

Resolution to Oppose the Legalization of Marijuana for Recreational Use in Louisiana

The intent of this resolution is to express an official position from the Drug Policy Board to Governor John Bel Edwards with respect to taking actions that would formalize the legalization of marijuana for recreational use in the State of Louisiana.

WHEREAS, by passage of the Controlled Substances Act, 21 USC Section 811, Congress made the informed judgment that marijuana was a Schedule I Controlled Substance; and

WHEREAS, by its placement of marijuana within Schedule I, Congress additionally determined that marijuana had a high potential for abuse, had no currently accepted medical use in treatment in the United States, and had a lack of accepted safety for use of the substance; and

WHEREAS, the Legislature of the State of Louisiana agreed with Congress when it passed La. R.S. 40:961, the Uniform Dangerous Controlled Substances Law; La. R.S. 40:963 which established the number of schedules for controlled substances and the drug characteristics for qualifying for each category; and La. R.S. 40:964 which placed Tetrahydrocannabinols (THC), including synthetic equivalents and derivatives (the psychoactive substance that produces the “high” associated with marijuana) within Schedule I; and

WHEREAS, the U.S. Congress, the U.S. Food and Drug Administration, the U.S. Department of Justice, the U.S. Department of Agriculture, and various other federal agencies have evaluated the merits of descheduling marijuana and have continually concluded it must remain classified as a Schedule I Controlled Substance; and

WHEREAS, 18 states and the District of Columbia have passed marijuana legalization laws that are in clear conflict with the Federal Controlled Substances Act, the Supremacy Clause of the United States Constitution, and various international drug control treaties and could be penalized at any time by the U.S. Department of Justice; and

WHEREAS, in California^{1a}, Colorado^{1b}, Michigan^{1c}, and Oregon^{1d}, all states where marijuana has been legalized for recreational use, a majority of localities – 80%, 64%, 79%, and 60% respectively - have expressed disapproval for the drug by exercising their local option to ban the sale of recreational marijuana within their boundaries; and

WHEREAS, excluding alcohol, marijuana is the top drug of impairment identified in impaired drivers which is evidenced by results of an analysis of toxicology results from 2018 alone in which 46% of samples from suspected impaired drivers processed by the Louisiana State Police Crime Lab had marijuana present; and

WHEREAS, a recent study of 11 states with legalized marijuana indicated that fatal vehicle crashes increased by 15% and associated deaths increased by 16% between 2007 – 2018 (the period of legalization for the 11 states)²; and

WHEREAS, unlike alcohol impairment, there is no “per se” level for marijuana and neither the science nor research supports the establishment of a per se level at this time, making marijuana impaired driving cases uniquely difficult to prosecute; and

WHEREAS, youth access to marijuana is a significant concern which has grown exponentially in legalization states, especially with evidence showing that the early age of onset for marijuana use increases the chances of addiction and other research has shown significant reduction in IQ, consistent association with reduced grades, and consistent association with reduced chances of graduating from high school³; and

WHEREAS, the Louisiana Poison Control Center has expressed concern with the annual rise in the number of cases among the pediatric population who have consumed edible products containing THC being reported to them (case reports increased 625% from 2018 to 2020 and are on pace to outperform that increase in 2021)⁴; and

WHEREAS, the National Institutes of Health's (NIH) National Institute on Drug Abuse (NIDA), has said that marijuana use distorts perceptions, impairs coordination, causes difficulty with thinking and problem solving, and disrupts both learning and memory⁵; and

WHEREAS, marijuana use has proven to severely impact a user's mental health with daily use of marijuana making a user three times more likely to undergo a psychotic episode, daily use of high potency marijuana products making a user five times more likely to undergo a psychotic episode^{6a}, consistent use of marijuana having been shown to worsen social anxiety disorder^{6b}, and consistent use of marijuana having been shown that it can cause schizophrenia^{6c}; and

WHEREAS, the Federal Motor Carrier Safety Administration is raising the alarm that the nation's transportation and logistics infrastructure has been crippled by an ongoing shortage of commercial vehicle drivers which is being exacerbated by increased positive drug tests, and thus, is taking even more drivers off the nation's roads in an effort to protect the safety of other road users as evidenced by the number of total positive drug tests for the first eight months of 2021 increasing by 11% from 2020 and positive marijuana tests for the first eight months of 2021 increasing by 15% from 2020⁷; and

WHEREAS, NIDA has concluded that, contrary to popular belief, marijuana is addictive with recent data suggesting that 30% of those who use marijuana may have some degree of marijuana use disorder and people who begin using marijuana before the age of 18 are four to seven times more likely to develop a marijuana use disorder than adults⁸; and

WHEREAS, despite arguments from marijuana legalization advocates that legalization will reduce overall crime, a 2019 study conducted in Denver found that the existence of both recreational and medical marijuana dispensaries in its neighborhoods are significantly and positively associated with increased crime^{9a} and results from an earlier study of Denver neighborhoods adjacent to marijuana businesses saw 84.8 more incidences of property crimes each year than those without a marijuana shop nearby^{9b}; and

WHEREAS, legalization of marijuana has led to greater illegal market activity than ever before with illegal marijuana originating from "legal" states being uncovered at increasingly high rates such as between July 2015 and January 2018, when 14,550 pounds of illegally trafficked Oregon marijuana, worth approximately \$48 million, was seized en route to 37 different states and when, in 2018, Colorado law enforcement seized 12,150 pounds (6.1 tons) of bulk marijuana which was found to be destined for 25 different states¹⁰; and

WHEREAS, NIDA has observed that with respect to workers, marijuana smoking is related to increased absences, tardiness, accidents, workers' compensation claims, and job turnover¹¹; and

WHEREAS, a team comprised of NIDA and Case Western Reserve University researchers conducted a review of electronic medical records of people who had been fully vaccinated against COVID-19, but who later tested positive for the virus and discovered that people with cannabis use disorders were 55% more likely to experience breakthrough infections as people without substance use disorders even though the patients with cannabis use disorder tended to be younger and had fewer co-occurring health conditions than those with other substance use disorders with the most likely hypothesis for this being that factors such as adverse effects of cannabis on lung and immune function may have contributed to the higher risk for breakthrough infection in this group¹²; and

WHEREAS, discussions about any potential tax revenue increase for Louisiana must also consider the societal costs of legalization such as law enforcement, combatting the exploding underground markets, drugged driving deaths, car crashes, workforce issues, and mental and other health issues, which when calculated for a study conducted by the Centennial Institute, it was found that with every dollar in marijuana tax revenue, \$4.50 must be spent to mitigate the costs¹³; and

WHEREAS, based upon the above, the empirical evidence demonstrates that marijuana is both detrimental to the health and safety of individuals as well as the general public;

THEREFORE, BE IT RESOLVED, the Drug Policy Board is charged with “identify(ing), examine(ing), select(ing) or develop(ing), recommend(ing) or implement(ing) drug control policies and strategies to more effectively combat illegal drugs and alcohol abuse” under Section A.1. of La. Revised Statute 49:219.3 which describes the powers of the Drug Policy Board; and

BE IT FURTHER RESOLVED, that the preponderance of evidence leads the Drug Policy Board to oppose of legalization of marijuana for recreational use on principle; and

BE IT FURTHER RESOLVED, that the Drug Policy Board opposes efforts to legalize marijuana for recreational use in Louisiana through legislative refinement or executive order; and

BE IT FURTHER RESOLVED, that the Drug Policy Board is transmitting its position on the opposition of legalization of marijuana for recreational use in Louisiana directly to the Governor of the State of Louisiana as charged under Section A.10. of La. Revised Statute 49:219.3 in which the Drug Policy Board is required to “Provide an interim report to the governor regarding findings, activities and recommendations [by July 1, 1991] and thereafter at least on a quarterly basis or more often if deemed necessary by the governor or the board.”; and

BE IT FURTHER RESOLVED, that the Drug Policy Board urges the Governor of the State of Louisiana to take any and all necessary actions afforded to him to retain marijuana’s status as a Schedule I controlled substance under the Uniform Controlled Dangerous Substance Law; and

BE IT FURTHER RESOLVED, that the Drug Policy Board urges its Chair to communicate a copy of this resolution upon approval to the Governor of the State of Louisiana and each member of the Board as well as appointed agency designees; and

BE IT FURTHER RESOLVED, that the Drug Policy Board urges its Chair to also communicate a copy of this resolution to Chairs of the House and Senate Committees on Health and Welfare, House Committee on Criminal Justice, House Committee on Judiciary, Senate Committee on Judiciary A, Senate Committee on Judiciary B, and Senate Committee on Judiciary C.

Evidentiary Citations

^{1a}Alfonsi, 2019. ^{1b}Colorado Department of Revenue, 2019. ^{1c}Walsh, 2019. ^{1d}Oregon Liquor Control Commission, 2019.

²Windle, Eisenberg, Reynier, et.al. association between recreational cannabis and fatal motor vehicle collisions in the United States: an ecologic Study. *CMAJ Open*. 2021; 9(1) E233-E241.

³Lorenzetti, Hoch, Hall. Adolescent cannabis use, cognition, brain health and educational outcomes: a review of the evidence. *European Neuropsychopharmacology*. 2020; 36:169-180.

⁴M. Ryan, PharmD. Professional communication via email. August 17, 2021.

⁵NIDA. 2021, April 13. What are marijuana's long-term effects on the brain?. Retrieved from <https://www.drugabuse.gov/publications/research-reports/marijuana/what-are-marijuanas-long-term-effects-brain>

^{6a}Forti, Quattrone, Freeman, et.al. The contribution of cannabis use to variation in the incidence of psychotic disorder across Europe (EU-GEI): a multicentre case-control study. *The Lancet Psychiatry*. 2019; 6(5): 427-436.

^{6b}National Academies of Sciences, Engineering, and Medicine; Health and Medicine Division; Board on Population Health and Public Health Practice; Committee on the Health Effects of Marijuana: An Evidence Review and Research Agenda. *The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research*. Washington (DC): National Academies Press (US). 2017.

^{6c}Bossong, Niesink. Adolescent Brain Maturation, the Endogenous Cannabinoid System and the Neurobiology of Cannabis-induced Schizophrenia. *Progress in Neurobiology*. 2010; 370-385.

⁷Federal Motor Carrier Safety Administration Drug & Alcohol Clearinghouse

⁸NIDA. 2021, April 13. Is marijuana addictive?. Retrieved from <https://www.drugabuse.gov/publications/research-reports/marijuana/marijuana-addictive>

^{9a}Hughes, L.A., Schaible, L.M., & Jimmerson, K. (2019). Marijuana dispensaries and neighborhood crime and disorder in Denver, Colorado. *Justice Quarterly*, 37(3), 1-25. <https://doi.org/10.1080/07418825.2019.1567807>

^{9b}Freisthler, B., Gaidus, A., Tam, C., Ponicki, W.R., & Gruenewald, P.J. (2017). From medical to recreational sales: marijuana outlets and crime in an era of changing marijuana legislation. *Journal of Primary Prevention*, 38(3), 249-263. <https://doi.org/10.1007/s10935-017-0472-9>

¹⁰Rocky Mountain High Intensity Drug Trafficking Area. (2019). The legalization of marijuana in Colorado: The impact. <https://rmhidta.org/files/D2DF/FINAL-Volume6.pdf>

¹¹Zwerling C, Ryan J, Orav EJ. The efficacy of preemployment drug screening for marijuana and cocaine in predicting employment outcome. *JAMA*. 1990;264(20):2639-2643.

¹²NIDA. 2021, October 6. People with substance use disorders may be at higher risk for SARS-CoV-2 breakthrough infections. Retrieved from <https://www.drugabuse.gov/news-events/news-releases/2021/10/people-with-substance-use-disorders-may-be-at-higher-risk-for-sars-cov-2-breakthrough-infections> on 2021, October 7

¹³Centennial Institute, 2018. *Economic and Social Costs of Legalized Marijuana*. Retrieved from <https://centennial.ccu.edu/policy-briefs/marijuana-costs/>