

A Brief History of Marijuana in the United States and a Case for Legalization in Pennsylvania

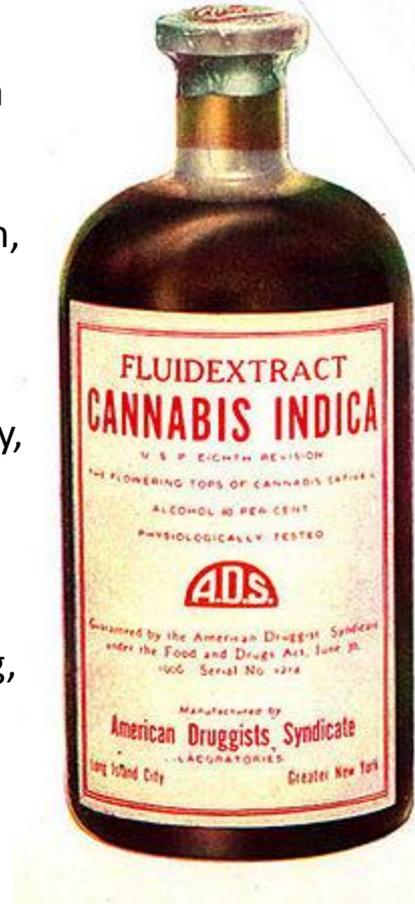
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Medicinal History of Cannabis

- **2727 B.C. China**
 - First recorded use of cannabis as medicine in Chinese pharmacopoeia
 - Cannabis is one of the 50 "fundamental" herbs in traditional Chinese medicine
 - Medical use of cannabis included, rheumatism, intestinal constipation, female reproductive system disorders, malaria, and other uses
- **1890 Queen Victoria**
 - Prescribed a cannabis tincture for menstrual cramps
 - Her physician Reynolds wrote, "When pure and administered carefully, [cannabis] is one of the most valuable medicines we possess"
- **1850, marijuana listed in the United States Pharmacopeia**
 - Treatment for neuralgia, tetanus, typhus, cholera, rabies, dysentery, alcoholism, opiate addiction, anthrax, leprosy, incontinence, gout, convulsive disorders, tonsillitis, insanity, excessive menstrual bleeding, and uterine bleeding, among others.
 - Patented marijuana tinctures were sold



Industrial Hemp in the US

- **President Thomas Jefferson grew acres of hemp**
 - "Hemp is of first necessity to the wealth & protection of the country."
- **1925 first hemp car built**
 - Henry Ford constructed a car of hemp fiber, and ran the car on ethanol made from hemp
- **Hemp for Victory**
 - US sources of "Manila hemp" cut off by the Japanese in WWII
 - US Army and US Department of Agriculture promoted farmers to grow hemp in the US



- **History Of Marijuana Prohibition**

- In 1915, the state of Utah passed a state anti-marijuana law, but that was fairly mild in comparison to what was about to take shape. Through what was arguably one of the most effective propaganda campaigns in known history, the U.S. Government set out to demonize the marijuana plant as “evil”, “deadly”, and utterly “corrosive to the human soul”. In 1930, Harry J. Anslinger, a staunch advocate of the prohibition movement, was put in charge of these efforts and given control of the newly formed Federal Bureau of Narcotics, an earliest interpretation of what is now called the Drug Enforcement Agency, or DEA.

- **Harry J. Anslinger Quote**

- “There are 100,000 total marijuana smokers in the US, and most are Negroes, Hispanics, Filipinos and entertainers. Their Satanic music, jazz and swing, result from marijuana usage. This marijuana causes white women to seek sexual relations with Negroes, entertainers and any others.”

- **Shafer Commission**

- Washington, DC - A Presidential commission's report recommends that marijuana be legalized. The Commission concluded that marijuana users "are essentially indistinguishable from their non-marijuana using peers by any fundamental criterion other than their marijuana use." They found that, "Neither the marijuana user nor the drug itself can be said to constitute a danger to public safety." The Commission recommended "Decriminalization of possession of marijuana for personal use on both the state and federal levels."

- **Francis Young Decision**

- "Based upon the facts established in this record and set out above, one must reasonably conclude that there is accepted safety for use of marijuana under medical supervision. "To conclude otherwise, on this record, would be unreasonable, arbitrary and capricious...."

- **ASA vs. DEA**
- After being filed in 2002 and denied in 2011, the petition to reschedule marijuana from Schedule I to Schedules III, IV, or V reappeared in the court system on October 16, 2012 in the case of ASA v. DEA.

- **The Eighteen States and One Federal District With Effective Medical Marijuana Laws**
- Eighteen U.S. states and the District of Columbia have enacted laws that remove criminal sanctions for the medical use of marijuana, define eligibility for such use, and allow some means of access — either through home cultivation, dispensaries, or both.
- Colorado and Washington State have Completely Legalized
- Over 100 Million plus Americans have access to some sort of Legalized Cannabis.

PA Marijuana Laws

- Possession of 30 grams or less – ungraded misdemeanor
- One plant is a felony
- Mandatory minimum sentences at 10 + plants and 2 + pounds
- License suspension following conviction
- Probation Without Verdict for first time offenders
- Paraphernalia can include sandwich baggies

2011 Offense Data

- Via PA State Police Uniform Crime Reporting website
- 17,500 possession complaints and 5100 Possession With Intent to Distribute complaints in PA
- “Pittsburgh Metro” 3000 and 500.
- Allegheny County – 2200 and 399
- City of Pittsburgh Police – 879 possession complaints, but 601 were black vs 275 white.
- City felony charging - 134 black vs. 57 white
- A black male in Pittsburgh is much more likely to be charged with a marijuana offense than a white male

Costs of Prohibition in PA

- Approximately 20,000 prosecutions annually, with 75% for possession only
- \$60 million for law enforcement costs
- \$116 million for court costs
- \$22 million for corrections costs
- Out of a budget of 5.5 billion, almost 200 million being spent on marijuana enforcement

Consequences of Convictions

- Civil forfeiture – they Gov't takes your stuff with a mere “preponderance of the evidence” standard.
- Loss of voting rights
- Loss of right to possess a firearm – kids like to hunt?
- Loss of eligibility for student loans
- Inability to apply for professional licenses
- Eviction – public and private housing
- Custody/Child Protective Services
- Loss of employment
- Loss of Driver's License 6 months – 2 years.
- Discharge from Military/ineligible to serve

Legislative Options in PA

- Medicinal Marijuana – the Raymond P. Shafer Compassionate Use Act died in 2012. Has been reintroduced.
- Decriminalization – Amend language of Controlled Substances Act to make Possession of a Small Amount a summary offense
- Full Legalization – similar to WA and CO. To be introduced by Sen. Leach.

Public Opinion

- 2010 Quinnipiac University poll on medical marijuana showed 66% of Allegheny County residents favored or strongly favored medical marijuana
- 83% nationally support some type of medicinal marijuana if recommended by a physician
- Full legalization receiving over 50% support nationally for first time since 1971.
- Over 60% believe its up to states to decide

Washington's Initiative 502

- Legalizes possession, growing, processing and retail sales
- Goals are to eliminate black market, raise revenue for education and drug abuse education
- Regulations promulgated and enforced by WA Liquor Control Board
- Adult possession only
- Prohibits home growing, possession in public view and sets strict DUI limits.

I 502 Revenue Projections

- Estimated revenue as high as 1.9 billion over 5 years
- 25% tax on producers, 25% tax on processors, 25% tax on retailers
- Revenue estimates based on US Dept. of Health national consumption rates and current retail medicinal prices in WA
- \$250 application fee for producers and processors. \$1,000 annual issuance/renewal fee

Colorado's Amendment 64

- Similar to I 502, legalizing the growing, processing and retail sale of marijuana
- Home cultivation of up to 6 plants
- Adult possession only. No public use
- First 40 million in revenue for C) Department of Education
- Amended Colorado's Constitution

Amendment 64 Revenue

- 12 million in law enforcement savings
- 24 million in excise tax on wholesalers
- 24 million in state and local sales tax
- Projected to double in 2017 when producing and retail sales fully online.
- The first \$40 million in excise tax revenue raised annually is credited to the Public School Capital Construction Assistance

Federal Response?

- “We’re in the midst of a serious national conversation about marijuana” Drug Czar *Gil Kerlikowske*
- Obama Administration weighing its response. Has said feds will not prosecute personal possession
- Legislation introduced to exempt states that legalize
- Federal crackdowns in dispensaries in CA, but not in states such as WA, CO and MI that have active medicinal marijuana programs
- ASA v. DEA lawsuit seeking to reschedule Marijuana to Schedule II
- Supremacy Clause showdown?

The “Gateway Drug” myth

- Gov. Corbett recently claimed marijuana is a “gateway drug”
- Claims that marijuana users will necessarily step up to harder drugs.
- 1999 report commissioned by Congress concluded “(t)here is no conclusive evidence that the drug effects of marijuana are causally linked to the subsequent abuse of other illicit drugs
- Study found that underage smoking and drinking “typically precede marijuana use” and that marijuana “is rarely the first ‘gateway’ to illicit drug use.”
- Nobel Prize Laureate Dr. Henry David Abrahams said recently smoking cigarettes during adolescence is more likely to lead to drug or alcohol abuse later in life than using marijuana.
- Ed Pane, Director of Sorrento Gardens rehabilitation facility in Hazelton, testified in 2009 that teen tobacco and alcohol use at 13 or younger only “gateway” that he could identify.
- 80 million Americans have admitted trying marijuana in the past year, with 15 million self-identified as daily users. 1.5 million cocaine users in 2011.

What About the Children?

- No increase in teen pot use in medicinal states 1993 – 2009 survey of all medicinal states.
- No increase in teen alcohol or hard drug use
- Drug dealers do not check identification
- Licensed retailers prohibited from selling to minors or anyone under 18
- WA and CO both criminalize sales to minors
- PA has criminal laws such as Endangering the Welfare of Children or Corruption of Minors.
- Can add marijuana to law prohibiting underage possession of alcohol

Marijuana is Harmful to the Body

- In 1994 director of National Institute on Drug Abuse admitted marijuana does not kill brain cells
- 2006 – Dr. Tashkin retracts study relating marijuana smoking to increased risks of lung cancer
- Impossible to overdose – a human would need to consume 1500 pounds of marijuana in a single day
- Not a single recorded fatality due to “acute cannabinoid toxicity”

Current Science

- Over 50 clinical studies since 2000 on medical benefits and hundreds of published papers
- Humans have endocannabinoid receptors and naturally produce cannabinoids
- Marijuana proven in clinical studies to be effective in treatment of glaucoma, neuropathic pain and spasticity
- Studies suggest cannabinoids may inhibit the growth of Alzheimer plaque and cancer cells in the brain
- Affects short term memory and inhibits motor skills

Who Are We?

- Pittsburgh NORML is the local subchapter of the National Organization for the Reform Of Marijuana Laws, which has been fighting for reform since 1971
- We advocate the complete repeal of all marijuana prohibition in PA and responsible adult use of marijuana in any and all forms.
- We do not advocate the violation of state or federal law
- We seek reform via legislative action in PA
- For more information – patrick@pittsburghnorml.org