

Talking Points – Marijuana Legalization

Colonel Birmingham

- There are real public safety concerns surrounding the legalization of marijuana that cannot be ignored. Having spent 12 years involved in the Vermont Drug Task Force I can tell you that we face incredible enforcement challenges regulating prescription drugs which have some of the most restrictive controls imposed by government. There are also real tragedies from drug abuse that stretch from traffic deaths to overdose deaths to homicides. I will attempt to address the most pressing challenges facing the Vermont State Police and the potential impact this bill will have on the services we provide.

- In 2013 Vermont decriminalized the possession of small amounts of marijuana addressing concerns at the time related to pressure on the criminal justice system, incarceration for possession of small amounts of marijuana and lifetime criminal records as a result of a marijuana arrest. The law also provided a mechanism for youth offenders to seek treatment through a diversion program.
 - Since the decriminalization of marijuana, State Police drug enforcement resources have been focused almost solely on the opiate epidemic facing our state.
 - In 2015 the Vermont Drug Task Force did not make a single arrest for the Sale of Marijuana.

- Also in 2015 the State Police only issued 492 civil marijuana tickets.

- In 2013 the State of Colorado legalized recreational use of marijuana and in 2014 allowed retail sale.

- Colorado's policy decisions have harmed both public safety and public health in that state.
 - There has been a 32% increase in marijuana related traffic deaths in just one year after 2013.
 - Toxicology reports with positive marijuana results of active THC for primarily driving under the influence have increased 45%
 - Colorado youth (ages 12-17) using marijuana ranks 56% higher than the national average
 - There has been a 29% increase in the number of marijuana related emergency room visits.
 - There has been a 38% increase in the number of marijuana related hospitalizations
 - Marijuana-only related exposures increased 72% in one year.
 - In 2014 there were 360 interdiction seizures of Colorado marijuana destined for other states. This is a 592% increase from a time period prior to the commercial legalization of marijuana.

- It is undisputed through research and science that Cannabis causes impairment in drivers and is a contributing factor in motor vehicle crashes which result in serious injuries and death.
 - Psychoactive Cannabis can impair judgment, motor coordination, and reaction time. These are critical driving skills needed to operate a motor vehicle safely.

- It is highly likely that increased access to marijuana will result in increased usage, putting more impaired operators on our highways. There are currently not enough trained law enforcement personnel in Vermont to detect an increase in drivers impaired by marijuana.

- Vermont's Delta9 THC toxicology confirmation rates in DRE related cases have increased since decriminalization was implemented in 2013.

- In 2015 there were nine highways fatalities in Vermont where deceased operators tested positive for Delta-9 THC only.

- According to the Rand report, there are nearly 40 times as many regular marijuana users living within 200 miles of Vermont borders as there are living inside Vermont.
 - If legalized in Vermont, a challenge for law enforcement would be the regulation and enforcement of laws related to out of state purchases. It is highly likely there would be a

tremendous influx of out of state residents travelling to Vermont to purchase and consume marijuana. It is also likely that people would travel to Vermont to smoke marijuana and return to their respective states impaired. We are not currently staffed to manage an increase in the volume of potential impaired drivers on Vermont's roadways.

- Additionally, out of state residents purchasing marijuana in Vermont and returning to their home state is virtually unenforceable.
 - Colorado has experienced a tremendous increase in diverted marijuana. U.S. mail parcel interceptions of Colorado marijuana destined for 38 other states increased 2,033% from 2010 to 2014.
 - Pounds of Colorado marijuana seized in U.S. mail destined for 38 other states increased 722% from 2010 to 2014.
 - International parcels seized containing Colorado marijuana increased 7,750% in 2013-2014 compared to 2006-2008.
- The current and immediate focus of the Vermont State Police is to target heroin and opiate traffickers who sell drugs in Vermont. We do not currently have adequate resources to manage this ongoing crisis from a law enforcement perspective. Heroin quantities coming into the state have increased dramatically over the past five years and law enforcement has become overwhelmed. Not only are we unable to keep up with the volume of opiates coming into the state but we have also been challenged with drug related crimes such as homicides, burglaries,

robberies, fraud and impaired driving. We cannot eliminate the market for opiates through enforcement alone which is why we have implemented a comprehensive approach in Vermont focused on reducing demand through prevention and treatment.

- Given our focus on the opiate epidemic the Vermont State Police and law enforcement across the state do not have the resources to enforce regulations for legal marijuana and would be completely overwhelmed by the illicit market it would likely generate.
- Because there is no ability to control multiple purchases of marijuana, individuals would be able to take advantage of the legal market and exploit it for illegal purposes.
- Additionally it would be very difficult to prevent adults from purchasing legal marijuana and selling it for a profit to underage youth.
- If legalized we would be the only state on the eastern half of the country attempting to eliminate a black market in a very small geographical area. We would not be able to manage or control the strong black markets that currently exists in surrounding states and Canada, which would undoubtedly take advantage of our situation.