



## *Plans for all Pennsylvanians*

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### Reforming Marijuana Laws – Smart, Safe, Compassionate

Pennsylvania's marijuana laws are wasting hundreds of millions of dollars, denying effective medicine to sick people, wrecking lives, and filling our prisons to bursting with non-violent people whose only offense was possession of a small amount of marijuana. It's time to stop this senseless, ineffective, expensive mistake and implement evidence-based policies that save money, address the real problems, provide relief to cancer patients and those with chronic pain, and reserve prison space for real criminals.

Nationally, in 2010, 46 percent of all drug arrests were for marijuana offenses and 88 percent of the marijuana arrests were for possession. We're spending \$3.6 billion processing marijuana arrests through the criminal justice system.

I am proposing smart, safe and compassionate reform of our marijuana laws. That reform would:

- Start with permitting doctors to prescribe marijuana for treatment of appropriate conditions and illnesses;
- Proceed with removing criminal penalties for possession of small amounts of marijuana; and,
- Finally, after evaluating our experience with decriminalization and what happens in Colorado and Washington, if experience is successful, remove all penalties for the use and possession of small amounts of marijuana and regulate and tax marijuana.

We must also recognize that the use of marijuana does impair judgment and reflexes, so we must continue to prohibit operating a motor vehicle or equipment under the influence of marijuana. Strong penalties will remain in place and be enforced against those who drive under the influence of marijuana just as they are for alcohol. And as with alcohol, we must continue to deliver education about the hazards of marijuana as well as alcohol use to minors and prohibit its use by minors. Criminal penalties for possession and use of other illegal drugs must remain in effect.

According to the Office of National Drug Control Policy, Pennsylvania law enforcement arrests about 25,000 people for possession of marijuana each year at a cost of around \$325 million. A recent study documented that Pennsylvania's marijuana laws are being enforced in a racially discriminatory manner against African Americans who were 5.19 times more likely to be arrested for possession of marijuana, even though usage among African Americans is not higher

than for other groups. Moreover, prosecuting and jailing people for the non-violent offense of using marijuana ruins lives, stresses our judicial system and strains our prisons.

Pennsylvania must allow the use of medical marijuana. Marijuana is not addictive, and it is an effective treatment for a variety of conditions and illnesses including the side effects of chemotherapies for cancer, AIDS, and hepatitis C. It is also effective in treating chronic pain, glaucoma, multiple sclerosis, and epilepsy. Recognizing the therapeutic benefits of marijuana, 20 states, including our neighboring states of New Jersey, Maryland and Delaware, have legalized its use for medicine when prescribed by a physician.

We could immediately begin saving money by reducing the penalties for possession of marijuana from a misdemeanor to a summary offense similar to a speeding ticket. This approach is currently in effect in Philadelphia in its Small Amount of Marijuana (SAM) program. The Philadelphia District Attorney's office now treats possession of marijuana as a summary offense. Those arrested pay \$200 and attend a drug education class. Then their arrest records are expunged. The SAM program saved Philadelphia \$2 million in one year. Implementing this approach statewide could save millions of dollars that could be redirected to fighting violent crimes, free up police time, and keep thousands of non-violent people from being needlessly entangled in the criminal justice system.

Removing all penalties for possession of marijuana and allowing its legal sale would be the final step. This would allow the state to regulate and tax the use of marijuana generating at least \$24 million in new revenue.

Pennsylvania should conduct a careful evaluation of the results of allowing the use of doctor-prescribed marijuana to treat illness, reducing the penalties for possession of small amounts of marijuana and observing the experience in states that have already removed all criminal penalties for possession. If the results show no adverse effect on public safety, significant savings for the criminal justice system, reductions in prison overcrowding, and significant revenue gains from taxation, Pennsylvania should remove all penalties for possession of small amounts of marijuana.