose of this research is to explore the effects of legalization rather than to evaluate it. This low-risk approach was intended to maximize the spectrum of possible opinions, perceptions and ideas expressed by the participants. At no point during the interviews did the researcher perceive any untruthful statements, nor did it seem that any statements were motivated or altered by an outside source or influence. The nature of this research afforded participants the opportunity to speak to their experiences and opinions unabated. Paraphrasing was minimized in order to capture not only what was said, but also how it was delivered, in order to maximize participant voice. Interviews were conducted in a friendly, unobtrusive manner. Participants were made aware of their right to refuse to answer any question. This was intended to allow participants to feel comfortable in being honest without consequence. Interview questions were also written in an open-ended manner, which was intended to allow participants to speak on their perceptions and experiences without being led.

Accuracy of interpretation. In order to minimize the threat of inaccurate interpretation of the participants' responses by the researcher, the participants were each sent a copy of this paper, so they could verify that the interpretation of their words was appropriate. This process verifies the intended meaning of the expressions used, as well as the accuracy of the words themselves.

Reflexivity & authenticity. In order to convey the results of this research in an ethical and transparent manner, it is important to address how I influenced the research design and administration. Based on the literature review and my social justice-oriented criminal justice

education, I expected to find more positive effects than negative ones resulting from a policy of legalization. This social justice lens may have led me to see this topic more as a public health issue than a moral one. Conversely, I was raised as a conservative Christian with strong ties to traditional evangelical beliefs. This lens may have led me to see legalization through a moral lens of right and wrong. Finally, I hold a personal belief that individuals who are addicted or dependent on a substance should be given necessary treatments and reconnected with society rather than being placed in jail and inflicting greater costs on the taxpayer. In order to counter personal influences, I designed the interview questions to be broad and focused on follow-up questions regarding topics that the participants alluded to in their initial responses.

Limitations

This study was subject to time, scope and demographic restrictions. Due to the limited amount of time to conduct this research, only four individuals were interviewed and only one in each professional demographic. Ideally, a study like this would include several individuals in each demographic from municipalities across Washington State. One individual felt comfortable speaking to a wide range of effects, while other individuals felt more comfortable speaking to their specific areas of expertise. It is possible that a larger and more diverse group of individuals with varying religious affiliations, education levels and professions might have significantly different perceptions of the effects of legalization. Future researchers should seek a larger sample size and more diverse demographics wherever possible.

Results

The primary focus of the analysis was the effects of the legalization of cannabis in Washington State. Several overarching themes emerged through the analysis of interview data. These themes were organized into four categories: public health, criminal justice, economic

effects and areas for future research regarding the legalization of cannabis in Washington State. Each of these thematic categories is described in more detail in the subsections that follow.

Public Health Effects

Public health is the prevention of disease, prolonging life and promoting health through the organized efforts of society (Ashton, 1988). The themes that arose regarding the public health effects of legalization in Washington State included: decreased perception of risk and the health risks associated with problematic and underage use.

Perception of risk. The perception of risk among youth was a particular concern, as the participants referred to research suggesting that usage rates tend to go up as the perception of risk goes down. Dr. Garrard and Dr. Roffman both pointed to the Washington State Healthy Youth Survey (2012), which reports that 10th and 12th graders have a reduced perception of risk from cannabis use. This is potentially problematic, as a change in the perception of risk could lead to a change in consumption rates among youth. “Their perception of risk is decreasing. You don’t want that because that means they think it’s less dangerous and they are more likely to try it,” said Dr. Garrard.

According to the National Results on Adolescent Drug Use (Johnston, 2007), as the perception of risk of cannabis use during the 1990s decreased, cannabis use increased. This, along with the stiff concerns articulated during this research, suggests that usage patterns need to be closely monitored to determine whether a similar pattern will develop in Washington State, and education-based prevention messages need to increase across all demographics, but especially among youth as they have the greatest potential risk of harm. According to the Washington State Healthy Youth Survey (WSHYS) (2012), there was not a significant change in 30-day cannabis use from 2010 to 2012 or from 2002 through 2012. It is reassuring that there

was not a significant immediate increase in cannabis consumption among youth users, but future WSHYS data should be closely monitored. The WSHYS (2012) shows that addressing the social and physiological consequences of tobacco use can prevent or reduce tobacco use. Similar prevention-based education programs for short and long-term cannabis use need to be implemented in order to prevent or reduce use, especially among youth. This can be accomplished through public service announcements at school, on television or through messages similar to tobacco public service announcements.

Potential health risks. Both Dr. Garrard and Dr. Roffman pointed to several health risks regarding the use of cannabis products with special emphasis placed on youth users. The first concern was diminished risk assessment development. According to Dr. Garrard, “At [a younger] age, the sooner you start using, the greater your risk is for using other drugs.” This inability to develop risk assessment puts users at greater risk for using multiple substances at the same time, taking too much of a substance, or driving under the influence. As pointed out by Dr. Garrard, “The skillset that develops from 20-25 in your brain is risk assessment, so if you start using drugs early on you don’t have really good risk assessment [development],” adding that “your ability to say this is dangerous, I shouldn’t combine marijuana¹ and alcohol is not great, and a lot of young people don’t know their tolerance levels yet.”

Development of cannabis dependence among youth. Another health concern raised was the increased risk of developing dependence among youth cannabis users. As Dr. Garrard stated, “The brain doesn’t stop developing until 25 or 26 and when you expose it to certain drugs and toxins, whether it be marijuana, nicotine, or alcohol, early on, you change the chemical makeup of the brain.” Dr. Garrard also pointed to differences regarding the motivation for youth

¹ Cannabis was the preferred term used by the researcher; however, in order to fully capture the voice of respondents, cannabis and marijuana are used interchangeably in the reporting of findings.

and adult cannabis use: “As adults, we might drink wine because we like the taste or we want to sample a fine wine or beer, but for a teenager, they typically want to get drunk, partly because they’re dealing with a number of other issues too . . . whether it be depression, identity issues, sexual orientation, school stress and a lot of other things that are vying for their attention nowadays . . . In many ways it's self-medicating.” Understanding a child’s motivation for using drugs is critical in assisting parents to open a dialogue with their children for the purpose of helping them make healthier, more informed decisions.

Cannabis-related poisonings. Another important health concern is cannabis-related poisonings. Regarding the context in which most cannabis-related poisonings occur, Dr. Garrard clarified that “in the world of toxicology, the only difference between a therapeutic dose and a poisonous dose is just the dose,” adding “anything that causes an unwanted health effect, like taking too much caffeine [which causes] tremors, we would consider a poisoning, even though others might call it a side effect.” While cannabis poisonings can and does occur, it is typically a matter of the individual taking a higher dose than their body can tolerate. Washington State, according to Mr. Devlin, limits the amount of THC in a single product to 10 milligrams. He notes that “[edible] products are first tested [in the lab], as well as sent out to the State for testing and approval,” which means that consumers have peace of mind knowing what they can expect from a single edible product.

Exposure calls. Yet another issue raised by Dr. Garrard and Dr. Roffman is the increase in cannabis exposure calls to the Washington Poison Center. “Since 2006, exposure calls have steadily been increasing and every year now we are breaking the record, we’re up to 272 [cannabis poisoning] calls in 2015,” said Dr. Garrard. While it is important to highlight the seriousness of the increase in calls, it is also helpful to understand what has led to these

increases. Regarding a possible reason for the increase, Dr. Garrard said, “Yes, we’ve been seeing the number of calls going up, but... I think the main reason is just that people are more comfortable calling for help.” He further added that “to say that children getting into [cannabis products] is why it shouldn’t be legalized, then the same argument could be made that every prescription drug should be made illegal because kids will get into anything.”

It is important to recognize that the State as well as cannabis producers are taking steps to reduce the ease of access for children to get into cannabis products. “We seal our products in child-resistant containers; what that means is that you have to use a tool, scissors or a knife to open it... this is all part of the packaging requirements around the State,” said Mr. Devlin. Trends in cannabis-related poisoning calls will likely continue to be a topic of interest moving forward.

Criminal Justice Effects

The category of criminal justice effects arose through statements from each participant regarding the reduction of cannabis-related crime, arrests, adjudication and incarceration as effects stemming from the legalization of marijuana in Washington State.

Cannabis-related crime. Mr. Underwood, Dr. Garrard, and Dr. Roffman each pointed to the major reduction in cannabis-related crime as a direct effect of legalization. As stated by Mr. Underwood, “Ancillary crime [occurs] not because of marijuana, but because of the illegal nature of it; black market people can't enforce [their business arrangements] like you can with contracts and the court system, so they resort to violence.” Mr. Underwood continued, “and so as the market for marijuana becomes more legitimate, the violent crime related to marijuana is [likely] to go down.” This view was supported by Mr. Devlin, who said, “Minor studies have shown when there is a cannabis retail outlet in a neighborhood, crime has actually gone down

due to the high security and cameras.” Although cannabis is legal throughout the State, various communities have banned retail sales; which allows the continuation of an illegal market. “In Federal Way, about a month ago, there was a murder of a young kid during a marijuana transaction... that could have been prevented,” said Mr. Devlin.

These claims of significant arrest and conviction trends were supported in the literature. According to the Drug Policy Alliance (DPA) (2015b), filings for low level cannabis offenses in Washington State are down 98% for adults 21 and older, and all categories of marijuana law violations are down 63%, while cannabis-related convictions are down 81%. Between 2011 and 2014, Washington State has seen a 13% reduction in its murder rate and a 6% reduction in burglaries (DPA, 2015b). While a causal relationship between legalization and crime reduction is not being claimed, it is significant that legalization did not coincide with increases in crime. It is also important to realize that while marijuana possession was legalized in 2012, the retail sale of marijuana did not begin until 2014.

Because of these reductions, Washington State is likely saving several millions of dollars every year in police, prosecutor, public defender, and court expenses (DPA, 2015b). This is supported by the interview findings, which suggest that legalization would lead to significant reductions in cannabis enforcement costs. Moving forward, violent and nonviolent crime rates in Washington State should be compared to those of states with criminalized cannabis policies in order to determine how much of a potential effect legalization may have for other states.

Regarding the concerns of driving while impaired, it is still illegal to drive under the influence. In order to shed light on how much individuals are impaired by cannabis products, Mr. Devlin said, “To the degree which you consume, just like with alcohol, you get more and more impaired. It is an intoxicant and so it needs to be handled that way.” This places the onus on the

individual buyer, who decides how much cannabis to consume, rather than the producer and seller. Through legalization and regulation of dosages, consumers of legal products will be more likely to make informed decisions regarding whether or not they get behind the wheel because they know the dosage they have consumed.

It is also important to understand how law enforcement professionals generally perceive marijuana use as they transition away from prohibition and into legalization. As pointed out by Mr. Underwood, “A lot of cops don’t really care about marijuana, people usually don’t get stoned and then suddenly want to go commit violent crimes.” He added, “Other cops think it’s illegal (at the federal level), you don’t do it, and others reject marijuana on religious grounds. There is a large contingency that don’t think [criminalization] is a wise use of resources.”

Economic Effects

The legalization of cannabis for recreational use and sales in the State of Washington has created production, distribution and retail industries, numerous jobs, substantial tax revenues and is now competing with the illegal market. The cannabis industry’s ability to provide Washington State citizens with small business and employment opportunities should not be understated. Speaking of his own business, which employs chemists, engineers, supply chain managers, as well as factory, executive, marketing and accounting staff, Mr. Devlin stated, “[Legalization] gave me a job. We employ 38 people here; we have over a million dollars in annual payroll. The minimum wage we pay is \$16 per hour, which is above the living wage,” and, he added, “Our employees have full benefits, and as soon as we can, we’re going to be offering stock options so they get a little share of this history.”

Another possible economic effect, according to Mr. Underwood, is the potential for the legal market to present a more appealing environment for former members of the illegal market.

According to Mr. Underwood, “Rumor has it that some people who used to distribute in the black market have gone legit.” As the supply of cannabis-related products increases, provided the demand stays the same, the prices in the legal market may become more competitive with those of the illegal market, which provides additional incentive for consumers to acquire products through the legal market. “A reduction in that tax break makes legal marijuana more competitive and that will drive out the black market people, at least to a degree out of simple capitalistic principles of supply and demand,” said Mr. Underwood.

Driving out the black market should be a major priority for anyone concerned about the health of those who are still acquiring cannabis through the illegal market. Regarding the context in which those under the age of 21 are acquiring cannabis, Mr. Devlin said, “We don’t want children to have [cannabis], but the people saying that [criminalization] helps keep [cannabis] out of the hands of children are totally wrong.” He went on to say, “kids [are getting] stuff that’s coming on the black market that’s untested, probably pesticide laden, and I guarantee you when that corner pusher doesn’t have that [cannabis], [they’re] selling them something else.” While those under the age of 21 should not be using cannabis, the fact that it is illegal will not stop them from using. Prevention-based education programs, like those made possible through I-502 should be pursued wherever possible in order to reduce the likelihood of harmful use, especially among those still acquiring cannabis through non-regulated means.

Every sale in the legal cannabis market is a small market share victory in Washington State’s quest to drive out the illegal market. The Washington State Liquor and Cannabis Board reports that during 2015 retail cannabis stores reported \$259,785,729 in sales from 229 out of the 317 shops. The WSLCB also reports that 667 producer/processor licenses have been issued. The Drug Policy Alliance (2015) estimates that Washington State has collected close to \$83 million

in cannabis tax revenues. These statistics support the theme of economic boon suggested during the interviews. This economic appeal has the potential to attract proponents of harm reduction or criminalization as it provides significant entrepreneurial and job creation opportunities, while generating tax revenue for the state.

Future of Legalization in Washington State

Regarding whether legalization should continue, each participant answered in the affirmative. Mr. Underwood took a pragmatic yet emphatic stance, “Yes, unequivocally... because it is something a lot of people like to do, it does not have [an] extreme negative impact on society, it’s good for commerce, and there’s no real good reason to keep it illegal.” Dr. Garrard also supported legalization, but took a more harm reduction stance: “Hundreds of years of experience has shown us that if you take something away, humans will just find another way to get it,” which led him to conclude “You can’t change human nature through legislation, but you can change it through education and harm reduction.” Dr. Roffman took a more cautious stance: “Regulating and taxing marijuana as a fundamental policy is the right choice.” Dr. Roffman went on to say, “However, this is really a sea change in public policy about marijuana, and changes are necessary on how it is actually implemented, without question.” Finally, Mr. Devlin joined the chorus call for legalization of marijuana, adding that he believes “[cannabis] products will replace half the antidepressants in the world, and people will be much better off consuming [cannabis] products than by consuming alcohol, tobacco, antidepressants, or opiates.” Elaborating on his reasoning, Mr. Devlin said, “[Cannabis is] an intoxicant that is better and less harmful than all the other ones out there, and people will always [seek out] intoxicants.”

Moving forward, it is necessary to understand what areas Washington State needs to improve in the implementation of legalization. As suggested by participants, this includes additional research across a number of areas related to legalization in Washington State. For instance, Mr. Underwood pointed to the need for additional research related to the current legal limit for impaired driving. “The 5 nanogram level... how that number came to be was based on politics and not based on research, so I would like to see actual research done that would show at what level a driver is impaired,” said Mr. Underwood, adding, “I think that an absolute zero tolerance is unrealistic and unnecessary, but I think that whatever tolerance we pick needs to be based on research and scientific analysis, and not on politics.”

Another direction for future research would be varying toleration levels with respect to varying body types, diets, age and gender. This information could help doctors advise cannabis users how much they might comfortably be able to consume. According to Dr. Roffman, there are currently limitations in the research many universities in Washington State can conduct regarding cannabis products due to Federal laws. As he stated, “if you want to administer marijuana to humans you have to follow federal law, which says you may only use marijuana acquired through the federal government from the University of Mississippi.” Because of this limitation on research, gathering information regarding the effects of cannabis products sold in Washington State remains very difficult, which limits the ability of Washington State residents to make the most informed decisions on what cannabis products are best for them.

Finally, synthetic marijuana should be a topic of future research. According to Dr. Garrard, Washington State has lower usage rates in comparison to states on the east coast. Dr. Garrard speculated that this might be due to the legal alternative of recreational marijuana, as well as the tendency of East Coast states to have newer drugs available before West Coast states.

This suggests that future research should be conducted regarding the effect legal recreational cannabis has on the use of synthetic marijuana as well as other drugs.

Discussion

The majority of drug users are capable of positive societal contribution, productive employment, and happy family lives. Ninety percent of illicit drug users are people who hold jobs and would not otherwise be recognized as users (Rolles et al., 2016). The current U.S. system of arresting drug users and low level dealers does nothing to offer them a positive alternative to being separated from society. Once convicted of a felony, individuals will have the conviction placed on their criminal record and be labeled a social deviant. This placement adversely affects the lives of these individuals, as it becomes more and more difficult to reconnect with society and become a productive member. As Johann Hari (2015) writes, collateral consequences of current drug policy include difficulty in acquiring employment, barring from student loans, denial of access to public housing as well as visiting family housed therein, and political disenfranchisement. There are, however, alternatives to these negative effects of criminalization.

The findings of this research support the literature, which suggests that legalization and decriminalization benefit public health. One country that has found particular success with decriminalization is Portugal. According to Hari (2015), Portugal decriminalized all drugs and re-prioritized government spending away from enforcing drug laws and towards treatment programs, needle exchange programs, safe use education, public service education, job creation, and reconnecting addicts with society. This re-prioritization also de-stigmatized users as “addicts” or “criminals,” instead casting them as people potential contributors to society (Hari 2015). As a result of these policy changes, the Portuguese Ministry of Health reports that

problematic drug use has declined, injecting drug use has been almost halved, overdoses have been reduced significantly, HIV contraction through drug use fell from 52 percent of new infections to 20 percent, and the number of problematic drug users has been halved (British Journal of Medicine, as cited in Hari, 2015).

These positive outcomes in Portugal are the result of a societal context within which drug addiction is viewed as a sickness to be treated, similar to alcoholism. Addicts are no longer marginalized but embraced as friends, family and community members. While Portugal had some advantages to implementing this system of complete decriminalization, it is possible that other societies could consider its methods when examining their own drug enforcement laws in order to change the way drugs are sold, regulate the quality and dose, and reduce crime related to illegal markets. Similarly, the legalization policy adopted in Washington State could provide another model alternative to criminalization that has similar outcomes to the decriminalization policy employed in Portugal.

Through the creation of a legal path to a drug, it is possible to prevent the development of illegal pathways to the same drug. According to Hari (2015), “heroin under prohibition becomes, in effect, a pyramid selling scheme” (p. 213). When a person who is living on the street becomes addicted to a drug, their main concern is getting more of it. If there is no legal pathway to that drug, the two common options are selling or stealing. Hari (2015) argues that providing a legal path to a drug decreases the number of new users recruited, as well as decreasing ancillary crime related to the illegal acquisition of a drug. This is because when a legal path to drugs exists, one does not have to sell the drug or rob others in order to feed his or her habit (Hari, 2015). Therefore, if current users do not have to sell or steal in order to obtain a drug, some will choose to go through the legal means of acquisition.

Legalizing and regulating the drug market allows a nation to control the purity of a drug and the context in which drugs are administered. According to Ethan Nadelmann, as cited in Hari (2015), “People overdose because [under prohibition] they don’t know if the [drug] is 1 percent or 40 percent... imagine if every time you picked up a bottle of wine, you didn’t know whether it was 8 percent alcohol or 80” (p. 195). Through regulation, the government can limit the dosage of every product sold. This provides those who acquire drugs through the legal market the peace of mind in knowing what the effect of the drug will be and what ingredients are in it.

Finally, through legal regulation a nation can help encourage safer use. For example, if injecting or smoking a drug puts the user at a greater risk of negative health effects, the nation has an array of options. These options include the provision of a needle exchange program, requiring health risk labeling on products, requiring alternative products that don’t have the same health risks to be sold next to them, public service campaigns advertising the health risks or providing safe rooms where users’ safety can be monitored. In “European countries that provide addicts with safe rooms where they are watched over by nurses as they use their drugs, deaths from overdose had ended” (Hari, 2015, p. 195). Legalization and regulation can help a nation improve the context of use as well as the purity of the drugs used, which in turn improves public health.

Through legalization, it is possible to deter crime and encourage small business and job creation. Prohibition creates a chasm of opportunity for those who are willing to go outside the law in order to make money. Under prohibition, those who sell outside of the law have control of the market. Because illegal sellers cannot enforce their territory through legal contracts or send their debtors to bill collectors, they use violence. By creating a legal market for drugs, you give everyone the opportunity to create small businesses, and employ productive members of society.

This legal market would compete with the illegal one and offer those who are members of the illegal market the opportunity to convert to the legal one. Converted legal sellers would no longer need to resort to violence in order to enforce their territory or collect from debtors.

Conclusion

This paper argues that while it is overall too early to fully assess the effects of I-502, legalization policy presents greater potential public health, economic and criminal justice benefits to society than prohibition. The areas in which legalization's effects are most visible are: the vast reduction in arrests and incarceration for cannabis-related offenses, economic impact, societal perceptions of cannabis as a harmful substance, and areas regarding future cannabis research, education, and prevention.

The literature suggests criminalization leads to wasteful spending and can cause complex harm to drug users, dealers, uninvolved citizens in close proximity to drugs, and those who enforce the policies. The method of wresting control of the illegal drug market from criminals through the legalization, regulation, standardization and control of drugs needs to be considered by the rest of the United States and globally. Due to the volatility of drug policy and its complexity, additional research on existing approaches is necessary. Furthermore, policymakers should be given this research and tasked with reshaping the future of drug policy. Although additional policy evaluations are needed, this qualitative study concludes that the benefits of legalization have great potential to outweigh the costs of criminalization. It is important to remember that legalization in Washington State is still in its infancy, so only time will tell to what degree it will be deemed successful. This research argues that despite its limitations, legalization should continue, as it is better than criminalization for the State of Washington.

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