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To be or not to be: The Ongoing Question of Legalizing Marijuana in the State of California

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EMPA 396 Final Paper

To be or not to be: The Ongoing Question of Legalizing Marijuana in the State of California



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By Samira J. Perry
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Abstract:

This study is a brief review of recent marijuana legalization initiatives in the State of California. This paper examines shifts in opinion, from a moral a political, personal and professional standpoint. A host of other states are taking unprecedented steps to legalize marijuana. However, similar measures have repeatedly failed in California. All of this is taking place in a political climate where many Americans believe marijuana should be legalized. The introduction highlights articles and research which reinforces the importance of this topic. The Literature Review consists of research and writings which support both sides of the vital argument of whether marijuana should be legalized for recreational use. This paper also explores the backgrounds and opinions on which recreational use of the substance could/should be legalized within the US, but more specifically within the state of California. The research methodology for this paper includes various uses of articles and scholarly resources as well as interviews of individuals located within one of California's' prestigious communities that provide an often unbiased and un-politicized argument for their support or opposition of legislation legalizing marijuana within the state of California. The primary research is based upon nine Key Informant (KI) interviews. The assumption for this paper is if marijuana is legalized in California, the state stands to gain tax revenue while similar decreasing expenditures. Key Informant (KI) interviews yielded a result of 55.6% in favor of legalizing the recreational use of marijuana, which agrees with the original assumption. Recommendations include a modification of the Federal drug schedule, a minimum age of use of 21, required license for producers, as well as establishment of research and treatment facilities. This study concludes the majority is in favor of marijuana legalization, although local, county, state, and federal laws are severely misaligned, further contributing to the controversy and polarization on the subject.

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Introduction:

The issue of marijuana legalization within the United States has been a constant stream of uncertainty for the American public as well as its politicians. One of the first publicly documented issues regarding legalization of marijuana is often attributed to The Federal Marihuana Tax act of 1937. The popularity of marijuana during the 1930's began to increase within the United States borders pre-prohibition of alcohol. During this time over 16 states made efforts in attempting to ban the substance but it was not until Congress and the fledgling Federal Bureau of Narcotics began creating a frenzied state for locals by stating that marihuana was primarily used by Black and Mexican men, and caused rape, murder, and mayhem to occur (Rock, 2009)

In 1970, Congress enacted the Controlled Substances Act (CSA) as part of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. § 801 et seq.) Gibson, author of *Drugs of Abuse* (Gibson, 1997) states that, the implementation of the CSA was indeed the, "initial foundation of the governments fight against the abuse of drugs and other substances." This federal law was created with the explicit intent of prohibiting the manufacture, possession, sale, or distribution of marijuana (21 U.S.C. § 841 et seq.). The law also stipulates the placement of marijuana as a schedule I controlled substance, which is also deemed to have no reputable, medically confirmed properties. (21 U.S.C. § 812: Schedule I(c) (10) thereby deeming it unusable for recreational, medicinal or any other purpose.

A host of other states have also recently begun taking unprecedented steps to legalize this oft-maligned drug, within a political climate where a majority of Americans believe marijuana should be legal for personal consumption (See Appendix Graph 1). This study is relevant due to the major ramifications surrounding the legalization of marijuana on state fiscal policy, American drug culture, and international relations.

It may be difficult to appreciate the true potential for tax revenue vis-à-vis marijuana; much of this lack of understanding or foresight may be attributable to the fact that so much is left to conjecture, for marijuana, as yet, has not been legalized for recreational use in California. A figure frequently mentioned in regards to an excise tax on marijuana is a rate of \$50 per ounce, as cited in the “Ammiano Bill”. However, given that this estimation is rather expensive, it makes the issues of legalizing marijuana even more problematic, for such a rate would perhaps deter the most willing buyers and encourage them to redirect their business to an underground economy (black market), which in turn would essentially negate legalization.

This paper examines opinions and beliefs as it relates to whether or not marijuana should be legalized in California for recreational use. The study utilized within this paper takes place more than five months after Washington and Colorado both voted to legalize marijuana while similar measures repeatedly failed within California as well as other large states. This paper is a great aid in understanding the legal ramifications of both if and when California decides to legalize marijuana and the impact this may have upon its nearest international neighbor: Mexico. Thus, this paper gives solid background on the breadth of California’s legalization issue and its impact not only on domestic drug policy but international relations as well.

Due to the fact that medicinal marijuana serves a different set of patients/customers than recreational or street marijuana, it is important to understand how they differ and why those suffering from cancer, for example, hoping to legally purchase and use marijuana should not be conflated with those who use it casually.

A misconception surround legalizing marijuana for recreational use is that the cannabis is the same that is used recreationally. The Council on Drug Abuse or CODA explains, "Marijuana that is used legitimately for medical purposed differs greatly from that which someone might buy on the street. One major difference between the two is where the actual drug comes from. When someone legally purchases medical marijuana, they can be assured that the quality of the marijuana is consistent because it is coming from a company in which the production is standardized and the quality is controlled. When someone buys marijuana illegally on the street, they do not know where it originated or if the quality is consistent from one batch to the next. As well, when buying marijuana on the street, there is a risk that it could be laced with other drugs such as PCP or even cut with other products such as herbs or vegetation.

Another difference between medical marijuana and street marijuana is the outcome that the user is pursuing. People using marijuana for its medical purpose are generally not achieving the drugs' psychoactive effects. People using it for a medical purpose are trying to modify particular symptoms and generally use marijuana that is milder than recreational users. In contrast; recreational users take the drug to achieve an altered state of consciousness and perception and generally use marijuana that is stronger and more potent than medical marijuana.

When addressing whether marijuana should be legalized for recreational use; it's important to understand the differences between medical and street marijuana. There are many reasons supporting why marijuana should and shouldn't be legalized for recreational use varies. In this paper we will examine these different opinions for legalizing it for recreational use or not. This paper examines opinions on whether legalizing marijuana for recreational use will indeed increase tax gains along with legal and financial risk that this may create.

Literature Review

This paper examines the academic, scientific, and/or economic implications of the ongoing battle to legalize marijuana purchasing, possession, and consumption. However, like most other controversies, it is sometimes necessary to illuminate individual personal and professional struggles and grievances in order to provide a comprehensive perspective.

PRO:

Research uncovered one of the primary arguments for the legalization of marijuana would be the financial impact it would have on the state of California's financial revenue; particularly, the potential revenue gains through taxation combined with offsets from prohibition enforcement and where the monies from such gains might be distributed. The following articles, are from researchers and writers who are pro legalization of marijuana; primarily based upon financial impact.

In Marijuana Price Gradients: Implications for Exports and Export-Generated Tax Revenue for California after Legalization, Caulkins gives a detailed account of the conditions required for California to legalize marijuana and attempts to map the potential economic impact on a post-legal environment. Of particular interest is the detailed study of price elasticity, market value, consumption rates, exports, and illegal smuggling of marijuana. (Caulkins, 2010)

The issue of policies and taxing marijuana is addressed in "Potential Tax Revenue from a Regulated Marijuana Market: A Meaningful Revenue Source," by Ostrom Caputo. His article explores the dissatisfaction with current drug policy measures, which have led

to a push for the regulation of drugs, especially marijuana. On the premise that such regulation is a real possibility, estimates of potential tax revenue from a regulation scheme and critical comments on other estimates of the size of the marijuana market are presented. This groundbreaking article was one of the first to look at the uncertainty surrounding the price elasticity of demand for marijuana, home cultivation of marijuana by individual users, and the extent to which purchases may still be made from the black market. Implications for potential tax revenue are also touched upon.

Pew Research Center recently published a report entitled, "Majority Now Supports Legalizing Marijuana" (2013). This report uses surveys, graphs, and polls to illustrate how American opinion of marijuana has changed over the last 40 years. Parameters include age, gender, education, and employment. Other interesting factors Pew followed was the use of marijuana as a moral issue, discrepancies in federal enforcement of marijuana laws, how such laws vary state by state, and the chasm between Republican and Democrats on the matter.

Because medicinal marijuana serves a different set of patients/customers than recreational or street marijuana, it is important to understand how they differ and why those suffering from cancer, for example, hoping to legally purchase and use marijuana should not be compared with those who use it casually.

As a point of reference, Canada grants marijuana privileges to some, there are still restrictions. Health Canada has identified specific criteria for individuals who are eligible to apply for possession of medical marijuana. Individuals allowed to apply for medical marijuana are people being treated for symptoms within the context of providing end-of-life care. Individuals with severe pain and muscle spasms associated with multiple

sclerosis and spinal cord injury or disease are eligible to apply for medical marijuana. In addition, people suffering from severe pain, anorexia, weight loss and nausea from cancer or HIV/AIDS, seizures from epilepsy or severe pain from arthritis are all eligible to apply for possession of medical marijuana. Individuals with any other medical conditions must be able to prove that other treatments have not worked and that those treatments failed to relieve their symptoms.

In "Drug Prohibition and Individual Virtue" author Walther Block writes: "My goal in this paper is to demonstrate that even if one grants the opponents of legalization many of their contentious assumptions, the federal government is still obligated to take several specific steps toward the legalization of medical marijuana. I defend this claim against a variety of objections, including the claims that:

1. marijuana is unsafe,
2. marijuana cannot be adequately tested or produced as a drug,
3. the availability of synthetic THC makes marijuana superfluous,
4. Legalizing medical marijuana will increase recreational use by 'sending the wrong message'.

I will then go on to argue that given the intransigent position of the federal government on this issue, state governments are justified in unilaterally legalizing medical marijuana as an act of civil disobedience" (Drug Prohibition and Individual Virtue , Block, Walter. Review of Political Economy. Oct96, Vol. 8 Issue 4, p433. 4p). The argument in the above article is for the legalization of illegal drugs such as marijuana. Effects of a free market on marijuana and other drugs on economic welfare, arguments used in the fight against legalization, and how legalization could benefit the economy are also discussed.

The bigger misconceptions surrounding medical marijuana are that it is the same as that which is used recreationally. The Council on Drug Abuse, or CODA, explains: "Marijuana that is used legitimately for medical purposes differs greatly from that which someone might buy on the street. One major difference between the two is where the actual drug comes from. When someone legally purchases medical marijuana, they can be assured that the quality of the marijuana is consistent, because it is coming from a company in which the production is standardized and the quality is controlled by Health Canada. When someone buys marijuana illegally on the street, they do not know where it originated, or if the quality is consistent from one batch to the next. As well, when buying marijuana on the street, there is a risk that it could be laced with other drugs such as PCP, or even cut with other products such as herbs or vegetation."

Another difference between medical marijuana and street marijuana is the outcome that the user is pursuing. People using marijuana for its medical purpose are generally not after achieving the drug's psychoactive effects. People using it for a medical purpose are trying to modify particular symptoms and generally use marijuana that is milder than recreational users. In contrast, recreational users take the drug to achieve an altered state of consciousness and perception, and generally use marijuana that is stronger and more potent. With this in mind, those who may feel reluctant to advocate for the legalization of marijuana, balk at the counter-cultural stigma attached to this drug and may feel like enablers of drug abusers, might discover a new sense of ease and acceptance for a form of pharmacotherapy that provides relief to those suffering in recovery as well as a small joy to those entering and/or at near the end of their lives.

Legalization of marijuana would, of course, invite users who have no immediate or future medical malady, but the first step into legalizing marijuana for recreational use could probably come in small doses, as it were, and initially legalize it only for those with specific disorders that call for medical marijuana therapy. Eventually, however, like alcohol and cigarettes, California, and other states that have yet to legalize marijuana, will have to find ways to provide for, tax, and restrict the use of this drug.

Many of those within opposition of the legalization of marijuana may not be aware of the various uses for the plant. Often, it is believed that its primary resource is for the recreational ingestion of individuals who choose to break the law. In actuality, there are a variety of uses that not only benefit those who use it for medicinal purposes, such as Cancer and HIV treatment, but also for use in pets, clothing and various hemp products. Hemp and Marijuana come from the same plant *Cannabis Sativa*; however, the term Hemp is commonly used in reference to the industrial/commercial use of the cannabis stalk and seed for textiles, foods, papers etc.

CON:

During the research process, it was also discovered that one of the primary reasons for opposition of legalizing marijuana would primarily have to deal with many people considering it an illicit drug, similar to that of cocaine or heroin. They fear an increase in black market crime and violence along with increased use by minors. Its' use should be prohibited due to the high level of addiction and the ability for marijuana to become a "gateway" drug into other more dangerous, and afflicted addictions of illicit drugs. Since the early depictions of Marijuana use in the 1930's until recently, the use of

the drug has been sensationalized to create several misperceptions regarding the drug and affecting behavior. This research will attempt to provide further explanation into the thoughts and politics surrounding legislation of marijuana. Addressing the opposition of legalizing marijuana; the following articles were informative:

1. "A Quick Guide to Marijuana Prohibition and the Law" (2006), this paper's definition of marijuana prohibition is derived. It also provides a summary of federal guidelines, mandates, legal definitions, and international treaties related to marijuana.

2. Banks, Sandy "Pot breaks the age barrier" (March 2010), explains a brief on rescheduling and repeal of prohibition petitions, written within a Los Angeles Times news article written a week after The Regulate, Control, and Tax Cannabis Act qualified for the 2010 national ballot. Banks, comments on the contradiction of related paraphernalia such as Zigzag papers (or cigarette paper) and water pipes being casually sold at public gas stations and tobacco shops while marijuana itself remains illegal for recreational use. The author also points to an emerging trend of marijuana use rising among so-called "Baby Boomers" as opposed to younger people (Banks, 2010).

3. Dangerous Habits. Lancet. 11/14/1998, Vol. 352 Issue 9140, p1565-1565. 1p.

This editorial discusses the debate in Britain over the legalization of cannabis and argues that it presents less of a threat than does alcohol or tobacco products. The human desire to take mood-altering substances, why legislators do not get rid of the problem when enacting laws against these substances, and one aspect of taking mood-altering substances that may require legislation is also presented.

Much of the aversion toward legalizing marijuana may be linked to stereotypes surrounding its cultivation, usage, and the population that relies on it for psychoactive

properties as opposed to its medicinal uses. For some, when the issue of legalizing marijuana is discussed, the possibility of enabling a late teens-early 20s ne'er-do-well smoke his life away may be the first thought that comes to mind, however, such an image is simply not accurate. Beyond this, is also the conflation of what is known as "street marijuana" with its medical grade cousin (From the Cabinet or the Street? How is Medical Marijuana Different from the Street Drug?). Since 2001, Canada has been at the vanguard of legalizing medicinal marijuana. In fact, "Canada was the first country to create a system for regulating the use of medical marijuana...and it is currently available for a variety of different health reasons" (From the Cabinet or the Street? How is Medical Marijuana Different from the Street Drug?).

Research Methods:

This paper draws its data from a government and law enforcement agencies, marijuana advocacy organizations and both voluntary key informant surveys. Primary data was collected via questionnaires by way of interviews of 9 Key Informants (KIs); which were chosen due to their diversity within their employment and economic statuses as well as their location in proximity to researcher. These individuals were not indicative of an adequate research population as they were all living within Monterey County, which is one of California's most costly living environments. The key informants utilized, do not represent the diversity or economic status of most California inhabitants however; they can provide information based on their personal and political experiences as well as their knowledge of current issues regarding the legalization of marijuana within the State. The KI were interviewed and contacted through a variety of methods including utilizing a combination of telecommunication, email, and in-person interviewing. Key Informants for this study are as following:

KI1:

Gary Craft, Chief District Investigator for Monterey County District Attorney.

KI2:

Ed Hazel, Monterey County Managing Deputy District Attorney.

KI3:

Fred Meurer, City Manager for City of Monterey.

KI4:

Brandon Krenzler, freelance journalist, cannabis activist, and father of the youngest medicinal cannabis patient.

KI5:

Leonel Castro: BS, EMPA.

KI6:

Kevin P. Saunders, 3rd year of law student, co-owner of Coasterdam Cannabis Collective.

KI7:

Nobia Monsauret, President of Coasterdam Cannabis Collective.

KI8:

Phil Penko, Monterey Chief of Police.

KI9:

Dr. Hanya Barth, founder and principal physician of Compassionate Health Options.

Each key informant (KI) was asked the following round of questions:

- 1) Please briefly describe your professional and/or educational background**
- 2) How have you been involved in marijuana-related policy issues?**
- 3) Do you think marijuana should be legalized for recreational use? Why or Why not?**
- 4) Do you see marijuana and its related industries as an economic resource? Why or Why not?**
- 5) What policy recommendations would you suggest?**
- 6) Why do marijuana-related issues matter to the public at large?**

(Opinions of those used in this paper are listed in their entirety in the Appendix section: Key Informant Interviews).

Hypothesis: If marijuana is legalized in California the state stands to gain tax revenue while similarly decreasing expenditures in prohibition enforcement.

Independent variable: If marijuana is legalized in California it will increase crime.

Dependent variable 1: The state gains tax revenue means the amount of fiscal contribution would come from the legalization and therefore taxation of marijuana. Supporters of legalization cite the financial impact as reasons for legalization cited over \$990 million in excise tax revenue per year.

Dependent variable 2: The states decrease expenditures in prohibition enforcement means that upon legalization of Marijuana the monies expended upon resources to track, arrest and prosecute persons accused of possession, cultivation, or distribution of marijuana, an amount that RAND reports totals over 7.7 Billion per year in California alone

Key Terms:

- Marijuana
- Legalization [of marijuana]
- Prohibition

Operational Definitions:

Marijuana:

A preparation made from the dried flower clusters and leaves of the cannabis plant; it is usually smoked or eaten to induce euphoria.

Cannabis:

Any of several mildly euphoriant, intoxicating hallucinogenic drugs, such as ganja, hashish, or marijuana, prepared from various parts of this plant.
<http://www.thefreedictionary.com/cannabis>).

According to the United States Code, the legal definition of marijuana is as follows:

The term “marihuana” means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. Such term does not include the mature stalks of such plant fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination. 21 USC 802(d) (16).

Legalization:

The legalization of marijuana is a movement to decriminalize the use and cultivation of marijuana. Per United States federal law, it is currently illegal to cultivate, sell, or use marijuana—a drug extracted from the Indian hemp plant *Cannabis sativa* http://lawbrain.com/wiki/legalization_of_marijuana.

Prohibition:

Marijuana Prohibition is defined by marijuana's status as a Schedule I Substance under the Controlled Substances Act. Schedule I substances are subject to a near complete prohibition, a ban on medical use, and only limited research allowed. Criminal penalties for marijuana use, sale, and cultivation are justified by marijuana's Schedule I status. A removal of marijuana from Schedule I would usher in the end of an era in which marijuana prohibition is still legally recognized (http://www.drugscience.org/LAW/AALAW_C.html).

In the interest of time and costs, this paper employs secondary data from various scholastic sources and private organizations. The economic aspect is examined from several perspectives: comparing the current price of marijuana with the projected post-legalization bulk price in California plus the estimated cost of smuggling marijuana illegally to that state or city from California (Caulkins & Bond).

A price gradient spanning the last decade (see Appendix Table 1) is employed to familiarize readers with the price elasticity (of demand); i.e., a measure that examines the relationship between the change in the quantity of demand for certain goods or services and the change in the price of such goods and/or services, of the cash crop, which is a key factor in projecting future pricing options in a post-legal environment and is the baseline for predicting the amount that could be collected through taxation.

In line with other studies that have attempted to ascertain the tax value of legal marijuana, this paper also assumes an excise tax of \$50/ounce with an additional sales tax at approximately 9% (Despite such predictions and/or estimates, in an actual legalized environment, local jurisdictions would have the authority to create and enforce a sales tax rate of their own choosing). The costs and subsequent savings of prohibition enforcement is approximated using the aggregate of trending figures related to sustaining incarcerated individuals (jails and state prisons), felony prosecution, court, probation, arrests, and suppression programs.

Moreover, this paper also relies heavily on political surveys and polls from the Pew Research Center for the People & the Press. The typical Pew national survey selects a random digit sample of both landline and cell phone numbers in all 50 U.S. states and the District of Columbia. Males and females who are 18 years old and older were asked

to participate; the response from those surveyed was measured at a rate of about 15%. The sample was then weighted using population parameters from the U.S. Census Bureau for adults 18 years of age or older. The population parameters used for weighting were as follows: gender by age, gender by education, age by education, region, race and Hispanic origin, which includes a condition for Hispanics based on whether they were born in the United States or not, population density and, among non-Hispanic whites, age, education, and region. The sample was then weighted using population parameters from the United States Census Bureau for adults 18 years of age or older.

The sample was then weighted (again) using population parameters from the United States Census Bureau for adults 18 years of age or older. The population parameters used for weighting were: gender by age, gender by education, age by education, region, race and Hispanic origin. For those of Hispanic origin, there was a special factor, which included a condition for Hispanics based on whether they were born in the United States or another country, population density and, among non-Hispanic whites, age, education, and region (people-press.org).

Pew data was selected due to the fact that their findings are widely recognizable and trusted by the public. Pew data can often be observed in news headlines nationwide. Politicians also have a tendency to opt for the use of these polls during their campaigns. Thus, Pew surveys and polls are not only an effective tool in measuring American public opinion, but they also exert great influence in shaping it; hence, it is necessary to include their findings in this study.

Findings & Outcomes:

Opinions of the Key Informants are closely aligned with the national views expressed in and/or gathered from the Pew surveys. The primary data interviews yielded a result of 55.56% in favor of legalizing marijuana for recreational use. Pew Research Center recently published a report entitled "Majority Now Supports Legalizing Marijuana"(2013). This report uses surveys, graphs, and polls to illustrate how American opinion of marijuana has changed over the last 40 years. Parameters include age, gender, education, and employment. Other interesting factors Pew followed was use of marijuana as a moral issue , discrepancies in federal enforcement of marijuana laws, how such laws vary state by state, and the chasm between Republican and Democrats on the matter.

While analyzing the data from 9 key informants, they were asked to describe their professional and/or educational background; it was determined that 44% of the key informants work in city/state government. 22/2% of the key informants own companies that are strictly related to the cannabis industry. 11.1% of the key informants are full-time students while 33.3% of them are business owners and another 33.3% works within the legal system.

The key informants were asked if they've ever been involved in marijuana related policies and/or issues. Based on their responses; it appears that 44.4% have and/are still actively involved with policy related issues concerning marijuana. Key Informant 5 stated that he owns 17 (seventeen) growing rooms in Marina, Ca and is the Co-Owner of Coasterdam Cannabis Collective of Marina (501C3). Key Informant 6 is the President of Coasterdam Cannabis Collective of Marina (501C3). At this time, they are both in a legal battle with the City of Marina to rescind the immoral medical moratorium also

known as MMJ. They recently received a cease and desist order from the police chief demanding that they stop delivering MMJ. They have both stated that they are defying his order under the protection of SB 439 (Senate Bill 439).

Other instances where licensed cannabis shop owners are being asked to close their doors come from passing of marijuana for medicinal use. Although “Los Angeles voters...approved D — which limits the city's dispensaries to the 135 or so that were in business when the council began trying to regulate them in 2007...,” Tampa Wellness [Los Angeles, CA marijuana dispensary that recently shut its doors] received one of 1,700 letters sent out by the city attorney last month, warning dispensary owners and their landlords that they could go to jail if they don't shut their doors” (Banks).

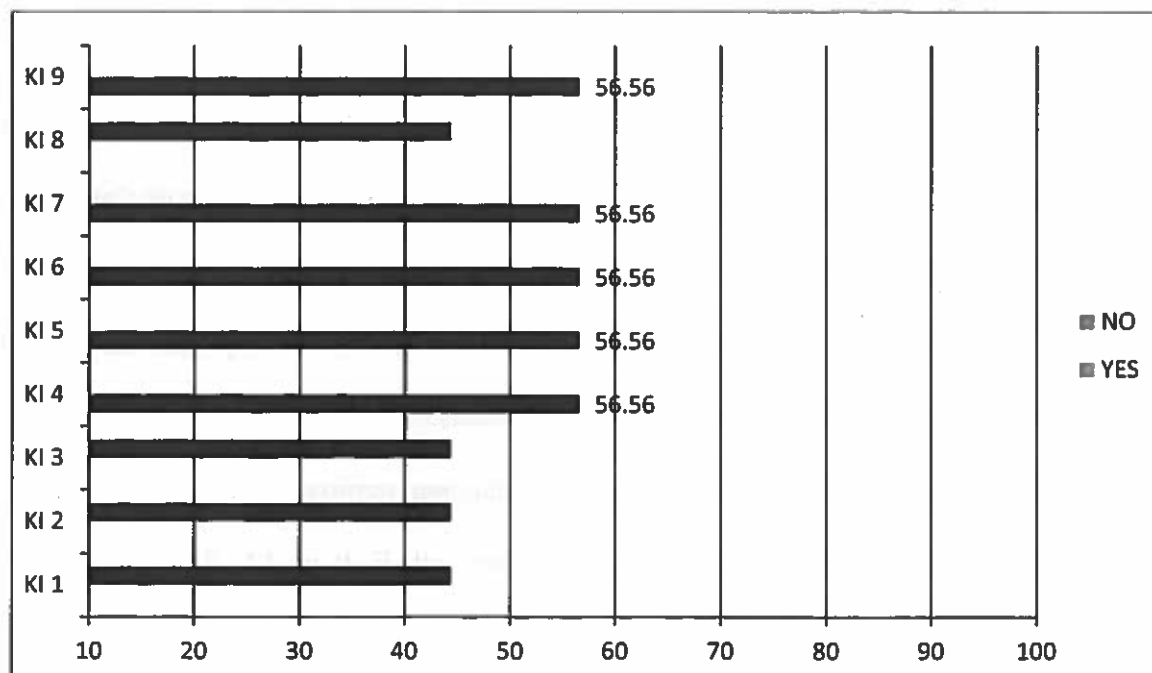
An explanation for this more aggressive stance against marijuana dispensaries came by way of Assistant City Atty., Asha Greenberg; she “called it a courtesy letter, notifying businesses that opened after 2007 that “the passage of Prop D [makes] their continued operation illegal”” (Banks). Some marijuana shop owners feel confused by these recent letters. Frank Sheftel, for example, owner of Toluca Lake Collective (TLC) in North Hollywood, [which] has been in business since 2006..., received one of the nearly 2,000 letters distributed to illegal shop owners (Banks). In addition to marijuana, Sheftel’s business also serves clientele with a “food pantry” and “hospice care” (Banks). In spite of his comprehensive services and having been established a year before the passage of Proposition D, Sheftel still found himself on the cease and desist list. Although this is a clear threat to his business, and possibly the lives of some of his customers, Mr. Sheftel says he “wound up in the illegal group because of a paperwork glitch.... “One list says I'm [approved]; another list says I'm not.””

However, Sheftel believes that these letters amount to more posturing than actual action. According to Sandy Banks, the author of "Some L.A. Pot Shops Shut Down While Others Look to their State and city leaders for Relief," "[at] a few shops, employees told [her] the letters have scared their landlords into forcing them to move out. But others said they planned to stick around; they have seen these letters before." Sheftel and others maintain that: "The city's never done anything. They just keep sending letters" (Banks). If this is the case, then many shops will continue to survive, but for individuals like Dahlia Barnhart toeing the line between what is considered legal and illegal is less of a concern than the possible therapeutic effects that marijuana could provide in her fight to survive brain cancer. The cease & desist letter that were received from KI 16 & KI 17 appear to mirror the letters received in Los Angeles County.

During my research, Key Informant 2 stated that he works as a Deputy District Attorney; supervising 16 Attorneys and he oversees criminal cases involving real world marijuana cases. In his line of work he enforces key legislation involving policy related cannabis issues. Key Informant 4 stated that he has been a marijuana activist for many years. He follows cannabis related laws and policies. He also writes opinion pieces on cannabis related measures and bills.

When asked if they believe that marijuana should be legalized for recreational use; 55.6% (see Figure 1) of the Key Informants believe that marijuana should be legalized for recreational use while 44.4% of the Key Informants do not believe marijuana should be legalized for recreational use.

Figure 1



100% of the Key Informants who believe marijuana should be legalized for recreational use also believes it will generate more revenue for the state of California. Key Informant 2 was stern in his resolve that marijuana should not be legalized for recreational use. In his field of work, as Deputy District Attorney, he has come to the conclusion that marijuana is a gateway drug which too often leads to the use of more dangerous narcotics.

Many of those within opposition of the legalization of marijuana are not aware of the various uses for the plant. Often, it is believed that its primary resource is for the recreational ingestion of individuals who choose to break the law. In actuality, there are a variety of uses that not only benefit those who use it for medicinal purposes, such as Cancer and HIV treatment, but also for use in pets, clothing and various hemp products. Hemp and Marijuana come from the same plant Cannabis Sativa, however the term

Hemp is commonly used is reference to the industrial/commercial use of the cannabis stalk and seed for textiles, foods, papers etc.

When asked if they see marijuana and its related industries as an economic resource, 100% of the Key Informants acknowledged that legalizing marijuana for recreational use will generate an additional economic resource for the state of California. 44.4% of the Key Informants stated that the criminal risks are far greater than the economic impact. While 55.6% of the Key Informants believe the opposite; they stated the risks are minimal compared to the financial rewards.

While looking at the risk involved in legalizing marijuana for recreational use; Beau Kilmer and Jonathan P. Caulkins teamed up with Brittany M. Bond for RAND paper entitled "Reducing Drug Trafficking Revenues and Violence in Mexico: Would Legalizing Marijuana in California Help?" (2010). This paper examined how marijuana legalization in California might influence drug trafficking organization (DTO) revenues and the violence in Mexico.

Their key findings are:

- 1) Mexican DTO's gross revenues from illegally exporting marijuana to wholesalers in the United States is likely less than \$2 billion.
- 2) The claim that 60 percent of Mexican DTO gross drug export revenues come from marijuana should not be taken seriously.
- 3) If legalization only affects revenues from supplying marijuana to California, DTO drug export revenue losses would be very small, perhaps 2–4 percent.
- 4) The only way legalizing marijuana in California would significantly influence DTO revenues and the related violence is if California-produced marijuana were

smuggled to other states at prices that surpassed current Mexican supplies. The extent of such smuggling will depend on a number of factors, including the response of the U.S. federal government.

5) If marijuana is smuggled from California to other states, it could undercut sales of Mexican marijuana in much of the U.S.; cutting DTO's marijuana export revenues by more than 65 percent and probably by 85 percent or more. In this scenario, the DTOs would lose approximately 20% of their total drug export revenues.

When asked what policy recommendations would they suggest; only 22.2% of the Key Informants gave recommendations. Key Informant 6 suggested an immediate implementation of a marijuana sanctuary in Marina. He also stated that the Dare program should be dismantled in schools and adults should stop lying to the youth about marijuana and have honest conversations with them. He also believes that all barriers such as moratoriums should be removed and tax incentives should be offered to encourage marijuana companies and research startups to come to Marina/Monterey Bay. Key Informant 7 recommends that reducing the charge for marijuana to an infraction should be in place on P18-21. He also suggests that Lobbyist for the big industries should keep markers in place for smaller farmers to sustain through the transitional period, if legislation is passed for marijuana to be used recreationally.

When asked why marijuana issues matter to the public at large, 11.1% believes it does not matter to the public while 98.9% of the Key Informants believe this issue does matter to the public at large. Key Informant 6 stated, marijuana issues matter to the public at large because it will reduce criminal activity in the public sector. Key Informant 7 believes that legalizing marijuana for recreational use does matter to the

public because it will reduce incarcerations and lower drug related crime rates. While on the other hand; Key Informant 2 stated that he does not believe the marijuana issue is a significant one for the public at large. He believes its only important to those who want to use it legally and conversely to those who are collateral victims of marijuana abuse.

The following is a brief synopsis; interviews in their entirety can be found in the appendix:

- **Ed Hazel – Monterey County Managing Deputy District Attorney:**
“I do not believe marijuana should be legalized for recreational use. The medical marijuana laws should be re-evaluated to prevent fraud.”
- **Leonel Castro, BS, EMPA :**
“I personally have never used marijuana. However, I believe marijuana should be legalized; it would create money for the state of California, which is desperately needed.”
- **Fred Meurer, City Manager for City of Monterey:**
“I will not support legalization of marijuana in California.” Mr. Muerer is of the opinion that the actual risks involved in the legalization of marijuana far outweigh the potential benefits. In reference to the legality of alcohol, tobacco, and firearms Mr. Muerer stated that we need not concentrate on legalizing avenues for people to kill themselves and/or become burdens on society.
- **Brandon Krenzler, freelance journalist, cannabis activist, and father of the youngest medicinal cannabis patient (Mykayla Krenzler):**

“Yes, I do believe that Cannabis should be legalized for recreational use. The benefits of legalization outweigh the risks on all levels. Prohibition has led to the development of a black market with territorial control and politics just as alcohol prohibition did in the twenties.”

- **Kevin P. Saunders, 3rd year law student and co-owner of Coasterdam Cannabis Collective of Marina:**

“YES, cannabis, not just medicinal cannabis, should be treated like alcohol; taxed and regulated for anyone over 21—not 18. [...] the teenage brain is not fully developed yet and to add high grade cannabis to that could be a costly mistake.

Conclusion:

The infrastructures that would be necessary to seamlessly carry California into a legalized-marijuana environment are not currently in place to support the industries that would stand to benefit from legalization. To be certain, in spite of interviews and surveys that show a rather routine public consensus for marijuana's legalization, there is also much flexibility and disagreement upon a fair selling price and tax rate.

Removing prohibitions on producing and distributing cannabis will dramatically reduce wholesale prices. The effect on consumption and tax revenues will depend on many design choices, which would include: the tax level, whether there is an incentive for a continued black market, whether to tax and/or regulate cannabinoid levels, whether there are allowances for home cultivation, whether advertising is restricted, and how the regulatory system is designed and adjusted. The legal production costs of cannabis will be dramatically below current wholesale prices. In fact, production costs will be such that taxes and regulation will be insufficient to raise retail prices to prohibition levels. The expectation, then, is that legalization will increase consumption substantially, but the size of the increase is uncertain since it depends on design choices and the unknown shape of the cannabis demand curve.

At the time; Jan Van Ours (2009), suggests this crisis can only be solved by "lifting the veil of ignorance." In other words, as long as there is no real life example of legalization, it is impossible to learn and correctly adapt to the consequences of legalization. The author feels as if, relegating the unknown to areas for "further research" is as unfair as it is unprogressive. Notwithstanding these circumstances, a scientific, evidence based policy recommendation is unlikely because the "facts" conflict and the

research bodies have remained in opposition. Since his article, two states have passed legislation approving the recreational use of marijuana.

Although, as mentioned previously, certain polls and surveys point to the majority of Americans favoring the legalization of marijuana, the substance's reputation is still considered a gateway drug. Though California may be eager to tap into the wealth potential of a cash crop that could rival that of cotton, it seems the state and the nation is simply ill-prepared to confront various repercussions of a decision to legalize marijuana. Many of the news reports support this claim. Until the internal issues are resolved; i.e., those that require uniform ideas in favor of legalization at the federal level, surveys may continue to show a steady, unanimous approval for marijuana, but the peoples' voices will continue to be opposed and muted in a morass of federal foot-dragging.

The Huffington Post posted an article by by Lydia O'Connor (Posted: 12/11/2013 10:25 am EST | Updated: 01/25/2014 4:01 pm EST) Here are her findings which line up with the majority of the key Informants responses: "For the first time, a majority of Californians support pot legalization, a Field Poll released Tuesday reports. The survey confirms the Public Polling Institute of California's findings in September with an even greater percentage voicing support for new legislation. "For the first time since 1969 when The Field Poll began tracking Californians' attitudes toward marijuana laws, a clear majority (55 percent) favors its legalization," the surveyors said. "This subdivides between 8 percent who believe it should be legalized so it can be purchased by anyone and 47 percent who support legalizing it with age and other controls like those for alcohol."The Field Poll's findings are based on a survey of 1,002 registered California voters conducted between November 14 and December 5.

As poll results continue to show a movement toward legalizing marijuana, experts say the conversation should shift, too. "Debating about whether to legalize now is pointless, because we're going to," Mark A.R. Kleiman, a University of California, Los Angeles professor and drug policy expert, told Inside Bay Area. "The smart debate is about how we'll do it." Support for legalization has only escalated in California, suggesting to surveyors that the state is destined for change marijuana policy. "It just seems like an inevitable trend towards the liberalization of the laws," Field Poll Director Mark DiCamillo said, noting that people now distinguish between cannabis and other drugs. Voters may get the chance to put their opinion on the ballot soon. California Cannabis Hemp Initiative 2014 is now gathering the 500,000 needed signatures to qualify a statewide legalization initiative for next year's election. The measure's success, however, will depend largely on voter turnout, as polled subgroups remained divided.

"There are big differences in voter preferences toward the proposed initiative across subgroups of the registered voter population," the surveyors noted. The strongest levels of support for the proposed initiative come from voters registered as Democrats or no party preference, liberals, voters under age 50, singles, white non-Hispanics, voters living in the state's coastal counties and especially those living in the San Francisco Bay Area, and college graduates. The four major voting blocks with a majority opposing legalization are Republicans, conservatives, Latinos and voters with no more than a high school education. Seniors age 65 and older and voters in inland counties remain almost evenly divided.

Although the research data seems to support this paper's hypothesis, the following points of contention remain:

- The concept remains highly controversial and volatile
- Opinions are fiercely divided
- Local, county, state, and federal laws regarding the substance are severely misaligned and must be reconciled



Can be regulated like alcohol and tobacco



A dangerous "gateway" drug

Has been decriminalized and/or legalized in several states

Remains federally prohibited

Quality regulation

Inability to compete with black markets

Aside from recreational drug use, Cannabis has several industrial and commercial uses, as over 25,000 products can be made from the crop.

New and widespread use/abuse

Huge potential revenue

Tax evasion

Gains in personal liberty

High risk of childhood/adolescent exposure

Recommendations:

Although there are a few systems in place to monitor medicinal marijuana usage; I believe in order to make a legitimate claim on the financial gain from the use of recreational marijuana use; Lobbyist, Politicians, supporters and activist will need to produce verifiable research and studies along with cost analysis, financial loss/gain reports, predictions and projections to make a true stance on whether or not the expenses to operate a system with legalized marijuana for recreational use would be a viable means of income for the state of California.

The State must not ignore the black market's transition and reaction to legalizing marijuana for recreational use. Street dealers and suppliers FBI/CIA and special forces operations & monitoring and even given an opportunity to legalize themselves and their operations. These expenses must be considered. At one time, there was not a litmus scale to compare the results of legalizing marijuana for recreational use. With Colorado and Washington state having just recently legalizing marijuana for recreational use; we now have a litmus scale

In the advent of legalization, the elimination of both state and federal prohibition, wholesale prices are estimated at \$300 to \$500 per pound in comparison to current prices ranging from \$2,000-\$4,500 per pound (Caulkins & Bond, 36). Kilmer, Caulkins, Pacula, et al. (2010) estimated that production costs in grow houses (marijuana gardens) after legalization would be \$200 to \$400 per pound of unbranded sinsemilla (marijuana), with additional processing costs of \$20 to \$35 per pound. In the State of California taxes seem to be collected most often by principalities; e.g., Oakland and/or San Francisco and not, for instance, San Diego County. Notwithstanding, should legalization take place, local

jurisdictions would have autonomy in setting their own tax rates. To further concretize this scenario, one need only consider if cigarettes were taxed on a similar scale; to be certain, one could expect a tax of \$35 per pack (Caulkins & Bond). Additionally, as eluded to previously, there is a fear of tax evasion or a “race to the bottom” phenomenon where consumers and producers actively seek out the lowest tax possible. Given the fact that local jurisdictions in the state have the ability to set tax rates at their own discretion, it would seem to justify these concerns and promote a pattern of behavior that would effectively lead to an untold sum of lost potential revenue.

Moreover, twelve years ago the potential for tax revenue gained from marijuana was estimated between 2.55 and 9.09 billion dollars for states willing to pass legislation in support (Caputo & Ostrom). In his 2009 report entitled “Benefits of Marijuana Legalization”, Dr. Dale Gieringer highlights, aside from taxes, that retail sales of marijuana alone could generate as much as “\$3-\$5 billion, with total economic impact of \$12-\$18 billion including spinoff industries such as coffeehouses, tourism, plus industrial hemp”. Gieringer, also estimated the elimination of prohibition enforcement would amount to a cost savings of over \$200 million (see Appendix Table 2). Nonetheless, cost-benefit analysis remains shrouded in the shadows of uncertainty and contradiction; the most glaring of which being the conflict of interests between potential state regulation and federal prohibition.

Other constraining factors include, but are not limited to, the extreme difficulty in estimating the actual size of the market for marijuana. Other troubling factors are home cultivation, diversion, and black markets. The mere mentioning of marijuana and legalization is often subsumed and lost under emotional debates fraught with bias.

Economist, Jan van Ours points out that those in favor of legalization tend to ignore the negative health effects of marijuana. Conversely, those against legalization tend to turn a blind eye to the fact that many substances, especially alcohol and tobacco (both of which are legal), also present troubling health consequences.

Despite these contradictions, many proponents of legal marijuana maintain that: “there is [significant] epidemiological literature on the negative health effects [of marijuana usage] and recent evidence suggests that there is a negative casual effect of cannabis use on health, but in the grand scheme of risky behaviors, cannabis use has a modest contribution” (Van Ours). Those who use cannabis are also more likely to support legalization than non-users. Among the strongest platforms in the arguments for legalization is that prohibition does not work. Worldwide, cannabis is one of the most popular of all illicit substances and in 2009 it was estimated nearly 5% of the world’s population aged 15-64 years, or 203 million people, use cannabis (Van Ours). Although the widespread use of cannabis is recognized, this knowledge is only marginally helpful when it comes to estimating use patterns and frequency; such information is vital to establishing a market value, tax rate, potential revenue, and the like in order to effectively determine the increase individual benefits,

In an attempt to learn more about the possible outcomes of marijuana legalization in California, RAND researchers, Beau Kilmer, Jonathan P. Caulkins, Rosalie Liccardo Pacula, and Robert J. MacCoun, constructed a model based on a series of estimates of current consumption, current and future prices, how responsive users are to price changes, taxes levied (and possibly evaded), and the aggregation of non-price effects; i.e., such as a change in stigma. Their study was published as a paper entitled “Altered State?

Assessing how Marijuana Legalization in California Could Influence Marijuana Consumption and Public Budgets” (2010).

Key findings include the following:

(1) the pretax retail price of marijuana will substantially decline, likely by more than 80 percent. The price the consumers face will depend heavily on taxes, the structure of the regulatory regime, and how taxes and regulations are enforced;

(2) consumption will increase, but it is unclear how much, because we know neither the shape of the demand curve nor the level of tax evasion, which reduces revenues and prices that consumers face;

(3) tax revenues could be dramatically lower or higher than the \$1.4 billion estimate provided by the California Board of Equalization (BOE); for example, uncertainty about the federal response to California legalization can swing estimates in either direction;

(4) previous studies find that the annual costs of enforcing marijuana laws in California range from around \$200 million to nearly \$1.9 billion and

(5) there is considerable uncertainty about the impact of legalizing marijuana in California on public budgets and consumption—with even minor changes in assumptions leading to major differences in outcomes.

In his report for California NORML called “Benefits of Marijuana Legalization in California” (2009), Dale Gieringer, Ph.D., supplies his reasoning for California to consider legalizing marijuana. Gieringer; sites sales and tax revenue potential at approximately \$770 - 900 million and \$3-\$5 billion per year respectively per state. He estimates cost savings from prohibition reinforcement to be over \$200 million. Dr.

Gieringer also draws attention to underlying factors that can enhance the wealth gained from marijuana legalization; namely, tourism and increased employment rates due to “spin-off” industries such as Amsterdam-type coffeehouses and the cultivation of industrial hemp.

In “The Long and Winding Road to Cannabis Legalization,” by Van Ours, Jan C., (Addiction. May 2012, Vol. 107 Issue 5, p872-873), comments on the study conducted by J. P. Caulkins and colleagues on legalization of cannabis drug uses are presented. He mentions legalization that could only affect cannabis use in terms of price. According to the Australian data, lower price decreases the age of initiation. Further, he mentions it is difficult to gain ideas about the consequences of legalization until the world legalizes cannabis use.

Another article, “Design Considerations for Legalizing Cannabis: Lessons Inspired by Analysis of California's Proposition 19,” Caulkins, Jonathan P.; Kilmer, Beau; MacCoun, Robert J.; Pacula, Rosalie L.; Reuter, Peter (Addiction May 2012), Vol. 107 Issue 5, p872-873), claims that no modern jurisdiction has ever legalized commercial production, distribution, and possession of cannabis for recreational purposes. This paper presents insights about the effect of legalization on production costs and consumption and highlights important design choices.

Methods insights were uncovered through our analysis of recent legalization proposals in California. The effect on the cost of producing cannabis is largely based on existing estimates of current wholesale prices, current costs of producing cannabis and other legal agricultural goods, and the type(s) of production that will be permitted. The effect on consumption is based on production costs, regulatory regime, tax rate, price

elasticity of demand, shape of the demand curve, and non-price effects (e.g., change in stigma). Reefer Madness: Legal & Moral Issues Surrounding the Medical Prescription of Marijuana; (Barnes, R. Eric. Bioethics. Jan 2000, Vol. 14 Issue 1, p16. 26p).

There are so many factors involved when making an argument for and against whether marijuana should be legalized for recreational use. My recommendation is that the state of California wait a few years and utilize actual data from these states who had legalized marijuana for recreational use; thus, making a decision based on facts from Colorado and Washington.

Future Research

- ✓ Federal government modify current drug schedule

The drugs and other substances that are considered controlled substances under the CSA are divided into five schedules. A complete list of the schedules is published annually on an updated basis in the DEA regulations, Title 21 of the Code of Federal Regulations, Sections 1308.11 through 1308.15. Substances are placed in their respective schedules based on whether they have a currently accepted medical use in treatment in the United States and their relative abuse potential and likelihood of causing dependence when abused. Some examples of the drugs in each schedule are outlined below. All drugs listed in Schedule I have no currently accepted medical use in treatment in the United States and therefore may not be prescribed, administered, or dispensed for medical use. In contrast, drugs listed in Schedules II through V all have some accepted medical use and therefore may be prescribed, administered, or dispensed for medical use.

(<http://www.deadiversion.usdoj.gov/pubs/manuals/pract/section2.htm>).

- ✓ Legalize recreational for adult use only (21+)

Based on current research, it seems best for it to remain illegal to possess and use marijuana if you're under 21. More research is needed on how to manage use among those between 18-21; even further guidance is needed in managing users under 18.

- ✓ Require license for producers, distributors, and home-growers alike

For regulations purposes this factor makes sense, however more time is needed to fine-tune the structure and draft potential penalties.

- ✓ Conduct further study on use and abuse patterns

Despite widespread popularity, the use and abuse of marijuana remains largely taboo. Knowledge outside of approved studies are still riddled with to rumor, propaganda, and cultural norms and stereotypes.

- ✓ Establish facilities for education, treatment, and rehabilitation

Facilities specifically allocated toward marijuana is desperately need as a touchstone for new research.

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Appendices:

Table 1. Seven Data Sets Used to Estimate the Marijuana Price Gradient within the United States

Source	Market level	Quality/type	No. of states	Time	Source
DEA IDPPR	Pound	Commercial grade	16	1999-2001	Enforcement agency
NDIC	Pound	Mexican	39	2001-2009	Enforcement agency
STRIDE	Pound	US\$250- US\$2,000/lb	25	2005-2009	Transaction data
Narcotic News	Pound	Not sinsemilla or high grade	48	2010	Enforcement agency voluntary report
ADAM	Pound	200-1,500 grams and average price < US\$1,900 per pound	27	2000-2003	User (arrestee) survey
High Times	Ounce	Schwag	45	1996-2005	User voluntary report
Price of weed	Ounce	"Low"	47	2010	User voluntary report

Note: DEA = Drug Enforcement Administration; IDPPR = Illegal Drug Price/Purity Reports; NDIC = National Drug Intelligence Center; STRIDE = System To Retrieve Information from Drug Evidence; ADAM = Arrestee Drug Abuse Monitoring.

Source: Caulkins, Jonathan P. & Bond, Brittany M. "Marijuana Price Gradients: Implications for Exports and Export-Generated Tax Revenue for California After Legalization". Journal of Drug Issues 42(1) p. 31

Table 2: COST OF MARIJUANA ENFORCEMENT IN CALIFORNIA

The cost of marijuana enforcement in California currently can be estimated at over \$200 million per year, as follows:

State prison

(1500 prisoners at \$49 K per year - 2009 estimation.) **\$73.5 million**

Jail costs (estimated 40% of prison population) \$29.4 million

Felony prosecution, court and probation

(estimated 8500 felony prosecutions (2008), SF DA's office estimated \$9250 per case)

\$78.6 million

Felony arrests 17,000 arrests (2008) at

\$732/arrest* \$12.4 million

Misdemeanor court costs: \$100 court time/case, 61,000 cases) \$6.1 million

Misdemeanor arrests (\$300/arrest,* offset by fines) ----- \$0

California Marijuana Suppression Program (OCJP) \$3.8 million

TOTAL: \$203.8 million

Source: Gieringer, Dale Ph.D. (2009). Benefits of Marijuana Legalization in California.

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Graph 1

Views of Legalizing Marijuana: 1969-2013

% saying marijuana should be ...



PEW RESEARCH CENTER March 13-17, 2013.
1973-2008 data from General Social Survey; 1969 and 1972 data from Gallup.

Key Informant (KI) Interviews

Please note interviews are presented in order of time completed and received and are not meant to imply bias with respect to meaning or importance to this study.

Kevin P. Saunders

Answers for Samira Perry

06/01/13

Q1:

My name is Kevin P. Saunders and I am 43 years old. I born in 1970 in Long Beach CA to a Nurse and a DEA Special Agent; raised in Santa Barbara and attended High School in Danville CA. Attended Chico State University majoring in History before transferring to the University of Southern California where I majored in Political History. At USC I was President of Phi Alpha Delta Law Fraternity. After my studies, I traveled extensively throughout the World, paying unique attention to places with enlightened drug policies.

I worked on a number of political campaigns before moving to the Oregon Coast where I bought a Triplex to specifically grow high end MEDICINAL marijuana. I ran for Mayor of Lincoln City Oregon on a Cannabis Tourism platform and did better than expected. I even tried, unsuccessfully, to open Oregon's first dispensary and was two days away from signing the lease. Currently, I am studying law at Monterey College of Law in my 3rd year. We are in a battle with the City of Marina right now to rescind the immoral medical marijuana (MMJ) moratorium. I recently received a Cease and Desist order from the Police Chief himself demanding that I stop delivering MMJ. I am defying

his order under the protections of SB 439 (Senate Bill 439). We are a licensed and legal CA Non Profit, registered with the Franchise Tax Board and the Board of Equalization.

Q2:

Since I opened USC's first 'booth' under the banner of NORML (USC Admins would not let me have an official sponsored NORML booth) in 1992, I have been actively engaged in the struggle. I first tried Cannabis in college and very much enjoyed it. I quickly became fascinated by its potential, so I consumed everything about it. I have consistently grown a crop every year since 1991. I currently have 17 operating grow rooms around Marina CA. I will stay involved in this industry even when I receive my law degree. My practice will revolve around this business.

Q3:

YES, Cannabis, not just medicinal cannabis, should be treated like alcohol; taxed and regulated for anyone over 21—not 18. Studies, credible ones, have proven that the teenage brain is not fully developed yet and to add high grade cannabis to that equation could be a costly mistake. Early marijuana use may lead to a 'stunting' of their emotional development. I do not want that on my conscious. 21 and over: no drugged driving and no sales to minors. Simple!

Q4:

[There is] huge revenue potential [for marijuana legalization]. Wall Street is already intrigued. This industry will eventually dwarf the wine industry. This is

California's # 1 cash crop. Already businesses, almost unimaginable, have sprung up; [e.g.], colas, candies, containers for the meds, tinctures, consultants, trimmers unionizing like us. Lawyers, specifically, [are] getting into Marijuana Law. Entire Districts will be forming pot places in cities that need that infusion of capital—both human and financial. This is big fucking business—makes no mistake. Smart people are staking their claim. Marijuana will mint more millionaires than Microsoft, so said someone very influential in Time Magazine just yesterday. I plan to franchise Coasterdam and [I] already make a very nice living that I put all back into my nonprofit by giving away most of my medicine to people on SSI or with HIV or cancer. If Marina allows, I could be making them millions in two years. Just the taxes alone would fund vital major work projects around town. City Hall just laid off two police officers.

Q5:

I would suggest immediate implementation of a 'Marijuana sanctuary' within Marina. That means the police treat pot as a health issue and stop issuing arrests or citations, especially to minors. Give the medicine back to them if over 21 and if [they are not at least 21], [give it back to] the parents or to the local dispensary to give away to the needy and sick. Second, dismantle the DARE program in schools and have a rational and ADULT conversation with the kids. If not, they will feel lied to when they find the truth for themselves on pot. It does not cause cancer; it could possibly cure cancer. Third, remove all barriers such as moratoriums and even encourage marijuana companies and research start ups to come to Marina by offering them tax incentives and a transparent

regulatory structure. It all starts and ends with Chief Eddie Rodriguez and Mayor Bruce Delgado; they are stopping all this potential wellness.

Q6:

They matter because it could be you next or your son or daughter who gets arrested for pot possession. Depending on what State they happen to live in, [this] will [determine] how long of sentence they get. This could mean years and years away from family and friends. Also, we want as a society just and fair laws applied equally to everyone. There is a disparity in this country on pot laws. Let us look to other countries for models of success. The war on drugs has been a total failure; a disaster actually for some. Besides, the tax revenues generated by legal pot sales could fix our potholes :)

Pun intended!

Good Luck and THANK YOU....

Kevin P. Saunders

Co Owner, Coasterdam Cannabis Collective of Marina (a California nonprofit)

Hi Samira,

My name Nobia Monsauret and I am President of Coasterdam Cannabis Collective, a 501C (3) Nonprofit registered in the State of California.

1) Please briefly describe your professional and/or educational background

I have an extensive business background in sales, manufacturing, Inventory Control and Management. I currently am an independent contractor for Tax and Paralegal Masters of America as a Tax Preparation Consultant. I also have my duties in establishing Coasterdam Cannabis Collective. I am currently attending Monterey College of Law in my 3rd year beginning in August. My undergraduate degree was in Liberal Studies and Communication. I plan on opening a Civil Rights Law Firm upon graduating (2015) and passing the California Bar.

2.) How have you been involved in marijuana-related policy issues?

I have attended Marina City Council Meetings consistently since last December bringing Medical Marijuana Policy related arguments to the attention of the mayor, council members, and city manager for consideration of lifting the current ban on Medical Marijuana dispensaries as a *Nuisance Per Se* violation. My past advocacy stemmed from my own "coming out" about how cannabis helped me as a cancer patient during a period of time before the passing of the Compassion Use Act [of] 1996. I often juxtaposed my situation with that of my late husband who was diagnosed with colon cancer in 2007; after CUA was law. I realized, through his experience with its use, that

not only relieved his symptoms, but his quality of life improved: he gained 10 pounds and Chemo did not deteriorate his health as quickly. I was thankful he had cannabis available to bring that comfort. We drove to a Santa Cruz, which is a 40 minute drive, and it could be tiring. Since his death in 2010, I have advocated for the lifting of the ban so that local patients in the Monterey Peninsula area can have safe, affordable, and convenient access. This is the cornerstone of my advocacy. How that relates to legalization is [that] we would obviously negate those issues if cannabis [were] legal.

3.) Do you think marijuana should be legalized for recreational use? Why or Why not?

Yes. It's a plant! It would empty our overcrowded jails from all of the people with marijuana related charges. It would restore the records and lives of those criminally prosecuted and incarcerated. There has been an unfair distribution of arrests for marijuana related offenses among people of color. Blacks and Latinos disproportionately face a three times higher rate compared to whites with marijuana related charges, even though studies show that all groups consume the same amount of the plant.

Currently marijuana is scheduled as a Controlled Substance Schedule 1, which means there is no medical value. Advocate Americans for Safe Access with a coalition of other groups (i.e. NORML, etc.) are appealing to the US Supreme court to rehear a case with DEA that ignores evidence there there is a medicinal application; the threshold for changing its scheduled status. (<http://news.nuggetry.com/marijuana-national/americans-for-safe-access-files-appeal-in-marijuana-rescheduling-case/>).

Otherwise we'll have to count on Congress to bring about a bill to solve the Federal vs. State conundrum that appears to be surfacing in every state that is passing Medical

Marijuana laws and the two states that bravely jumped on board for Legalization at the last election.

4.) Do you see marijuana and its related industries as an economic resource? Why or Why not?

Absolutely! Currently we have corporations and other businesses investing in the inevitable prohibition. The sales tax revenue generated goes into the coffers of states; jobs are created where individuals are paying federal income tax; there's a trickle down economic effect that straddles across a myriad of businesses and stock exchange where the earnings and revenue generated could save us billions. Since the cost of incarceration on a federal level is in the billions and money is saved on the cost to state courts and prisons that prosecute and incarcerate, the savings would be enormous.

5.) What policy recommendations would you suggest?

Regulation is [the] key. Safe medicine is essential. Taxing, like alcohol and cigarettes, seems most efficient because there are regulatory standards already in place and assimilating marijuana would be easier than reinventing the wheel. I would keep the age at 21, although that may keep the system open for those 18-21, but like in California, they could reduce the charge to an infraction. I hate to see big corporations come in and out spend the local economies established in the Emerald Counties (Trinity, Humboldt, Mendocino), so I would hope that lobbyist for the big industries keep markers in place for the smaller farmers to sustain through the transition period. The coalition of small

farmers in the Emerald Counties lobbied against Prop 19: the last legalization bill that failed in California by a slim margin.

6.) Why do marijuana-related issues matter to the public at large?

MMJ: You, your parents, grandparents or other close family members could be the next patient in need of relief. Because of the minimal side effects from MMJ, it is trusted among patients for its reliability. CUA and other subsequent laws that clarify the CUA intentions (i.e., Health and Safety Codes and Attorney General guidelines) have tried to create uniformity in applying the law throughout the state but cities and municipalities have continued to thwart the efforts to bring safe affordable access to patients by banning or placing moratoriums on pot shops

Legalization: here, it could bring a country back into the green (no punt intended) through savings on incarceration, etc. Legalizing pot and other drugs in countries like Holland and Portugal has lowered crime and there are reports that youth consumption is on the decline. Check out the Marijuana Policy Project for more studies and data on incarceration and studies that support good public policy on drug reform.

Hi Samira,

Here are my responses to your questions:

1.

I have a BA in Criminal Justice from Univ. of Texas-El Paso and a JD (law degree) from Univ. of Oklahoma. I have been a lawyer since 1985. I started out as a civil litigator for two insurance defense firms and then became a prosecutor in 1988. I have been a prosecutor ever since and became a managing Deputy DA in 2001. I have tried several high profile cases and have handled virtually all types of criminal cases from public intoxication to drug cases to sex cases to murder cases. I currently supervise 16 attorneys assigned to various units including the narcotics unit, the fraud unit, and misdemeanor trial unit and out King City satellite office.

2.

As supervisor of the narcotics unit I review cases alleging illegal possession of marijuana. I also work with other supervisors in our office to consider office policy on prosecuting marijuana cases. I have also discussed the issue of marijuana collectives and dispensaries with other supervisors and line prosecutors. I discuss these policies with criminal defense attorneys in the context of real world cases.

3.

I do not believe marijuana should be legalized for recreational use. It is a gateway drug that too often leads to use of more dangerous narcotics.

4.

The potential economic value of marijuana is clearly present. The downside is that it is so valuable that in some counties producers of marijuana have been victims of gangsters and other criminals who steal the crop sometimes through use of violence.

5.

The medical marijuana laws should be re-evaluated to prevent fraud and abuse.

6.

I don't believe this issue is a significant one for the "public at large." Most people don't use marijuana. To the extent it is important to the public I would say it is important (for different reasons) to those who want to use it legally and conversely to those who are collateral victims of marijuana abuse, e.g. victims of a DUI driver who was high on marijuana.

These responses reflect my personal opinion and should not in any way be used to suggest it is the official position of my employer.

Hope this helps.

Ed

- From: Brandon Krenzler

- TO: Samira Perry

I was just finishing them up- feel free to make adjustments, sorry it was so brief as well, add if needed. I ended up being terribly busy this week; Mykayla and Ryleigh caught a virus; Mykayla had extended appointments also. I apologize.

1)

My educational background is brief. I ended high school and attended 2 years of college at blue mountain community college in Pendleton, Oregon. I studied journalism, communications, and business. The birth of my first child resulted in a change in direction for me and family. I am currently a freelance journalist and blogger. I write for various online publications; i.e., getrealspin.com and Ladybud.com as well as my own: Cannadad's Blog.

2.)

I have been an avid activist for many years. However, only recently have I been directly involved in cannabis related policy in the public sector. I follow and write opinion pieces on cannabis related measures and bills that are submitted. I attend and speak at functions, on the radio as well as television about the benefits of cannabis and industrial hemp.

3.)

Yes, I do believe that cannabis should be legalized for recreational use. The benefits of legalization outweigh the risks on all levels. Prohibition has led to the development of a black market with territorial control and politics just as alcohol prohibition did in the twenties.

4.)

The scientific evidence shows that there is immense value for the human race in a multitude of ways. Allowing the cultivation of industrial hemp in California would legalize what we already do: we are the world's largest consumer of hemp; all of which is imported. The economic stimulus created by marijuana legalization would boost nearly all American markets. The only industries that stand to lose with legalization are pharmaceutical corporations, private prison investors, and big timber. Revenue gained from cannabis taxation, regulation, and the resulting cannabis tourism would enhance municipal budgets across the country. The private sector would be enhanced as well due to new niche markets created relating to cannabis. Citizens would be able to seek or create jobs in cultivation, production of products, and small business startups.

5.)

First, it is imperative that industrial hemp is legalized and cultivated on a grand scale. Second, the federal government needs to concede control of cannabis policy to the individual states. Adults 18 and over should be allowed recreational cannabis. There should be state regulation and taxation in order to generate revenue. Growth of marijuana should be allowed both privately and commercially. Home-growing should be relegated

to home owners only; they should have specific insurance for Cannabis related operations. Children should have access to medical cannabis, for they are people too and the benefits outweigh the risks.

6.)

Because every human has a voice, they should have a say.

Gantt chart draft:

Week 1

- Collect additional material for literature review
- Edit and correct literature review chapter

Weeks 2 & 3

- Collect data
- Interview informed witnesses: I plan on meeting and speaking with several doctors on the Monterey Peninsula involved with issuing/approving prescribed marijuana.
- Analyze research data
- Create a graph to illustrate and summarize findings

Week 4

- Write research findings
- Review and edit

Week 5

- Finish writing
- Assemble rough draft of paper
- Find proof-reader
- Make necessary changes

Week 6

- Create PowerPoint presentation

Week 7

- Final revisions and additions

Week 8

- Capstone Presentation
- Go on vacation to celebrate!

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