

What's missing from marijuana legalization? Oversight

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This November, Nevada voters will not only help elect the next President and select our newest US Senator, we will also decide whether or not Nevada joins the small but growing ranks of states that have legalized recreational marijuana. I am not a gambling man, but would be willing to wager that Nevada voters will approve the Nevada Marijuana Legalization Initiative on the upcoming ballot.

If approved, the measure would legalize one ounce or less of marijuana or cannabis for recreational use for people at least 21 years old. It would also levy a 15 percent excise tax on wholesale sales of marijuana and direct revenue generated from these taxes to support K-12 education.

Passage of the initiative stands to reverse the enormous social inequities and public costs of our largely failed War on Drugs – in particular, the injustice and wasted expense of incarcerating thousands of nonviolent offenders in our state. The initiative also holds the potential of eliminating the illegal market for marijuana – and its associated crime, violence and social pathology – replacing it with a new industry whose products and services would be regulated and taxed like any other legal enterprise in Nevada.

As written, however, the ballot measure provides a minimalist approach to protecting public health. Worse, the initiative does not earmark one penny of anticipated tax revenue to the establishment and maintenance of a public health framework needed to restrict youth access, enforce clean indoor air statutes and reduce exposure to secondhand smoke, and address workplace and motor vehicle safety issues.

Proponents of legal cannabis argue that the measure allows Nevada to tax and regulate marijuana like it does alcohol and, presumably, to regulate youth access and other potential harms to health based on what we have learned from a half century of tobacco prevention and control efforts. Our state's sorry track record on regulating these already legal products suggests otherwise.

One need only consider the unacceptable number of Washoe County business establishments routinely cited for selling alcohol to minors, or the fact that Nevada recently received a failing grade of "F" from the American Lung Association for tobacco prevention and cessation funding, to recognize that public health concerns often play second fiddle to the priorities of our state's major industries.

Why would we expect the burgeoning marijuana industry in Nevada to be any different?

Fortunately, Nevada has a good deal to learn from the early, proactive experience of public health regulators in Colorado and Washington – the first states to legalize marijuana for recreational purposes. Both states have not only implemented comprehensive public health strategies aligned across most cabinet-level agencies of state government, they have begun to allocate revenue and resources equal to the task of regulating what was heretofore illegal and largely uncharted territory.

The marijuana industry and, I suspect, plenty of policy makers with any authority over a state budget are betting on the initiative's passage. We cannot, however, wait until November 8 to figure out how to simultaneously respect the will of the voters and responsibly regulate this new industry if legal cannabis comes to pass.

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