MARIJUANA, STATES' RIGHTS, AND FEDERAL LAW

SAM Smart Approaches to Marijuana™
preventing another big tobacco

WHILE STATES CAN decriminalize marijuana, federal law is clear that a state cannot issue licenses or otherwise sell marijuana.

Today's marijuana industry encompasses industrial-scale growing and THC extraction, and advertising to both in-state and out-of-state markets--it has little to do with individual growing and use, or "mom-and-pop" businesses.

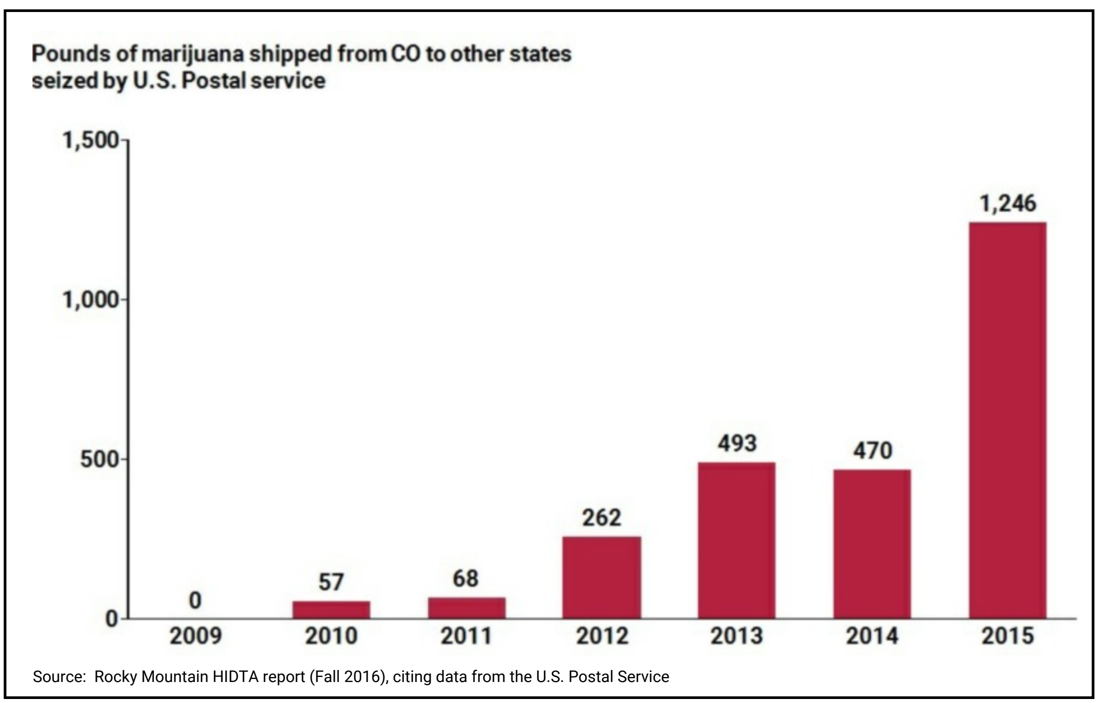
The Colorado experience has demonstrated how commercialized, legal marijuana in one state directly affects its neighbors. Since legalization, marijuana from Colorado has flooded into neighboring states. (See graphic.) In Nebraska and Oklahoma, the inflow has been so dramatic that the states have sued Colorado. These states contend that pot smuggled from Colorado is "undermining [their] own marijuana bans, draining their treasuries, and placing stress on their criminal justice systems," including increased law enforcement and judicial spending.

ORGANIZED CRIME, INCLUDING crime involving Mexican and other international drug cartels, has surged. The past President of the Colorado Association of Chiefs of Police stated last year that "Organized crime filings have skyrocketed in Colorado since marijuana legalization. We had 1 filing in 2007 and by 2015, we had 40."

HIGHWAY ADVERTISING targets in-state and out-of-state residents alike

AS POT HAS illegally flowed out of legalized states, people have flooded in for "marijuana tourism." The marijuana industry has launched a nationwide marketing campaign to draw out-of-state residents. It sells packages including travel, lodging, and easy access to the drug. It buys advertising visible from highways.

These developments are not without consequences: Marijuana-related hospital visits have surged in Colorado among out-of-state visitors. In 2014, for example, a 19-year-old international student living in Wyoming killed himself after eating a potent marijuana edible an older friend bought for him at a Colorado pot shop. The Denver coroner's office listed Colorado marijuana intoxication as a significant factor in his death.



Source: Rocky Mountain HIDTA report (Fall 2016), citing data from the U.S. Postal Service