

## Intoxicating Prospects

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Under the new coalition government, Germany — after Malta — could soon become the second European country to legalize cannabis. This would allow adults to manufacture, distribute and consume cannabis for recreational use. The rest of Europe could soon follow suit — and accelerate the end of the irrational ban on a plant that people have used as medicine and luxury food for centuries.

Several European countries have already decriminalized cannabis, but so far only Malta has legalized it. The difference is crucial: Decriminalization is certainly better than locking up people who prefer this ancient herb to alcohol as a narcotic, but legalization makes this decision much safer for adults. With drugs that are bought on the black market, one can never rely on dose and purity. Legalization leads to transparency and accountability. Nobody who buys an alcoholic drink ever worries about whether the information on alcohol content and ingredients is correct.

Uruguay became the first country in the world to legalize recreational cannabis in 2013. The US states of Colorado and Washington had already done this a year earlier. To this day, the procedure in the USA has been shaped by the stark contrasts between the regulations at the federal level and those of the states. 18 states and the District of Columbia have now legalized recreational cannabis, and more have decriminalized simple possession. At the federal level, however, cannabis is still classified as a “Schedule 1” drug, ie as a substance “without recognized medical use and with a high potential for abuse”.

My country’s addiction to cannabis prohibition has its roots in the early 1930s. Against the background of the approaching end of alcohol prohibition, Harry Anslinger, the head of the newly founded Federal Bureau of Narcotics, started a war against cannabis with an aggressive propaganda campaign. Cannabis use has been largely associated with blacks and Latinos, and Anslinger exploited racial prejudice to specifically spread disinformation and fear.

To this day, the prosecution of cannabis crimes in the USA is characterized by racial discrepancies. The trend towards decriminalization or legalization in the states has unfortunately shown no positive effects nationwide. Most states where cannabis is legal have had lower incarceration rates and decreasing ethnic disparities. In some others, however, such as Maine and Massachusetts, the latter even increased with legalization. This is likely due to the

fact that much of the criminal justice system dates back to what is known as the Jim Crow era — the time when US laws enshrined racial segregation and contributed to the legal entrenchment of structural racism.

Despite the wave of legalization at the state level and the fact that polls consistently show that two-thirds of Americans are in favor of the clearance, law enforcement is heading in a different direction. Cannabis-related arrests in the US rose 9 percent from 2018 to 2019. 92 percent of the arrests were for simple possession. Since cannabis use is widespread, related arrests are easier for law enforcement agencies to pull through. This diverts attention and resources away from the pursuit of “harder” drugs like heroin and fentanyl. 43 percent of all drug-related arrests in the USA in 2018 concerned cannabis — in Germany it is as much as 64 percent. Despite comparable consumption rates, blacks were 3.64 times more likely to be arrested than whites in the US.

Opponents of comprehensive legalization point to a number of possible risks. This includes, for example, the assumed connection between cannabis use and suicide. While there are limited studies attempting to determine this, others show exactly the opposite. In a longitudinal analysis of all 50 states and the District of Columbia, my colleagues and I found no negative mental health effects of the liberalization of cannabis laws in the US. We even found evidence that access to cannabis as a stimulant reduced the suicide rate among middle-aged men.

Some opponents of legalization express legitimate concerns about an increased risk of traffic accidents. However, research from Washington and Colorado, the first US states to legalize recreational cannabis, found no significant changes in cannabis or alcohol-related traffic deaths. Further research suggests that it is safe to drive while under the influence of cannabidiol (CBD) and small amounts of the cannabis active ingredient THC.

The medical benefits of cannabis must not be overlooked when considering legalization. Numerous studies suggest that cannabis use can be helpful in the treatment of pain and thus contribute to reducing opioid use.

When it comes to regulating the cannabis industry, there are big differences between states, especially when it comes to taxation. This is not without consequences. States that overestimate the tax rate on legal cannabis purchases are driving users back to their old black market contacts. The unintended consequences of excessive taxation are a weakening of the legal market in favor of the black market and lower government revenues. Over-regulation of the cannabis industry can also result in prohibitive compliance costs. Big players in the commercial cannabis business can overcome these obstacles. But smaller businesses, often run by ethnic minorities, often cannot afford to meet regulatory requirements. This drives many small businesses to the black market and restricts choice and competition in the legal market.

President Biden is still critical of legalization at the federal level, but supports decriminalization. The subject is nowhere near as polarizing as it used to be. Cross-party support for nationwide legalization is growing. Many in Congress sympathize with the proposal to transfer the rule entirely to the states. Even if the parties disagree on the details, it is only a matter of time when and to what extent the US moves towards legalization.

Germany is a pioneer in Europe and worldwide when it comes to strategies to reduce harm caused by illegal drug use, praised the NGO Harm Reduction International some time ago. The

most effective way to reduce the harm caused by cannabis is to legalize it. With this step, Germany could not only lead Europe in this direction. It could also give the American legalization movement the impetus to get across the finish line.