

# Marijuana Legalization Will Cause Many Problems for Missouri Law Enforcement and Schools

by David G. Evans, JD

The marijuana products of today are high in potency and can reach 99% pure delta-9 tetrahydrocannabinol (THC).<sup>1</sup> The THC in marijuana causes the “high” and leads to addiction, mental illness, violence, crime, traffic deaths, and many health and social problems. Research linking marijuana use to psychosis and schizophrenia and acts of violence is uniformly ignored by the proponents of marijuana use. The American Psychiatric Association and other authorities, report that current evidence supports, at a minimum, a strong association of marijuana use with the onset of psychiatric disorders.<sup>2</sup> A recent book by a former *New York Times* reporter details the research showing that the chronic use of marijuana leads to mental illness and violence.<sup>3</sup>

What has been the law enforcement experience in states that have legalized marijuana in some form? California just had to call out the national guard to deal with 22 years of growing marijuana “medicine.” In 1996 California passed a “medical” marijuana law. They recently legalized recreational marijuana thinking it would end black market sales. California had over 22 years to get this right. It is a disaster.

Governor Gavin Newsom, an early backer of recreational marijuana use, is now trying to stamp out California’s black market. Newsom announced in February 2019 he would “boost the National Guard’s statewide Counterdrug Task Force by redeploying up north to go after illegal cannabis farms, many of which are run by

cartels.” “So, the black market hasn’t been curtailed, but it’s probably been accelerated,” says a local sheriff.<sup>4</sup> Black market marijuana is cheaper to buy.

Law enforcement in the states that have legalized marijuana know best what they face each day. Several national law enforcement groups oppose marijuana legalization and have written to Congress about it.<sup>5</sup> The National Fraternal Order of Police stated that a joint study conducted by the University of Colorado, Johns Hopkins University, and Harvard Medical School about the impact of legalization in Colorado determined the following:

1. There is evidence of a persistent black market for marijuana which may increase the presence of Mexican drug cartels that are bringing in other drugs like heroin.
2. There are higher rates of traffic fatalities while driving under the influence of marijuana.
3. An increase in marijuana-related poisonings and hospital visits for children occurs.
4. There was no reduction in crime or significant increase in tax revenues.
5. Use of marijuana by children less than 17 years of age is rising faster than the national average and arrests of juveniles for marijuana-related offenses are up 5%.

The National Association of Assistant United States Attorneys noted that citizens in states that have legalized marijuana for medical use have seen the abuse of such laws, which has created many undesirable and unforeseen effects, including:

1. Increased violence directed toward marijuana dispensary owners and employees.
2. Increased burglaries of marijuana dispensaries.
3. Lack of effort on the part of dispensary owners/employees to control unlawful or nuisance behavior in and around the business or to comply with state laws designed to regulate medical marijuana use.
4. Increased loitering, noises, litter, and property damage, smoking of marijuana in public areas.



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5. Increased offenses involving driving while under the influence of marijuana.

6. An influx of criminal elements into the neighborhoods where dispensaries are located.

7. Marijuana distributors operating in school zones or close to schools or parks

8. Increased sales of marijuana to juveniles under the age of 18 or to customers who are young and do not have an illness or a serious medical condition.

The National Sheriffs Associations, the National District Attorneys Association, the National Narcotic Officers' Associations Coalition (NNOAC) noted that states that legalized marijuana have been unable to control the black market for the drug. The Oregon State Police reported that 70 percent of the marijuana transactions remain illegal, despite legalization laws. Marijuana is sold on the street in legalized states and exported in vast quantities to other, non-legalized jurisdictions. There are even reports of foreign drug cartels, including Mexican cartels, moving operations to Colorado to take advantage of lax marijuana laws. According to the California Police Chiefs' Association, there is ample documentation of the many adverse effects of marijuana legalization in addition to the violations of federal law.<sup>6</sup>

### Legalizing Marijuana Will Cause More Mayhem on Missouri Roadways

Data show that while under the influence of marijuana, people show the same lack of coordination on standard intoxicated driver tests as do people who had too much alcohol. The more difficult and unpredictable the task, the more likely marijuana will impair performance.<sup>7</sup>

#### *Colorado and the State of Washington Data Since the Legalization of Marijuana*

In Colorado, 55% of marijuana users surveyed by the Colorado Department of Transportation said they believed it was safe to drive under the influence of marijuana. Within that group, the same percentage said they had driven high in the past 30 days, on average 12 times. A recent analysis of federal traffic fatality data by the *Denver Post* found that the number of Colorado drivers involved in fatal crashes who tested positive for marijuana has doubled since 2013.<sup>8</sup>



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In April, 2017, the Governors Highway Safety Association (GHSA), the national association of state highway safety offices that address behavioral highway-safety issues including drug impaired driving, reported that:

- In a 2014 roadside survey in the state of Washington conducted primarily in evening hours, 44% of the drivers reported that they had driven within two hours of using marijuana in the past year.
- In Colorado, marijuana-related traffic deaths increased 48% in the three-year average (2013-2015) since Colorado legalized recreational marijuana compared to the three-year average (2010-2012) prior to legalization.
- In a survey of drivers in Colorado and Washington who reported any marijuana use in the past month, 43.6% reported driving under the influence of marijuana in the past year and 23.9% had driven within 1 hour of using marijuana at least 5 times in the past month.<sup>9</sup>

#### *AAA Foundation for Traffic Safety Report on the State of Washington*

The Washington Marijuana Legalization and Regulation Initiative 502 was approved in 2012. It legalized the production, possession, delivery, and distribution of marijuana. In 2016, the state of Washington Traffic

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Safety Commission (WTSC) reported the results of THC toxicology tests. From 2010 through 2013, the estimated number and proportion of drivers involved in fatal crashes who had a detectable concentration of THC in their blood ranged from a low of 48 (7.9%) to a high of 53 (8.5%). The number and proportion both doubled from 49 (8.3%) in 2013 to 106 (17.0%) in 2014. Analysis of trends over time before and after Initiative 502 took effect indicate that the proportion of drivers positive for THC was generally flat before Initiative 502, but began increasing significantly approximately 9 months after the effective date of Initiative 502.<sup>10</sup>

### *Colorado Data from the Rocky Mountain High Intensity Drug Trafficking Area Report*

The Rocky Mountain High Intensity Drug Trafficking Area is a federal project that gathers data on drug trafficking and facilitates cooperation and coordination among federal, state and local drug enforcement efforts to enhance combating the drug trafficking problem locally, regionally and nationally. According to their 2017 report, marijuana-related traffic deaths when a driver tested positive for marijuana more than doubled from 55 deaths in 2013 to 125 deaths in 2016. Marijuana-related traffic deaths increased 66% in the four-year average (2013-2016) since Colorado legalized recreational marijuana compared to the four-year average (2009-2012) prior to legalization. The number of toxicology screens positive for marijuana (primarily DUID) increased 63% in the four-year average (2013-2016) since Colorado legalized recreational marijuana compared to the four-year average (2009-2012) prior to legalization.<sup>11</sup>

On September 12, 2018 a new Colorado report compiled by the Rocky Mountain High Intensity Drug Trafficking Area found that marijuana-positive traffic fatalities have increased since marijuana legalization. Drugged driving went from killing roughly one person every 6.5 days to now killing someone every 2.5 days.<sup>12</sup>

### *Michigan*

Of the nearly 800 of Michigan medical cannabis users surveyed, 51 percent admitted to driving while “a little high” and 21 percent said they had driven while “very high.”<sup>13</sup>

### **Marijuana Use, Mental Illness, and Violence**

Marijuana use can trigger psychotic symptoms (from observable clinical studies of purified THC) in 40% of people with no family history of psychosis. Regular recreational marijuana users had psychotic disorders at a

greater rate than any other recreational drug. More than cocaine, methamphetamine, amphetamine, LSD, PCP, or alcohol. The risk of negative mental health effects is increased about five times by regular use of high potency marijuana. A recent survey of the elements illustrating marijuana as a causal factor for psychosis was published in the journal *Addiction*.<sup>14</sup>

Recent science shows a clear relationship between marijuana use and violence. Violent episodes, particularly domestic violence, should be investigated to ascertain any involvement with marijuana. Marijuana use can also be a predictor of violence and thus preventing marijuana use can possibly prevent violence. A recent article in the *Journal of Addiction Research & Therapy* states:

“According to research studies, marijuana use causes aggressive behavior, causes or exacerbates psychosis and produce paranoia. These effects have been illustrated through case studies of highly publicized incidents and heightened political profiles.

Ultimately, without the use and intoxication of marijuana, the poor judgment and misperceptions displayed by these individuals would not have been present, reducing the risk for actions that result in senseless deaths.

Import to these assertions, is that the current marijuana is far more potent in THC concentrations, the psychoactive component. Accordingly, and demonstrated in direct studies, more potent marijuana results in a greater risk for paranoid thinking and psychosis. In turn, paranoid behavior increases the risk for paranoid behaviors and predictably associated with aggressive and violent behaviors.

Marijuana use causes violent behavior through increased aggressiveness, paranoia and personality changes (more suspicious, aggressive and anger).

Recent illicit and “medical marijuana” (especially grown by care givers for medical marijuana) is of much high potency and more likely to cause violent behavior.

Marijuana use and its adverse effects should be considered in cases of acts of violence as its role is properly assigned to its high association.

Recognize that high potency marijuana is a predictable and preventable cause of tragic violent consequences.

Marijuana is currently a growing risk to the public in the United States. Following expanding

public opinion that marijuana provides little risk to health, state and federal legislatures have begun changing laws that will significantly increase accessibility of marijuana. Greater marijuana accessibility, resulting in more use, will lead to increased health risks in all demographic categories across the country. Violence is a well-publicized, prominent risk from the more potent, current marijuana available.<sup>15</sup>

A recent study showed that compared with never-users, those who use marijuana and are exposed to it effects were associated with a higher risk of subsequent violent behavior, as indicated by convictions or self-reports. This effect persisted even after the study controlled for other putative risk factors for violence. The study discovered a bi-directional relationship between marijuana use and violence. Marijuana use predicted subsequent violent behavior suggesting a possible causal effect.<sup>16</sup>

### Marijuana Related Educational Problems in Schools

Legalization has also triggered disturbing changes in the attitudes and actions of young people. In Colorado, there is more marijuana in schools than teachers and administrators ever feared. Drug violations reported by Colorado's K-12 schools have increased 45% even as the combined number of all other violations has fallen. There has been an increase in high school drug violations of 71% since legalization and school suspensions for drugs increased 45%.<sup>17</sup> Marijuana is the number one substance found in suicides of young people in Colorado who are 10-19 years old.<sup>18</sup>

Legalization of marijuana is not a wise choice for those concerned about public health and safety and our schools.

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### Disclosure

The author serves as Senior Counsel of the Cannabis Industry Victims Educating Litigators (CIVEL). CIVEL educates attorneys on how to represent the victims of the marijuana industry. Visit [www.civel.org](http://www.civel.org)

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