
Mass. Marijuana Laws Could Have Far-Reaching Impact

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While marijuana remains illegal at the federal level, there has been a long-standing movement across many states, including Massachusetts, to relax the penalties associated with marijuana possession and to legalize the sale of marijuana to certain individuals. Since 1996, 28 states and Washington, D.C., have passed medical marijuana laws (“MMLs”), which make it legal for individuals with certain medical conditions to possess and use marijuana. Massachusetts passed its medical marijuana law in 2013. In November 2012, Colorado and Washington became the first two states to legalize the possession and recreational use of marijuana by all individuals over the age of 21. Since then, six states and Washington, D.C., have legalized the recreational use of marijuana, including Massachusetts in November 2016.

Proponents of these laws often cite medical research showing that, among other things, marijuana can help ease neuropathic pain making it a potentially safer alternative to prescription pain killers in treating chronic pain. Proponents also argue that legalizing marijuana could save taxpayers money by reducing costs associated with incarcerating nonviolent individuals involved in the marijuana trade. Additionally, proponents argue that legalizing marijuana can allow states to tax the commodity and gain more tax revenue.

On the other hand, opponents of marijuana legalization often argue that legalizing marijuana will increase the use of marijuana in both adults and children. In particular, opponents often argue that children are more susceptible to the negative cognitive

side effects associated with marijuana use, and that marijuana use during adolescence can lead to worse schooling and work outcomes as well as criminal activity later in life. Opponents also argue that marijuana legalization could lead to increases in crime more generally. For example, there is a general public concern that marijuana retail stores, which are often forced to operate as cash-only businesses, will become the target of criminal activity.

In this article, we discuss evidence surrounding these arguments and suggested implications of marijuana legalization in Massachusetts.

Impact of Marijuana Legalization on Opioid Use

Since 1999, deaths from the use of opioids has more than quadrupled in Massachusetts¹. In 2015, Massachusetts ranked fifth in opioid overdose death rates with a rate more than four times the rate of fatal car crashes in Massachusetts². As public health officials are searching for solutions to the opioid epidemic, many suggest that the pain easing qualities of marijuana could play an important role by acting as a substitute to opioids.

Recent academic research has found promising evidence that allowing some types of marijuana use can decrease deaths and hospitalizations related to opioids. In 2014, a group of researchers found that passing MMLs was associated with significantly lower opioid overdose mortality rates. Importantly, this relationship persisted when including all deaths related to heroin, indicating that the decreased rates of opioid overdose mortality were not offset by higher rates of heroin overdose mortality³. More recently, other researchers found that MMLs were associated with a significant decrease in hospitalizations related to opioid dependence or abuse and related to opioid overdoses⁴.

This evidence suggests that legalizing use of marijuana in Massachusetts could help reduce hospitalizations and mortalities currently associated with use of opioids. However, caution should be heeded before encouraging individuals to substitute marijuana for opioids as risks associated with the long-term use of marijuana as a treatment for chronic pain have not yet been fully evaluated. Because marijuana is an illicit drug, there is limited high-quality clinical research on marijuana use. Recent studies have shown that, while cannabis can be an effective treatment, the side effects may be severe. For instance, a National Academies of Sciences, Engineering and Medicine report found evidence that cannabis can effectively treat chronic pain but it also found an increased risk of developing schizophrenia or other psychoses, particularly among the most frequent users⁵. The report additionally found increased risk of car accidents, due to driving while under the influence of marijuana, as well as accidental consumption of marijuana among children.

Impact of Marijuana Legalization on Adolescent Marijuana Use

Marijuana remains the most commonly used illicit drug among youth in Massachusetts, and in the United States more broadly. In 2015, nearly a quarter of Massachusetts high school students reported using marijuana in the past 30 days⁶. Opponents to marijuana liberalization argue that legalizing marijuana will cause use among youth to increase. Opponents often cite to physicians who caution against youth using marijuana as it can have more severe impacts on their brains, which are not yet fully developed. They also argue that adolescent marijuana use is associated with the use of heavier drugs, poor schooling and work outcomes, and criminal activity. However, it could be the case that marijuana legalization makes marijuana harder for youth to obtain by causing the marijuana “black market” to shut down, thus decreasing adolescent marijuana use.

Recent research on the effects of recreational marijuana legalization in Colorado and Washington on adolescent marijuana use is mixed. Studies in Colorado show that marijuana use among youth did not increase after marijuana legalization, a statistic that has been highly cited by proponents of marijuana legalization⁷. However, while Colorado has not seen an increase in adolescent marijuana use after legalizing marijuana, a recent research paper has found that Washington has⁸.

One explanation for the differences in the impacts of marijuana legalization on adolescent marijuana use between Colorado and Washington is the extent to which marijuana was commercialized prior to legalization. Medical marijuana had been sold legally in dispensaries in Colorado long before recreational use was legalized. On the other hand, dispensaries in Washington did not open until after recreational marijuana use was legalized. Therefore, it may be the case that the presence of dispensaries is the catalyst for increased adolescent marijuana use, not the legalization of marijuana itself.

While Massachusetts has had medical marijuana dispensaries since June 2015, to date there have been only 11 dispensaries approved statewide, which is less than in Colorado at the time it adopted marijuana legalization⁹. If Massachusetts is, in fact, more like Washington in this context, it could see an increase in marijuana use among adolescents as the commercialization of marijuana becomes more widespread.

Impact of Marijuana Legalization on Crime

Opponents to marijuana liberalization often argue that it makes users more likely to commit crimes. If so, legalizing marijuana is likely to increase crime by increasing the number of individuals using marijuana. Alternatively, marijuana liberalization could decrease crime by providing a legal, and perhaps, safer venue for individuals to obtain marijuana. Marijuana liberalization could also change policing practices by allowing law enforcement agencies to reallocate resources away from a focus on marijuana possession to more serious crimes. There is some evidence in support of this dynamic. One paper found that states that pass MMLs do not see an increase in violent crimes and may even see reductions in homicide and assault rates¹⁰.

However, marijuana liberalization laws may also cause an increase in property crime surrounding dispensaries. Because marijuana is still a controlled substance under federal law, many banks fear accepting money from marijuana dispensaries. As a result, transactions within a dispensary are often made only in cash. Furthermore, owners of dispensaries are often forced to pay employees, rent and taxes in cash. This can result in stockpiles of cash at these locations, making them more susceptible to robbery, theft and burglary.

Taken together, these observations suggest that the impact of recent changes in marijuana laws in Massachusetts could be far reaching, with potentially important implications for opioid drug abuse, adolescent marijuana use and crime rates.

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Endnotes

- 1 Kaiser Family Foundation analysis of Centers for Disease Control and Prevention (CDC), National Center for Health Statistics. Multiple Cause of Death 1999-2015 on CDC WONDER Online Database, released 2016. Data are from the Multiple Cause of Death Files, 1999-2015, as compiled from data provided by the 57 vital statistics jurisdictions through the Vital Statistics Cooperative Program. Accessed at <http://wonder.cdc.gov/mcd-icd10.html> on March 2, 2017.
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