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OPINION | COMMENTARY

## *The High Price of Federal Marijuana Legalization*

A better way would be decriminalization with heavy regulation and no role for Big Tobacco.

By Kevin Sabet

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Senate Majority Leader Chuck Schumer at a press conference on federally legalizing marijuana in Washington, July 14.

PHOTO: KEVIN DIETSCH/GETTY IMAGES

Senate Majority Leader Chuck Schumer recently released a much-anticipated discussion draft of a bill to legalize marijuana. Mr. Schumer has stated his goals are to “ensure restorative justice, public health, and implement responsible taxes and regulations.” While many legalization advocates and pot-industry lobbyists are praising the bill, scientists and top researchers are urging senators to proceed carefully, and they’re right to counsel caution.

It’s valid to be concerned about the harms of drug policies. The war on drugs has disproportionately affected low-income communities and people of color. It would be productive to decriminalize low-level marijuana possession and allow arrest records to be expunged. President Biden supports such decriminalization. But this is very different from commercialization—a policy that would legalize the use, possession, production and sale of marijuana and allow major corporations to advertise and promote their products. Commercialization would allow big companies to profit from addiction.

On the same day the Senate draft bill was released, a panel of 13 world-renowned marijuana researchers, including Hoover Adger of Johns Hopkins, sent a letter to Mr. Schumer that outlined three worrying trends in states that have legalized marijuana.

First, states that allow the marijuana industry to produce and market products are seeing a rise in candies, vaping oils, concentrates and other forms of extremely high-potency products. It's common to see products with levels of THC—the main psychoactive component of marijuana—upward of 90%. The market share of such concentrated marijuana products is rapidly growing. Since 2015, among Colorado high school students who used marijuana in the past 30 days, the proportion of those who smoked it declined 15%, while the number who reported using concentrated marijuana rose 138.5%.

These products are increasingly popular among youths. In Colorado the use of marijuana dabs among youth has risen fivefold since 2017, while the use of marijuana vapes has doubled. Use of high-potency cannabis in adolescents and young adults is associated with increased risk of addiction and the development of psychosis and schizophrenia. Colorado lawmakers unanimously passed an overhaul of marijuana regulations in June to mitigate the harm of high-potency marijuana.

Second, states that commercialized the drug have seen rising rates of youth use, poison-center calls and issues with drugged driving. In Colorado and Massachusetts, calls to the poison-control center for marijuana exposures—mostly related to ingestion of marijuana edibles by children—rose 112% and 140%, respectively, after legalization. And according to data from the American Automobile Association and the Colorado Department of Transportation, traffic fatalities in which the driver tested positive for marijuana doubled following legalization in Washington state and Colorado. No, the sky hasn't fallen, but more people have been hurt than predicted.

In Colorado, past-month marijuana use among children under 15 increased 15% over the past two years. California, Nevada and Oregon saw 20% and higher increases in use by the young in the past two years, according to federal data. Keeping the drug away from youth is key to any successful legislation, given the harm marijuana use poses to developing brains, from in utero exposure to adolescence.

Third, as commercialization has taken hold in several states, tobacco companies are aiming to pivot into marijuana industries. Altria, the owner of Philip Morris, has invested more than \$2 billion in the marijuana industry, not to mention its 35% stake in Juul Labs, the e-cigarette company that is extremely popular among adolescents and young adults. Altria is lobbying for marijuana legalization at the state and federal levels. Imperial Brands, the world's fifth-largest tobacco company, and British American Tobacco are also angling to get into the business.

We've been fooled before by Big Tobacco. These companies 100 years ago turned a relatively benign substance into the deadly cigarette, which still kills more people than opioids. Tobacco companies spent decades lying about the dangers of smoking, and now they are seizing on the cultural shift toward marijuana.

Decriminalization of minor possession and expungements should be the way forward, not Colorado-style commercialization. But if marijuana is legalized entirely, the bill should at least include a 10% to 15% cap on marijuana potency, severe limits on advertising, a ban on any form of flavored or child-friendly products such as vapes and candies, and a ban on tobacco-industry participation.

These regulations would put public health and safety at the forefront of federal marijuana policy. Any bill without such provisions would be a giveaway to the marijuana industry and its investors. We should learn from our current drug epidemics—tobacco and opioids.

Both have been disastrous, and both stem from legal industries whose business model is to profit from addiction.

*Mr. Sabet is president of Smart Approaches to Marijuana, a former senior policy adviser for the Obama administration and author of “Smokescreen: What the Marijuana Industry Doesn’t Want You to Know.”*

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