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COMMENTARY (*San Francisco Chronicle*)

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Taking a Sober Look at Legalizing Marijuana

Employees stock their shelves with 2-gram packages of marijuana at Cannabis City during the first day of legal retail marijuana sales in Seattle, Washington July 8, 2014. Photo by Jason Redmond/Reuters

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Marijuana is in the news and you should get used to it. Washington state's retail marijuana stores opened Tuesday and Alaska will vote on legalization in November. Throw in monthly revenue updates from Colorado as well as perpetual exposes about marijuana edibles and e-joints, and you are going to get your weekly pot fix whether you like it or not.

And this is only going to intensify over time.

California and a handful of other states will probably vote on legal pot in 2016. Whether it passes will depend on several factors, including the quality of the proposal, how much money is involved in the campaigns, and how things play out in Colorado,

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Washington and other places that have legalized production and sales. For states that will probably decide on marijuana policy, here are five suggestions to help policymakers who want to promote productive discussions:

1. Collect baseline information about the size of the marijuana market in your state. Credible projections about how legalization could influence use and tax revenues must be rooted in rigorous and transparent estimates of how much marijuana is currently being consumed. Without these numbers, pot debates can get hijacked by wild overestimates. While it is hard to estimate the value of a black market, there is an emerging science about how to do this for marijuana.
2. Collaborate with health agencies to determine what share of drug survey respondents are honest about using marijuana. This is not only critical for sizing the current market; legalization will also be evaluated by whether self-reported marijuana use increases after the change. If legalization reduces the stigma of marijuana and leads people to be more honest, then this could complicate these studies. There is a precedent for validating self-report surveys with drug tests, but those analyses are outdated. They need to be updated and conducted at the sub-national level, preferably by state.
3. Recognize that the Colorado and Washington approach of "regulating marijuana like alcohol" is only one alternative to marijuana prohibition. There is a lot of policy space between the extremes of prohibition and a commercialized industry. For example, states could start slowly and allow marijuana to be produced only by nonprofit organizations, or in

co-ops, as is done in Spain and will soon happen in Uruguay. Creating a state monopoly for marijuana production and distribution is another option, but federal marijuana laws make this infeasible.

4. Make it clear that marijuana policy changes do not have to be permanent. Pioneering jurisdictions could include a sunset clause where, after a certain number of years, they decide whether to continue down that path or try something different. At a minimum, serious amounts of flexibility should be built into the policy so it is not hard to make midcourse corrections, especially with respect to setting taxes.
5. Remind your constituents and colleagues that reasonable people can disagree about marijuana policy. Individuals have different values about intoxication and personal liberties, and there is uncertainty about how legalization will affect health. It not only depends on how legalization affects marijuana consumption patterns, but also on how it affects alcohol use. The science right now is unclear as to whether a change in marijuana policy will lead to more or less alcohol consumption. Acknowledging this before diving into legalization debates can help take the edge off this issue and hopefully promote useful discussions.

Bottom line: In states like California where legalization votes are likely, policymakers should be proactive about informing these debates. These five tips are a place to start.

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Legalization: What Everyone Needs to Know," (Oxford University Press, 2012).

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