

THIS IS YOUR STATE ON

marijuana

*What Legalization
Means for NJ*

by Mira Mehta and Kendall Williamson

In a year full of dissatisfaction, tragedy and pain, calls for change had mixed results. One call for change in New Jersey was answered on Election Day when residents voted to legalize marijuana. It will not officially become legal until Governor Murphy signs bills outlining the specific rules and regulations governing the use and sale of recreational marijuana.

There are two bills that have passed the legislature — one to decriminalize marijuana and one to explain the regulations of its legal sale and use — but neither have become law yet. The process was recently stalled after lawmakers realized that the two bills had contradictory provisions about underage use. The bills simultaneously removed penalties for possession of fewer than six ounces of marijuana for all people and imposed a fine on people ages 18 to 20. After much discussion and a failed compromise bill that would impose some reduced fines, Murphy now has until early February to sign or veto the bills or broker a new solution.

While these technicalities have brought significant controversy and debate, there is broad public consensus in favor of the overall goal of legalization, as it won with a two-thirds majority.

Even with this widespread support, there are still many misconceptions about the real impacts of marijuana use. WHS Health Teacher Susan Kolesar said, “I know from speaking with many teen users over my 25-year career at WHS that they started using it infrequently and eventually it became a daily habit and that they even lost sight of what mattered to them.”

While the fear of marijuana as a gateway drug is widespread, the danger has little to do with the actual properties of marijuana.

“In my clinical experience, it has a lot to do with the circumstances of the individual person who’s using the drug,” said Psychiatrist Dr. Dhwani Shah. “Just smoking weed is not a gate-

way to you using heroin or anything like that. But if you’re circling with people who are using harder drugs, or if you have a history of severe anxiety or depression or you’re having a lot of family issues or you’re feeling suicidal, this may contribute to the use of both marijuana and harder drugs.”

The importance of context and external factors is why the National Institute of Drug Addiction reported that, “the majority of people who use marijuana do not go on to use other ‘harder’ substances.”

This does not mean that marijuana is completely safe, though. Dr. Shah said, “It can cause issues with motivation, it can cause a lot of apathy, it can cause problems with attention levels and concentration, being able to process information... it can cause people to just engage less and do less and gain weight, and [it can] have other psychological effects.”

These are only some of the recorded health problems that can be attributed to marijuana use, which may be surprising, given its medicinal uses. Medical marijuana has technically been legal in New Jersey for the last 10 years and prescribed to patients with cancer, MS and other chronic illnesses. This use has been limited, however, as the process to get approved for medical marijuana use is complicated and expensive.

Activist and Art Professor at the School of Visual Arts Amy Wilson said, “You have to go to a very special doctor, you have to pay the doctor... and you have to re-up it every so often, just to then be able to turn around and go to a dispensary and pay more money to buy your medicine.”

Since the legalization of medical marijuana, many have been advocating for the legalization of marijuana for all purposes, and that goal is now finally in sight. After years of efforts stalling in the New Jersey legislature, legislators added the legalization of marijuana as Public Question 1 on

New Jersey election ballots. This allowed the public to make the decision directly rather than simply being able to criticize legislators for making that decision on either side of the issue.

Although the controversy surrounding the issue was a large reason why it was left up to the public, New Jersey voters were overwhelmingly supportive of legalization, with 67 percent voting in favor of it. Despite many fears about public health and safety, there was a positive response from various demographics.

These demographic groups did not all have the same things at stake when voting, though, as marijuana-related arrests tend to be heavily racially biased. NJ ACLU Campaign Strategist Ami Kachalia said that in 2017, “We found that there were about 20,000 cannabis-related arrests that were made every year and that, on average, if you were a Black person in New Jersey, you were three times more likely to get arrested for cannabis possession than a white person, despite similar rates of use across the board.”

By 2018, the ACLU reported that disparity had increased to the point where Black residents of New Jersey were three and a half times more likely to be arrested for marijuana-related offenses. In Union County, Black people were four times more likely to be arrested for marijuana-related offenses, and 90 percent of these arrests were for possession, not distribution.

This has contributed to disproportionately high rates of incarceration for Black people. In addition, the criminal records that follow can make it much harder for people to thrive after being released from prison.

Jenna Mellor, Executive Director of NJ Harm Reduction, said, “Drug war investment actively puts communities in danger because it creates surveillance and militarization of police that has been really, really deadly to Black and Latinx folks.”

The racism evident in the inconsis-

tent, but often harsh enforcement of drug laws is all too familiar to Reverend Charles Boyer, founder of Salvation and Social Justice. “I’m not saying I was doing everything perfectly [in the past] at all, but the law was definitely applied differently,” he said. “When I went to work... there were a whole bunch of white boys who used to snort coke, they did all kinds of things... I was so afraid to even think about ever doing... and they never faced any consequences. They didn’t have the arrest record that I had. And for the few that were caught, they had the resources to make sure that it didn’t hurt them.”

This type of discrimination was a key factor in the decision to legalize recreational marijuana, and provisions of the decriminalization and legalization bills reflect this goal of achieving racial justice. For example, records of some marijuana-related arrests in New Jersey will be cleared this year. To many, this is crucial to achieve justice and repair harm done to members of marginalized communities.

Wilson said, “You don’t want to have a situation where a person is being denied access to employment or housing or their kids because they sold weed, and at the very same time, it’s legal and these companies are making millions of dollars selling it.”

In order to avoid this potentially harmful situation, the bill aims to inform people of the opportunity for expungement and the state resources (lawyers and funds) available to help people through the process.

Proposed legislation also allocates 70 percent of sales tax revenue and all revenue from a social equity excise tax to invest in communities that have been disproportionately harmed by marijuana-related arrests. The Cannabis Regulatory Commission, which will be established by the state to oversee and manage marijuana-related affairs, will determine exactly how the funds are allocated. Among the many towns eligible to receive some of these

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funds, known as "impact zones," are Elizabeth and Newark.

Elizabeth Mayor Chris Bollwage said, "If I had a magic wand for [how to use the] social equity tax, I would make sure that people who are on the bubble for a college education that may not have the down payment or may not have the fees or the money to buy books... would have that opportunity to go to college."

Although the legislation has been applauded as a key step toward racial justice, Kachalia said, "Repairing harm isn't just expungement. It isn't just reinvestment. It's also giving people economic opportunity going forward."

While this is a significant undertaking, the proposed legislation has begun to address it: anyone that plans to sell marijuana in an impact zone will be given priority in applications to become a marijuana retailer. The advantage will also be given to applicants who are from an impact zone or who will have at least 25 percent of their employees coming from impact zones.

Some are hopeful that this measure will also reduce the underground market for marijuana. Kachalia said, "I think the way to address [the underground market] and do it in a way that feels centered on justice and equity is to make sure that there are meaningful pathways for people to enter this new [legal] market."

"In many places, people who are selling not-that-great quantities of marijuana are not making that much

money," said Mellor. "It really is about access to some income, and we need to make sure that people have access to income."

However, Westfield Police Chief Christopher Battiloro is skeptical that the underground market will shrink at all. "I just don't think in such a regulated industry, [licensed retailers will] be able to provide [marijuana] as cheap as people will be able to buy it on the [underground] market."

The proposed seven percent sales tax and extra excise tax would raise the cost of the product, but are far from the highest tax rates that some states have enforced. For example, Colorado has a fifteen percent sales tax in addition to an excise tax, Oregon has a seventeen percent sales tax and Washington has a 37 percent sales tax.

New Jersey is also more lenient than other states in the amount of marijuana that has been decriminalized. Wilson said the decriminalization bill "is very accepting of the fact that you're going to have people carrying [marijuana] on them," as it would allow people older than 21 to possess up to six ounces of marijuana without facing criminal charges. Those who get caught illegally selling marijuana will also face reduced penalties.

In one area, however, more people may face punishments. Battiloro said, "I think we will make more arrests for DUI for people under the influence of marijuana."

This process may be more complicated than arrests for drinking and

driving because courts cannot accept testimony that drivers are under the influence of marijuana from police officers, who are not considered experts. In order to make credible arrests going forward, Battiloro said he had one of his officers trained as a drug recognition expert.

Some of the sales tax revenue is set to go to police departments so that they can have more officers trained in this field. "In the past, when we needed a drug recognition expert, we would have to call and find one," said Battiloro. "Now we have one, and obviously, we'll make our own available to other law enforcement agencies as well." Although he is working on making things safer, Battiloro said, "I do think that [legalizing recreational marijuana is] going to make our roadways less safe."

Battiloro is not alone in these fears. Kolesar said, "We can't even control alcoholism and drunk driving. Do we really need to add another variable into the mix?"

Other members of the Westfield community see potential benefits from this decision, as the town also voted in favor of legalization. Parent Teacher Committee President Donna Kenney said, "One thing I do like about the legalization is that it does allow the entire supply chain to be regulated and controlled, from the growers to the distributors to retailers to testing for it, so it's making it much safer than if you're buying it on the street."

For Westfield residents who choose

to purchase marijuana, it is yet to be determined whether they will be able to do so locally.

"I have been approached by several different businesses and potential business owners who would very much like to see a marijuana dispensary in Westfield," said Westfield Mayor Shelley Brindle. "But there's a lot of input that has to be considered, starting with the town council... and then the public and our safety officials and our first responders and so forth."

For many Westfield residents, however, the bigger question is not related to legal marijuana use but continued illegal marijuana use by people younger than 21 years old.

While many people have expressed concern that marijuana use would increase among teenagers, Battiloro said, "I don't necessarily think it's going to encourage people, I think that those who are inclined to smoke it or inhale it, are still going to do it."

Kachalia said, "What we've seen from across the country, is that legalizing cannabis doesn't change the rate of youth usage for cannabis across the board. Statistically, it's not a significant change."

Marijuana legalization may not have much of an effect on how minors use it, but many high school students still care about the issue.

WHS senior Ellery Wolf, who voted in the 2020 election, said, "Controlling this substance will be safer for the public. Many people, especially teens, seek out unregulated products which can

prove to be harmful."

For others, the concern is not about how changes will affect young people, but rather about the things that will remain the same. It is still being determined what the penalties will be for underage use, but the decision will be critical because it is fundamentally intertwined with efforts to build equity.

Boyer said, "Policing has shown us that police disproportionately target non-white youth. We want to make sure that there are restorative measures, that there are non-punitive measures in place to deal with issues around teen substance use, not harsh penalties and harsh fines."

Mellor echoed the need to stop "funneling people into a school-to-prison pipeline."

This concern has fueled the debate about penalties for underage marijuana use. Murphy has advocated for fines and other punishments that would avoid jail time while still discouraging underage marijuana use. However, many lawmakers still worry about the impact it would have on Black youth and hope to remove all penalties.

In a statement to the press, Assemblyman Jamel Holley said, "The governor can't hold legislation hostage in an effort to further target over-policed communities and place a de facto tax on poor people whose children may suffer from drug abuse and addiction. This proposal is regressive, draconian and ethically perverse."

Murphy did not respond to *Optic's* request for comment but it seems that

he remains hopeful about a future deal. In his State of the State Address Jan. 12, he said, "Together with the legislature, we are on the verge of passing an innovative and groundbreaking set of laws to reform our historically unjust approach to marijuana."

The decision to legalize recreational marijuana is representative of a larger shift in attitudes about drugs and their regulation by the government. New Jersey was one of four states to legalize recreational marijuana use in the 2020 election, meaning that about one third of all Americans live in a state where this is the case. Several other states have legalized medical marijuana, and there have been renewed attempts to decriminalize it at the federal level.

As we move into this new age, it remains to be seen how the changes will affect society long-term – whether it will become safer to use marijuana, whether we will move towards racial justice, whether our roads will become more dangerous. We will not just be observers in this process, though; we will be participants.

Wilson said, "This shouldn't be done to people; it should be done with people."

DISCLAIMER: *The status of legalization efforts is quickly changing as politicians change their stances and take new actions frequently. This information is accurate as of Optic's deadline.*