



Amendment 3 Would Legalize Marijuana Use by Adults

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The Issue

Missouri voters on Nov. 8 will have the opportunity to make the possession and recreational consumption of small amounts of marijuana legal for adults in the state.

According to the Missouri Secretary of State's office, a yes vote on Amendment 3 would "legalize the purchase, possession, consumption, use, delivery, manufacturing, and sale of marijuana for personal use for adults over the age of 21; allow individuals convicted of non-violent marijuana-related offenses to petition to be released from incarceration and/or have their records expunged; and enact a six percent tax on the sale of marijuana."

Currently, marijuana laws in Missouri are confusing.

Medical marijuana is legal for registered patients.

Possession for recreational purposes has mixed penalties: Legislation passed in 2014 punishes possession of 10 grams or less with a simple fine but the violation is a misdemeanor and saddles the offender with a criminal record; possession of more than that can land the offender in jail.

Cultivation of any amount of marijuana is a crime.

Arguments in Favor

Organizations that favor legalizing recreational use in Missouri include the American Civil Liberties Union, the AFL-CIO, the Missouri Association of Defense Lawyers, and the NAACP of Columbia and St. Louis. Their arguments generally posit that the penalties for possession of small amounts of marijuana are too harsh. They sometimes cite the 1976 case of West Plains resident Jerry Mitchell, who was sentenced to 12 years in prison for selling five dollars worth of marijuana to an undercover agent. They also argue that people of color are punished more harshly than white offenders. And, as the Marijuana Policy Project argues, using marijuana does not increase crime rates: "Government-published data, academic research, and the experiences of many law enforcement officials indicate that marijuana policy reform does not increase crime rates."

They also cite minimal health risks from marijuana use and argue that adults should be able to decide for themselves whether to use it.

According to Erik Altieri, the Executive Director of the National Organization for the Reform of Marijuana Laws (NORML), "Recent polling reveals that a majority of Missouri residents are ready and eager to end their state's failed marijuana prohibition. That is because Missourians, like the overwhelming majority of all Americans, recognize that prohibition is a disastrous and draconian practice best cast into the waste bin of history. Voters in the Show Me State want a sensible policy of legalization and regulation, and that is why we expect that they will overwhelmingly vote 'yes' on this initiative this fall."

Arguments in Opposition

Organizations who oppose the amendment include the Missouri Association of Prosecuting Attorneys, the Missouri Catholic Conference, and the Missouri Constitutional Conservatives PAC.

The Centers for Disease Control says this about legalizing marijuana: "Even though more research is needed to fully understand some of the health effects of marijuana, we know marijuana use may have a wide range of effects on the brain and body." Their concerns surround marijuana's effects on brain development, heart and lungs, and mental health.

The police chief of New Haven, Chris Hammann, is against the amendment because it would create more work for law enforcement. "The LM22 campaign creates a new Constitutional law enforcement mandate to stop and cite people smoking marijuana in public and further creates new Constitutional marijuana possession penalties," he said. "This proposal would burden law enforcement with unnecessary work and continue the inequitable enforcement practices of the past."

Law enforcement arguments also sometimes cite figures from Colorado which show traffic fatalities have increased since that state legalized personal use in 2012.

How Has it Worked in Other States?

It is currently legal to possess and consume marijuana for recreational use in 20 states and the District of Columbia. All but four states have legalized the drug in some form, whether medicinal, recreational, or CBD oil.

Colorado was the first to legalize recreational weed in 2012, so statistical data are limited, but the CATO institute did a comprehensive study of the impacts of legalization in the states so far. What they found, in essence, was that there was not much change except when it comes to tax revenue, which has skyrocketed in those states. According to CATO's study, the state of Colorado collected \$20 million per month in tax revenue on marijuana in 2021; in California it was \$50 million per month.

The study found that both proponents and opponents exaggerated their claims, but found no huge societal changes: "Limited post legalization data prevent us from ruling out that marijuana legalization causes small changes in marijuana use or other outcomes. The data so far, however, provide little support for the strong claims about legalization made by either opponents or supporters; the notable exception is tax revenue, which has exceeded some expectations. The absence of significant adverse consequences is especially striking given the sometimes dire predictions made by legalization opponents."