



# Major Cities Chiefs Position on Marijuana

## Preface

Drug abuse and dependency, including marijuana, are first and foremost a public-health issue. Like many other community problems (poverty, homelessness, truancy, etc.), law enforcement is on the front lines of dealing with the impacts to our community, every day. There is a direct nexus between crime and drug abuse, which affects the safety of our communities.

Public opinion on the use of marijuana is changing. More states are considering decriminalization (making it a civil or lesser offense) or legalization of small amounts of marijuana. “Medical marijuana” is legal in a growing number of states.

The Major Cities Chiefs Association (MCCA) has a six-point position statement that is based on five key areas of concern.

## Position Statement

- 1) Support for more scientific research on the risks of marijuana use, before further legislative action is taken or medical use is expanded.
- 2) Support stronger regulations and processes to prevent abuse and fraud involving “medical marijuana.”
- 3) Support penalties for driving while impaired by alcohol and marijuana at the same time
- 4) Support legislation giving law enforcement the ability to detect and test drivers for impairment by marijuana. Establish thresholds for impairment.
- 5) Oppose legalization of marijuana. Recognize the need for lesser penalties for possession of small amounts.
- 6) Oppose the use or consumption of marijuana in public, anytime, anywhere.

## Key Areas of Concern

- 1) **Urgent need for scientific research.** Lawmakers must rely on scientific research for legislative decisions, not public opinion or personal experience. Policymakers should develop policy based on science and research, not ideology or politics.
- 2) **Use of “medical marijuana.”** Concerns on recommendations for children. Ability to regulate locations of dispensaries. Eliminating rampant abuse and fraud with the “recommendation” process.
- 3) **Drugged Driving.** Training to create more Drug Recognition Experts (DRE.) Setting thresholds for impairment. Testing procedures for impairment.
- 4) **Public Health.** The Office of National Drug Control Policy’s (ONDCP) role as a repository for data. Potential harm of higher THC levels. Health hazards of public smoking.



- 5) **Legalization.** Colorado’s experience with continued illicit cultivation and distribution of marijuana. Easier access to minors. Re-distribution and diversion to states where marijuana remains illegal. Issues associated with banking laws and the crime risks associated with a cash business. The conflict between Federal and State laws.

## **Discussion Points for Areas of Concern**

### **“Medical Marijuana”**

The Food and Drug Administration (FDA) has declined to approve marijuana for medical use. Neither the FDA nor the Institute for Medicine has found smoked marijuana to meet the modern standard for safe or effective medicine for any condition.

In states where “medical marijuana” is legal, law enforcement report issues with unlawful sales, transportation, cultivation, and re-distribution. Appropriate health authorities should regulate which conditions may be treated with marijuana, a legal age to receive a “recommendation,” and the amount the patient may have. Recommendations involving minors should be approved by a certified pediatrician, and should not include a smoking form of marijuana, nor permit any marijuana containing a high THC content for minors.

Audits should be performed on physicians who give out a high number of recommendations. States and localities should be able to regulate the locations of medical dispensaries and medical recommendations should suggest limits and risks of use.

### **Drugged Driving**

Strong efforts should be made to prevent and detect drugged driving. Research indicates that the effects of marijuana can impair judgment, motor coordination, and can slow reaction time. Scientific research also reports that being under the influence of both alcohol and marijuana at the same time will impair driving ability worse than would either drug alone. We support stricter penalties if drivers are determined to be impaired by both drugs.

Determining a driver’s impairment caused by marijuana is more difficult and time-consuming than determining impairment by alcohol. We support increased funding for training for police agencies to expand the number of certified Drug Recognition Experts. A presumptive-inference standard for impairment at five nanograms of THC in a person’s system should be a starting point for an individual operating a motor vehicle.

### **Public Health**

There is an increasing perception by the public that marijuana is not harmful. Lawmakers should base legislative decisions on scientific research, not public opinion or personal experience.

The Office of National Drug Control Policy (ONDCP) should be the data gatherer for the Department of Justice and support funding for additional research on the effects of marijuana use. Current research indicates that the average THC content in marijuana today is three times higher than levels in the 1970s.



The levels are higher still in edibles, creating a need for research to be done on the higher levels of THC and its potential harm.

According to the Center for Disease Control, there were over 38,000 drug-overdose deaths in the United States in 2010. In 2011, there were 14,612 homicides in the U.S. Today, the number of drug-related deaths remains higher than the number of homicides.

Public smoking is a health hazard and should be prohibited.

### **Legalization**

The MCCA opposes the legalization of marijuana. The MCCA recognizes the fact that many young adults have been arrested for and convicted of possession of small amounts of marijuana. Many of these young adults carry that criminal conviction with them, often for the rest of their lives. We support lesser penalties for the possession of small amounts of marijuana. We support the use of the civil fines to fund education, prevention, diversion, and treatment programs for drug abuse.

We believe the use of marijuana can have a negative impact on public safety and the health of young persons in particular. Marijuana is a drug that impairs cognitive function and negatively impacts the ability to operate a motor vehicle.

We believe that legalization for adults will result in marijuana being more accessible to minors.

The state of Colorado continues to deal with the illegal cultivation and distribution of marijuana. Monitoring the laws and regulations on the sale and possession of marijuana require law enforcement resources. We support the need for a study to evaluate the impacts of legalization in Colorado and Washington.

Strong legislation is needed:

- to prevent distribution to minors
- to prevent revenue from sales going to criminal enterprises
- to prevent the diversion of marijuana from states where it is legal to other states where it is not
- to maintain an employer's ability and authority to have employment restrictions regarding drug use.
- to outlaw synthetic cannabinoids
- to prevent someone from knowingly giving marijuana to another without their knowledge or consent
- to ensure no harm to those not wishing to come into contact with marijuana in any form

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