

SJR4

nmSAFE

Making New Mexico safe for all children & families

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Bill Analysis 2018 Regular Session

SPONSOR: Sen. Ortiz y Pino

SHORT TITLE: Marijuana Possession, Use and Taxes (Constitutional Amendment)

SYNOPSIS OF BILL: Constitutional Amendment allowing for the possession and personal use of marijuana, only if the Legislature regulates the production, processing, transportation, sale, and taxation of marijuana with revenues to be distributed to the General Fund. If this resolution were to pass, the measure would be put to New Mexico voters at the next general election or at any special election prior to that date that may be called for that purpose.

STRENGTHS: The criminalization of marijuana stopped making sense a long time ago. The experience of eight other states and the District of Columbia with legalization makes it clear that it's time to enact this sensible reform. This bill will increase public safety while providing enormous economic benefits to our state. In states that criminalize marijuana, adolescents consistently say that it's easier for them to acquire marijuana than alcohol. In Colorado, where marijuana has been legal since 2012, fewer young people reported using marijuana than they did in 2009, and they do so at a rate that is lower than the national average.¹ This bill could help address drug abuse by funneling tax revenue from the sale of marijuana into underfunded substance abuse treatment programs. Furthermore, making marijuana legal could also help address the well-documented racial disparities in marijuana-related arrests.² Projections for the state's legal marijuana sales in the first year alone would be approximately \$400 million dollars. With a proposed excise tax of 15%, this would generate in excess of \$60 million dollars in tax revenue.

ADDITIONAL INFO: For more information on the potential economic benefits of marijuana legalization in New Mexico see "Legalization of Cannabis for Social Use: New Mexico Market Analysis," O'Donnell Economics and Strategy (2016), as well as "New Mexico and Industrial Hemp: Economic Opportunity for Our Future," One New Mexico (2015).

<u>S</u>afer	<u>A</u>political	<u>F</u>iscally-Responsible	<u>E</u>vidence Based	Grade
<p>The current marijuana scheme based on prohibition is completely unregulated with no proof of age required at purchase, and no health and safety regulations. Legalizing and regulating marijuana is the most effective way to help New Mexicans stay safe.</p>	<p>Polling suggests support for legalization cuts across all ideologies and political parties. In 2007, New Mexico passed a pioneering medical marijuana law that regulates marijuana production and sales at the state level. The program is working well and provides a model for legalization to follow.</p>	<p>Projections for legal marijuana sales in the first year alone are expected to reach \$400 million dollars. With a proposed excise tax of 15% this would generate \$60 million dollars in revenue. Furthermore, under prohibition, New Mexico wastes public safety resources dealing with marijuana violations when the focus should be on serious violent crime.</p>	<p>Nine states and the District of Columbia have legalized recreational marijuana for those 21 and older. Colorado has so much tax revenue coming in they have been able to fully fund schools and bullying-prevention measures.</p>	<p>A</p>

1 See Healthy Kids Colorado Survey reports and other resources. <https://www.colorado.gov/cdphe/hkcs/reports>

2 American Civil Liberties Union. 2013. "The War on Marijuana in Black and White." Retrieved: <https://www.aclu.org/report/report-war-marijuana-black-and-white?redirect=criminal-law-reform/war-marijuana-black-and-white>