



Marijuana legalization seems headed to Minnesota, but it's unclear when

J. Patrick Coolican

December 9, 2018

Fully legalizing marijuana in Minnesota is looming as a next big political showdown at the Capitol, as a growing number of states are ending bans on recreational cannabis.

Gov.-elect Tim Walz, who favors ending marijuana prohibition, will replace Gov. Mark Dayton, who doesn't. A new Democratic House majority will debate proposals to legalize next year and will likely take votes on the issue as soon as 2019 or 2020. And, not one but two legal pot parties — the Grassroots-Legalize Cannabis Party and Legal Marijuana Now Party — emerged with 5 percent of the vote in statewide elections, giving them “major party status,” which means automatic ballot access and the chance for campaign subsidies.

“Prohibition doesn't work,” Walz said in an interview last week. Legalization of marijuana would allow law enforcement to divert resources elsewhere, while taxes from cannabis sales would raise money for new spending initiatives. Finally, Walz said, “There's a racial justice element to it,” referring to the disproportionately higher numbers of minority group members arrested and caught up in the criminal justice system for marijuana possession.

Legalization is far from certain, however.

Walz and House Democrats must get any measure past the state Senate, which is currently controlled by Republicans by a slim 34-33 margin.

Sen. Paul Gazelka, R-Nisswa, the Republican leader, has not slammed the door in recent comments on legalization. Retaining his majority in 2020 will require protecting a few vulnerable suburban members who will need to win over constituents who backed Democrats in 2018. But Gazelka expressed skepticism.

“It's important to consider the many negative consequences that come with legalizing recreational marijuana,” he said in a statement, pointing to auto safety, crime, mental illness, addiction and children using the drug. “We must have a long conversation about these real consequences.”

Newly empowered Democrats are also loathe to be seen as the pot party after a year campaigning on health care, education and new transportation spending.

“There are more important issues,” said Minnesota House Speaker-designate Melissa Hortman, D-Brooklyn Park. She said the new majority would focus on what she called “bread and butter

issues,” like helping school districts with deficits and families with rising out-of-pocket health care costs.

Despite Minnesota’s status as the most solidly Democratic state in the Upper Midwest, there’s good reason to suspect that Minnesotans and their Legislature will take their time. Minnesota liquor stores had to close their doors on Sundays until 2017. Minnesota imposes some of the highest tobacco taxes in the country and has taken a similarly dim view of gambling relative to other states. And Minnesota has among the most restrictive medical marijuana laws in the country.

Marijuana is now legal in 10 states, most recently Michigan, the first Midwestern state to legalize when voters approved it there in November. But getting it on the ballot is no guarantee of passage. Voters in North Dakota overwhelmingly rejected ballot initiative to legalize recreational marijuana for people over 21.

Beau Kilmer, co-director of drug policy research at the nonpartisan Rand Corporation, said it’s still too early to assess the overall effectiveness of legalization compared to prohibition, especially given lag time on data showing how many people are using the drug and how frequently.

Some of the emerging data and trends are clear, however. In Colorado and Washington, which were the first states to legalize, pot possession arrests are down, as expected.

Crime has ticked up in Colorado, which has sparked a fierce public debate about the causes. In April, Colorado Gov. John Hickenlooper said he would not rule out making marijuana illegal again if studies show conclusively that the law has caused a spike in crime.

Criminologists dispute whether legalization can be tied to the increase and say it’s nearly impossible to determine the causes of crime trends. Nor is there any evidence this is happening in other states that have legal marijuana.

The potential tax windfall for states is less of a question.

Tax revenue of about \$300 million will flow into Colorado coffers this year, and even more in Washington. Prices have collapsed, from \$2,000 per pound wholesale in early 2015 to less than \$1,000. Consumption is shifting from “flower” — traditional smoking of the green bud — to waxes, vaping products and edibles, like marijuana-infused candies, ice cream and even sodas.

Alex Berenson reviewed scientific evidence for his upcoming book “Tell your Children: The Truth About Marijuana, Mental Illness, and Violence” (Simon & Schuster) and argues that America is sliding into a dangerous complacency toward the drug.

“Americans are being told — by people who should know better — that there’s a free lunch, and that this is a good thing. But it’s an intoxicant with serious side effects, and we should be wary of it,” he said in an interview.

Berenson focuses on evidence that cannabis can catalyze people predisposed to mental illness into full blown psychotic conditions, creating a significant threat of suicide and homicide. Teenagers who are regular users of cannabis are three times more likely to develop psychosis, according to a recent study published in the British Journal of Psychiatry.

He points to incidents of abuse and neglect of children among parents who are regular cannabis users. And, he cites a steep increase in the number of Americans using marijuana heavily in the past decade, during which a cultural and now a legal permissiveness around the drug became more predominant. According to the National Survey on Drug Use and Health, the number of Americans using marijuana 300 times per year has increased from 3.1 million in 2006 to 8.1 million in 2017, an increase of 161 percent. The same survey reported about 11.9 million daily alcohol users.

Jonathan Blanks, a crime scholar at the libertarian Cato Institute, pointed out that negative consequences of marijuana use don't disappear just because you make it illegal. "As with alcohol, most people use it without any severe effects. So, how do you mitigate the problems? They aren't mitigated by prohibition," he said.

Sam Kamin, a professor of marijuana law and policy at the University of Denver, said legalization there has not led to a spike in use among children or adults but has effectively kept many Coloradans out of the criminal justice system.

"Marijuana prohibition falls more on the poor and people of color and puts more people in the criminal justice system," he said.

Rep. Tina Liebling, D-Rochester, an early legalization supporter, said a possible path in Minnesota would be hearings on the measure in 2018 and 2019, and then putting the idea to the voters in the form of a constitutional amendment on the 2020 ballot.

But there's no consensus among Democrats. Incoming Rep. Ryan Winkler, who is slated to be majority leader, said he's not fond of inserting the issue into the state's Constitution.

But he's also not in favor of delay, and thinks legislators need to resolve the issue themselves.

"This is an issue that needs to be resolved sooner rather than later," he said.