

**Time for a Change: Legalizing Marijuana in the State of Texas**

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English 101: English Composition

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March 11, 2020

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Before marijuana became illegal in the United States, it was used for a variety of purposes, including medicine, stomach medicine in fact. It was sold as an over-the-counter medicine for upset stomach or other stomach problems, but it has had other uses as well. (Pollan, 2001). To deny the fact that humans have used marijuana for thousands of years to alter consciousness would be misleading. But, altering one's consciousness was not necessarily seen as a bad thing. After all, humans have also been using alcohol to alter our consciousness for thousands of years as well. The classification of marijuana as an extremely dangerous drug is a story that began at the turn of the century, when we begin to see rhetoric linking marijuana use to Mexican immigrants and African Americans. According to Harry J. Anslinger of the Federal Bureau of Narcotics in the 1930s, "Most marijuana smokers are Negroes, Hispanics, jazz musicians, and entertainers. Their satanic music is driven by marijuana, and marijuana smoking by white women makes them want to seek sexual relations with Negroes, entertainers, and others" (as cited in Hoff, 2014, para. 3). Comments like this and the apparent hysteria over the 1936 film, *Reefer Madness*, which depicted marijuana turning normal teenagers into juvenile delinquents indicate that reason and logic were not always involved in the decision to make marijuana illegal and classify it as a Level 1 narcotic, like heroin. Instead, stereotypes, racism, and fear often influenced our country's decision makers.

Although it is important to note that there is no such thing as a completely safe drug, marijuana does seem to be one of the safest mind-altering drugs available to humans, and recent research showing the benefits of marijuana has fueled a shift in public sentiment toward the drug. Today, polls show that most Americans favor the legalization of marijuana, even for recreational use, for adults over the age of 21. The costs of keeping the drug illegal seem to be too great in

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most people's minds. And, while it is important to keep the dangers of any drug in mind when considering legalization, it is time for a change. Due to a greater understanding of marijuana and its effects, American sentiment about the legalization of marijuana seems to be changing, and with good reason. With careful regulation, marijuana should be a legal drug in the state of Texas.

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One of the strongest arguments for the legalization of marijuana is the fact that alcohol, another mind-altering drug, is legal. A 2014 poll of Texans found that 58% of people surveyed felt that marijuana should be legal for adults over the age of 21 and regulated "much like alcohol" (Marijuana Policy Project, 2014, para. 1). This shift, even from just a few years ago, is likely fueled by better information about the dangers of marijuana. While there are certainly myths that exist claiming that marijuana is not addictive at all, it is important to note that it is addictive, psychologically addictive at the very least, which some health care professionals argue is just as bad, if not worse, than a physical addiction. However, just how addictive a drug is should be considered. According to researchers, marijuana addicts only about 10% of heavy users, while tobacco addicts 20% to 30% of smokers, and alcohol addicts 15% of users (Szalavitz, 2010). And, this is just one area in which marijuana is the safer drug when compared to alcohol. According to the Center for Disease Control, there are 88,000 alcohol related deaths each year, many related to liver and heart disease as well as elevated cancer risks associated with alcohol use (Ferner, 2014). At the same time, although marijuana use is not without its risks, including lung damage related to smoking the drug, even lung-related illnesses are rare, and there has not been any link to lung cancer.

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Another argument for the legalization of marijuana is the money. To put it simply, because of the popularity of the drug, there is a great deal of revenue to be made from its sale and taxation. States like Colorado and Washington that legalized marijuana in recent years, have

shown the financial benefits of legalizing this illegal drug. In January 2014, the state of Colorado made over \$2 million in taxes from the sale of marijuana. That's one month.

According to Kelly Phillips (2014), contributing writer at *Forbes* magazine, “[T]he state will see more than \$40 million in additional tax dollars in 2014” (para. 1). But, the tax revenue from marijuana sales is just one way the legalization of marijuana makes financial sense. There is a great cost associated with the policing of marijuana and the processing of marijuana charges. A national study from 2004 estimated the U.S. spends about \$7.6 billion per year on marijuana enforcement, \$3.7 billion to police it, \$853 million for the courts, and \$3.1 billion for corrections (as cited in Austin, 2005, para. 6). Along these lines, some city and state law enforcement agencies have indicated that focusing on marijuana enforcement takes away valuable time and resources from fighting more violent crimes.

While these are strong arguments for the legalization of marijuana, some may wonder what a plan to legalize marijuana might look like. Texas need look no farther than its close neighbor, Colorado, to find the answers. Marijuana laws that emulate the system Colorado has put into place would make sense, as the laws address both regulation and taxation. Amendment 64 to legalize and regulate marijuana was passed in Colorado in 2012. Since then, the whole country has been watching to see what would happen in the state. The results so far have been mostly positive. According to the amendment, adults over the age of 21 are allowed to possess, use, and grow a limited amount of marijuana. Marijuana is taxed at a different rate, depending upon the sale type. There is a 15% excise tax for whole market sales and a 10% sales tax on retail sales. Because of a relatively high tax rate, Colorado has had issues with black market sales, as people are allowed to grow under the new law as well, but sales are still high enough to result in large tax revenues. Because marijuana is regulated like alcohol, those under the age of

21 cannot purchase it, and it is illegal to drive with a THC (tetrahydrocannabinol, the principal psychoactive chemical in marijuana) levels over 5 nanograms. In an effort prohibit marketing to teens, marijuana magazines are kept behind the counter, just like pornography magazines (Henchman, 2014; Overview of Amendment 64, 2012; Flatow, 2013).

Texas could follow the lead of Colorado as well as other states like Washington and Oregon in regulating marijuana and taking advantage of the robust potential tax revenues. And, because Texas is not the first state to legalize marijuana, it can learn from both successes and failures in these other states. Ultimately, regulating marijuana like alcohol just makes good sense for the economy and for the criminal justice system.

Of course, there is no such thing as a safe drug. Marijuana is not completely safe, but neither is alcohol. Still, there are some who argue that marijuana is a more dangerous drug and a “gateway” drug to other, more harmful drugs. However, scientific research does not support the claims that marijuana is more dangerous than alcohol. In fact, research suggests it is safer. As noted above, marijuana is less addictive than both alcohol and cigarettes, and while it is psychologically addictive (a very serious form of addiction), it is difficult to argue that marijuana should be illegal while alcohol is legal. In terms of safety, although marijuana intoxication increases the chances of automobile accidents, marijuana causes “less dramatic impairment than alcohol” (Danovitch, 2012, p. 100). Therefore, while marijuana should clearly be regulated, the fact that it causes less impairment than another popular legal drug is important to note. There is also no evidence to support the claims that marijuana serves as a “gateway” drug more than alcohol does. And, while it is important to note that marijuana does pose a serious risk to developing brains, alcohol does as well. Therefore, efforts to keep marijuana out of the hands of teens are important, and while under-age drinking continues to be a serious problem in our

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culture, steps can be taken at the time of marijuana regulation to learn from the lessons alcohol teaches. Efforts must be made to prevent marketing to teens and to keep any mind-altering drug out of the hands of teens, but strong regulation makes this possible.

It is time for Texas to follow in making the same reasonable decision other states, such as Colorado, Washington, and now Oregon have made, and legalize marijuana for adults over the age of 21. Although no drug is safe, research indicates that marijuana is safer and less addictive than alcohol and even cigarettes. As more states take a stand against unreasonable federal classifications of the drug, perhaps the United States will consider revisiting its laws as well. We can continue to spend countless amounts of tax dollars fighting the use of a relatively safe drug, or we can make a change, legalize marijuana, and actually see a tax and revenue benefit for our state.

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