

## Tom Buchanan

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### **Comments of Tom Buchanan to Vermont House Joint-Committee Hearing Re: S.241 (Legalization of Marijuana) March 31, 2016**

#### **Introduction**

My name is Tom Buchanan, and I live in Londonderry, Vermont. I'm testifying specifically in support of S.241, rather than offering generalized thoughts about the broad concept of legalization. I'm going to keep my verbal comments short and leave extended testimony in writing, which I hope you will take a look at.

The Senate has already spent a lot of time and done a remarkable job of considering this issue, and in particular, the Findings and Intent of S.241 lay out the arguments in favor of this legislation really well.

I come at the issue first from a libertarian perspective that recognizes citizens have a right to live their private lives without government interference, unless there is another compelling public interest. This notion of freedom is not mentioned in S.241, but perhaps it should be added to finding number three.

Legalizing marijuana does raise some public health and safety issues, but on balance, facts and experience strongly favor legalization.

#### **Marijuana Use Is Not New**

Much of the opposition to legalization and S.241 revolves around the concept of introducing marijuana into the marketplace, or making it available to kids or drivers on our roads.

The obvious fallacy of this common argument is that marijuana is already in the marketplace, and according to the Rand Study is being actively used by roughly 80,000 Vermonters each month (Considering Marijuana Legalization, page 18). Anecdotal evidence tells us that right now it's easier for kids to get illegal marijuana, than regulated alcohol. The current approach doesn't work.

If the question was "should we introduce marijuana?" the answer would be a clear and resounding no. But that's not the question at all. Vermonters (your constituents) have been using marijuana for decades, and the issue before the legislature is how to make it safer for everybody, while raising much needed tax revenue that can be used to reduce the use and impact of more dangerous drugs.

Prohibition didn't work with alcohol, and hasn't worked with marijuana. Prohibition, even under the guise of decriminalization, has simply restricted basic freedoms without significant benefits. In fact last year the Rutland Herald reported there were more than 1,300 adult civil complaints filed in 2013, which actually generated more revenue for the state than when marijuana was outright illegal [RH 11/2/2015]. That's crazy. Decriminalization was certainly a reasonable first step, but it obviously isn't enough, and good Vermonters are still being wrongly ensnarled in the criminal justice system.

Republicans, Democrats, Progressives, and Independents who value liberty should be proudly supporting the rational legalization offered by S.241, rather than clinging to emotional arguments that oppose the "introduction" of an already common drug that is currently being sold through a dangerous black market, which in turn extracts vast sums of money from our economy.

Please allow me to outline a few key points;

### **The Black Market**

Right now marijuana use is supporting a criminal black market that also distributes harder drugs like heroin. Making marijuana legal will cleave users from the black market, which will deny organized crime the critical revenue and market access that allow them to build a customer base for other drugs.

The black market is a dangerous place, and simply weakening its presence in Vermont will be a big win. But there will be another benefit too. Black market marijuana comes from untrusted sources and can be coated in dangerous pesticides, or it may be secretly treated with hidden chemicals to enhance its potency. That's a serious health and safety problem.

Vermont was the first state to require the listing of GMO's in our food because the legislature recognized the importance of protecting consumers from unknown processes and ingredients. It seems reasonable that Vermont consumers of marijuana should know where the drug comes from, and what other ingredients it contains. Establishing a legal framework for distribution will bring sales into the open, and protect Vermonters from the dangers of untrusted drugs from unknown black market suppliers.

### **Kids and Schools**

When I was in high school some 40 years ago, we were bombarded with lectures about the dangers of all drugs, especially marijuana, which was treated just like heroin. Kids aren't stupid. We watched classic propaganda films like the 1930's "Reefer Madness," and knew it was nonsense. Of course as adults we understand that marijuana isn't good for children with developing brains, but when we pretend marijuana is as destructive as harder drugs the message becomes muddled, and kids dismiss all of our cautions. Marijuana can be harmful, but treating it like alcohol is a more responsible approach.

S.241 places marijuana and alcohol in similar legal territory which is a more honest way to control use, and allows kids to get a clear and consistent message that they should wait before messing around with drugs like marijuana and alcohol, and not use any of the harder drugs that are truly awful.

Today's kids can figure this stuff out, just as my generation did. They are already filtering the silly anti-marijuana messages that don't make sense, and that leaves a void. We need to be honest in our approach, and a legalization program that treats marijuana and alcohol similarly would be a far better way to respect our kids, while earning their respect in return. And it would make it easier to keep marijuana out of their world.

### **Credibility of Regulation**

Kids aren't the only ones who see foolishness and dishonesty in regulating marijuana as if it is seriously dangerous. Many adults see the current approach as hostile government overreach that fosters disrespect for the law and government as a whole. I'm among those who believe our laws should make sense, and the current approach really doesn't. Legalization that places marijuana and alcohol on par is long overdue, and would foster greater respect for state law, and more respect for the police who are tasked with enforcement. The legislature should take this step now, and S.241 achieves the goal.

### **Tourism**

Legalizing marijuana will deliver direct financial benefits too. I'm proud to work in Vermont's tourism industry teaching skiing and snowboarding in the winter, and teaching and guiding fly fishing in the summer. I've heard from more than a few of my adult clients that they hope Vermont moves forward with legalization.

Let me tell you a quick story. A few years ago we had a soft start to the ski season, very much like the current season. There wasn't much student business, and our international housekeepers hadn't arrived yet so I was asked to help out in the hotel for a few days. I was paired with an older housekeeper, and early on the first morning we were in a room where I found marijuana scraps on a table. I wondered if I should tell the older woman, and if she would even know what it was. Well, I spoke up, and she just laughed and said they find that all the time and I should just clean it up and not worry. I soon learned she was right, and traces of marijuana use were common. It was obvious that tourists don't view marijuana as a problem to be stamped out. Heck they are already using it when they visit our state. Vermont is an important tourism market, and I can tell you with certainty that our guests will appreciate and reward us, if we move forward and embrace legalization.

### **Taxes**

Of course legalization will generate tax benefits. I've heard plenty of talk about this from the legislature, and it's true. Taxes, if held to reasonable levels, will allow us to break marijuana

sales from the black market, while generating revenue for improved education and treatment programs that can help reduce the use of more dangerous drugs. S.241 recognizes this challenge, and offers the potential for added funding to law enforcement and community health, without drawing on the general fund.

### **Home Cultivation**

I strongly support a provision for home cultivation of small quantities of marijuana, and do so from the same libertarian perspective that drives support for legalization in general. S.241 excludes home cultivation, which I find problematic. It simply makes no sense to me that we allow the home brewing of alcohol, but do not allow a citizen to grow a few plants on his own private land. Nevertheless, I understand the reasoning of the Senate, and hope that S.241 will become law, even without provisions for home cultivation, and that this issue will be revisited by the legislature when it has more experience with legalized sales and controlled distribution.

### **Opposing Views**

As I mentioned earlier, on balance, legalization makes sense. But there are opponents who raise concerns, including a genuine fear of the unknown;

### **Go Slow**

The most common refrain among the opposition is a call to “go slow,” which is really just another way of saying to stick with a failed approach. We’ve been fighting a losing battle of prohibition since the days of “Reefer Madness” more than 50 years ago, and it obviously hasn’t worked.

A few years back the legislature tried simple decriminalization, and the resulting proliferation of civil fines just made the issue more visible. It’s time to try something else. Legalization of small quantities matched with a state regulated sales program is a good first step, followed by consideration of home cultivation in a future session. The legislature has done its homework, and this session is the time to move forward. Finding number two in S.241 offers a quick review of the history of state law, which makes it clear that advancing legalization at this point is a logical progression of change that has been long in the making. The process has not been rushed. Waiting or ‘going slow’ doesn’t makes sense, and as a battle cry it’s just another way of saying no.

### **What Kids Will Think**

There is also a concern that legalization will give kids the impression that marijuana is OK. Nobody within the debate has said that kids should use marijuana, but there have been plenty of news reports making it clear that right now kids have easier access to black market marijuana, than to regulated alcohol.

Legalization for adults under a system that treats marijuana like alcohol, will improve oversight, improve treatment resources, keep our kids away from the black market and its more dangerous wares, and help send a responsible message to our kids that our legislature got it right, and that our modern drug laws make sense. S.241 clearly addresses use of marijuana by minors, and establishes reasonable penalties for anybody convicted of giving kids access to this drug. Both adults and minors will see that distinction, and understand how strongly our society feels about use of marijuana by minors.

### **Employers**

I've heard some employers, mostly in the low wage and tourism industry, worry that legalization will make it impossible to maintain a drug free workplace. Guess what; some of their employees are already using marijuana, maybe even while at work. Legalization won't increase this one iota, and S.241 includes language that allows employers to outright prohibit marijuana use while working and at the workplace.

Good employees will behave responsibly, bad ones won't. I see this basic principle applied every day. In my experience, the best way for employers to maintain a drug free workplace is to hire and retain good employees. Opposing the legalization of marijuana doesn't help one bit. Paying a reasonable wage and treating good employees well is the easier and more effective way to maintain a workplace free of drug use. It's really that simple.

### **Drugged Driving**

There is also a concern that legalization will lead to drugged driving and more traffic accidents. Here too, it's important to remember that Vermonters are already using marijuana, and legalization will have only a negligible effect on drugged driving. Indeed, VTdigger just published a story that quoted Defender General Matt Valerio noting that 'statistics show that highway fatalities have been on the decrease in recent years and that the decriminalization of marijuana in 2013 did not reverse that trend' (House Panel Explores Roadside Saliva Testing, 3/30/16). Marijuana users generally don't want to drive when they are high, and even so, a driver using marijuana is far less dangerous than a driver whacked out on alcohol. If we get marijuana use into the open and regulate sales and use, it'll be far easier to keep drugged drivers off the road. Legislation can be designed to discourage driving while under the influence of marijuana, and law enforcement can be better trained. We should be doing that anyway, but with a close eye on civil rights and the preservation of privacy. S.241 takes this well-reasoned approach.

Legalization of marijuana won't dramatically increase drugged driving, but sales taxes will generate additional revenue that can be used to track, treat, and reduce users of all drugs, which on balance will make our roads even safer than they are now. Waiting for some kind of test or 'magic pill' that will identify drugged driving or somehow stop the practice entirely, is just another way of saying no, and sticking with a proven failed approach.

**Conclusion**

I've looked at this issue from a thousand perspectives, and I understand why some people oppose legalization. But what we are doing now hasn't worked. We do have a serious drug problem in this state and nation, but it's not a problem with marijuana.

Legalization will make our laws more reasonable, and will make it easier to manage the harder drugs that really are ripping our communities apart. We've tried prohibition. We know it didn't work in controlling alcohol, and it sure hasn't worked in controlling marijuana. It's time to make a change, and we should do so right now, in this legislative session.

S.241 offers a well-considered and very reasonable approach. As you work through the issue, I urge you to focus on legalizing personal possession first, make crushing the black market a priority, and use the new tax revenue to address our broader drug problem, rather than offset general spending.

I know you have heard many of these concerns from others, and I wanted to make sure you heard them from me too.

Thank you.