

To the House Judiciary Committee,

In college in the late 1960s, I was arrested for possession of marijuana and escaped a 15-year felony conviction only because the law was changed and the penalty reduced to a misdemeanor. I am a great fan of decriminalization. Up until two years ago, though I hadn't used pot for many years and had worked for one of Vermont's prevention coalitions in campaigns addressing teen drinking, I was open to the possibility of legalizing retail recreational marijuana.

Over the past three years, at the request of a friend who was divorcing her husband because of his marijuana addiction, I have spent hundreds of hours researching the public health and regulation issues surrounding marijuana. What I found has changed my mind, and now I am strongly opposed to legalization. On top of that, I find S.241 to be seriously flawed. I'm sure you realize this is a complicated issue, but I'll be as brief as I can be. Please bear with me.

S.241 will not eliminate the black market. The high fees for licenses, the requirement to grow under lock and key, the prohibition on edibles (which made up 40% of Colorado's sales), and the high tax rate will force establishments to charge high prices in order to show a profit. They will not undersell the existing and cheaper black market. There will also be black market sector made up of existing home-growers who see no need to get a license or pay for chain link fencing. Colorado has failed to undersell the black market, and last year their legislature was forced to reduce their tax rate by two percentage points, to take effect in 2017, so we still don't know if they will succeed.

S.241 seems designed to create Big Marijuana. The high fees and taxes combined with cultivation requirements for year-round production (indoor facilities, heat, artificial lighting, pumped ground water, fungicides and insecticides) will require very large investments up front. Out-of-state investors have already advertised on Craig's List for Vermonters to partner with them. Roughly 80% of marijuana is used by only 20% of users – the daily and near-daily users. As with the tobacco industry, the marijuana industry will need to target teens and young adults to survive, because people who start young are most likely to become heavy users.

S.241 would provide funds to hire and train more state troopers, but it does not take into consideration the huge increase in impaired drivers legalization will bring. In 2014, the first year that marijuana stores were open in Colorado, the state suffered a 32% increase in marijuana-related traffic deaths in just one year; marijuana-related traffic deaths made up 20% of all traffic deaths that year, while the number of THC-impaired drivers, as determined by active marijuana blood tests, increased by 45%. Washington State reported almost a doubling of active marijuana blood tests in impaired drivers since they legalized recreational marijuana. Our state police are already short handed – by as many as 16 troopers – due to budget cuts and age attrition. The state cannot afford the added troopers that legal recreational marijuana would require.

The same problem applies to mental health workers. The Health Impact Assessment prepared by the Vermont Department of Health shows how strongly marijuana use is associated with mental health problems. An increase in marijuana users on the same scale that Colorado and Washington saw will increase the strain on our mental health systems, but where are we going to find enough qualified mental health workers to fill the openings? Trained practitioners have not been applying for jobs in Vermont. The state hospital and our regional mental health centers are understaffed and overloaded already, while many beds remain empty because there is no one to provide the necessary care to one more patient. We can't even fill the positions that are already open.

Marijuana is not easier for kids to get than alcohol, and our high school use rates reflect this: according to the 2015 Youth Risk Behavior Survey, 30% of Vermont high school students report drinking, while only 22% report using marijuana. Why the difference? Alcohol is legal, thus more available and perceived as less risky. In Colorado, in the first two years of legalization, high school use rates went up by 20% and college-age rates went up 17%.

Yes, S.241 provides money in advance for prevention efforts, but prevention takes time. In 2005, according to the YRBS, the use rate for Vermont high-schoolers was 42%. In 2015, through constant statewide prevention efforts funded by state and federal money, it was down to 30% – 10 years to lower the rate by 12%.

In 1997, 36% of Vermont high-schoolers were using tobacco; in 2015, the rate was down to 11%. With millions of dollars in 1998's tobacco lawsuit money, we vilified tobacco nationwide, but it still took 18 years to drop youth use rates by 25%.

What about marijuana? In 1997, 32% of Vermont high school students were using marijuana. In 2003, the rate was down at 25%. In 2004, Vermont legalized medical marijuana. In 2005, the high-school use rate was still 25%. Between then and now, the rate has dropped only to 22% – 11 years to drop a mere 3%.

Do you see the trend? Marijuana use rates were going down at a steady pace. When we legalized medical marijuana, the decrease slowed to a statistically flat line. The question now is how do we revitalize that downward trend?

Legalization of retail marijuana is not the solution. Colorado and Washington show that we don't know how to do it right, not yet. S.241, despite good intentions, is not different enough. And there is no reason to rush into legalization. We have legalized industrial hemp and medical marijuana. We have decriminalized the possession of an ounce of marijuana. Industry, compassion, and social justice have been served.

What we need is a law that funds a robust prevention program until marijuana use rates are below 10%. By then, we'll have a much better idea of what the legal states have done right and wrong.

If we're willing to borrow enough money for 25 troopers, we should be willing to borrow at least that much to keep marijuana out of the hands of our kids by improving on the prevention methods that have been working all along. Let's reject S.241 and instead fund prevention with a goal of reducing the high school use rate by 10% or more. Once we're there, then – and only then – should we begin to consider if legalization is worth it.

Thank you for listening,
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