



Decriminalization Is Reshaping National Drug Policy

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Maggie Novak

In recent years, a growing number of states have pursued marijuana decriminalization, with a significant number crafting both medical and recreational use legislation – and this isn't just a pragmatic change. Rather, with industry experts like [Krista Whitley estimating legalization in 35 states](#) by 2020, these policy changes may actually be part of a larger harm reduction effort.

Before legalization, and with federal and state laws in conflict, individuals engaged in a personal choice can be criminalized, while a potentially profitable industry cannot be taxed or managed for safety. Decriminalization and legalization, then, create circumstances under which the economy and individual freedom are both able to flourish.

A Libertarian Approach To Harm Reduction

Harm reduction typically refers to efforts to minimize the spread of diseases like HIV and hepatitis, as well as reduce overdose deaths and other dangers among individuals who use injectable drugs or engage in behaviors such as prostitution, but it doesn't have to stop there. As Jeffrey Singer proposed at a recent Cato Institute conference, [ending the War on Drugs is also a form of harm reduction](#). In fact, with the dangers of the black market and the police state, it is the ultimate form of harm reduction.

In most cases, libertarians do not take much stock in harm reduction; programs are frequently government led and involve greater state overreach than the original problem. Furthermore, from the perspective of addiction and injuries, marijuana use poses few harms. However, policing and the black market, as well as drug smuggling, are a sufficient threat to propose such an approach to drug policy in this area.

Harm Reduction Opposes Policing

Changing legal norms as well as a harm reduction perspective both demand an especially rigorous approach when it comes to defending those charged with drug crimes; indeed, as [Texas law firm Scott M. Brown & Associates explains](#), “Police officers and prosecutors are only looking to convict you.” Defense attorneys, on the other hand, have the ability to step forward and provide an aggressive, proactive defense framed by new legal and social norms, as viewed nationally.

Police and prosecutorial groups have made their opposition to decriminalization and their intent to convict clear. Facing simple decriminalization proposals, Texas police chiefs stated at a recent press conference that they [do not support the expanded use of medical marijuana](#), which they view as a strategic step towards broader legalization. Their desire to repress a basic measure of freedom – managing one's own health – speaks to just how far they will go to obstruct a harm reduction approach

The Path Forward

Whatever comes next in marijuana policy, both legal and policy practices will require reform. For example, despite the fact that occasional recreational use is unlikely to impact job performance, many workplaces currently have drug free workplace policies. In states that have pursued decriminalization and legalization, it has become harder to fill these jobs. States like Texas that are still in flux regarding whether they will amend their marijuana laws, then, must take this impact on the economy into account along with the economic and harm reduction benefits of more direct management of drug production and distribution.

Marijuana – legal or illegal – is unlikely to ever exist outside any type of government oversight, but it can be freed from criminalization and the subsequent loss of freedoms. Those who find themselves in the crosshairs of the law, then, must put up an aggressive defense that accounts for emerging norms. Local and national drug policies are changing. The question is, are we ready?