

Governor Hickenlooper is in denial about pot's effects on Colorado

Governor Hickenlooper is doubling down on the distortions he and State Attorney General Cynthia Coffman sent to Attorney General Sessions^{1,2} August 24, 2017. In a video posted on MicMedia November 22, 2017, Colorado's governor made the following claims about the effects of marijuana legalization in his state, which we will review below:

1. No spike in overall consumption
2. No spike in teenage consumption
3. Small spike in elderly consumption
4. Less drug dealers
5. Less kids to prison
6. Raise \$200 million in one year in tax revenue

No spike in overall consumption

This claim is based upon selective, rather than complete data reporting. Although marijuana legalization was approved by voters in 2012, it did not become effective until 2014. So Hickenlooper relied upon two survey results (A CDC telephone survey and a SAMHSA personal survey) for only 2014 and 2015, both of which show an increase in overall consumption that was not statistically significant. A more valid measure of consumption increase would be pre/post legalization or pre/post commercialization, and over longer periods of time.

A 2015 CDC survey revealed that 13% of Colorado respondents 18 years and older had used marijuana in the last 30 days³, half of whom use marijuana daily or near daily⁴. One in five youth who used marijuana in the last 30 days have a Cannabis Use Disorder (the medical term for marijuana addiction)⁵.

The 2015 SAMHSA survey revealed that 14.7% of Colorado respondents 26 years and older had used marijuana in the last 30 days, compared with 6.5% nationally⁶. With a usage rate more than double the national average, how much higher could it go?

Colorado's spike in marijuana usage was not created by legalization, it was created by commercialization that occurred in 2009-2010 after the Federal Government announced in the Ogden memo that it would not enforce the Controlled Substances Act. "Medical" marijuana

¹ <http://www.duidvictimvoices.org/colorados-fully/hickenlooper-coffman-letter-to-sessions/>

² <http://www.duidvictimvoices.org/wp-content/uploads/2017/11/AG-Sessions-1.pdf>

³ Monitoring Health Concerns Related to Marijuana in Colorado: 2016, Colorado Department of Public Health and Environment, <https://drive.google.com/file/d/0B0tmPQ67k3NVQIFnY3VzZGVmdFk/view>, p 13

⁴ Monitoring, *op. cit.* p 15

⁵ <https://www.ncbi.nlm.nih.gov/pubmed/28686820>

⁶ <https://www.samhsa.gov/data/sites/default/files/NSDUHsaePercents2015.pdf>

registrants increased from fewer than 10,000 before commercialization to 45,000 in 2009 and over 100,000 by the end of 2010⁷. There were 91,745 as of October, 2017⁸.

Because of the change in consumption brought about by marijuana commercialization, it is best to look at overall consumption over a longer time period than just two years. Adult past-month marijuana use increased 71% in the three-year average (2013-2015) since legalization compared to the three-year average prior to legalization (2010-2012)⁹. Colorado is #1 in the nation for adult use of marijuana today, compared with #8 in the nation before marijuana commercialization¹⁰.

No spike in teenage consumption

Hickenlooper based this claim on the Healthy Kids Colorado Survey (HKCS), a voluntary paper-based survey of students attending school. The 7.6% overall increase in current student marijuana use (19.7% to 21.2%) since the 2013 survey was not considered to be statistically significant¹¹, which supports the governor's claim of "no spike." Results varied by class. Seniors increased 14%, juniors increased 19%. Ninth and tenth graders decreased. Seventh graders increased 96%¹². The 2015 survey included no responses from Jefferson, Weld, Douglas or El Paso Counties (34% of the state's population) and had a 46% response rate from the rest of the state. HKCS results were not included in CDC's Youth Risk Behavior Survey because they did not meet national standards¹³.

As with the overall consumption claim, the governor relied upon data from two sequential surveys, rather than complete data. SAMHSA reported past month use by youth ages 12-17 years old rising from a pre-commercialization rate of 7.6% in 2005/2006, to 9.9% at commercialization in 2009/2010 and 11.1% in 2014/2015¹⁴. Unlike the HKCS, SAMHSA includes school dropouts, which is critical due to the high correlation between youth marijuana use and school dropouts (OR=5.6)¹⁵.

Small spike in elderly consumption

Hickenlooper didn't define "elderly" and little data have been reported on elderly marijuana consumption. Other than its impact on drugged driving, marijuana consumption by the elderly has a far lower social impact than consumption by youth who can more readily become addicted to marijuana and have more to lose from its effects.

Less drug dealers

⁷ Salomonsen-Sautel, S, Min, SJ, Sakai, JT et al. Trends in fatal motor vehicle crashes before and after marijuana commercialization in Colorado. *Drug and Alcohol Dependence*, 140 (2014) 137-144

⁸ https://www.colorado.gov/pacific/sites/default/files/CHED_MMR_Monthly_Report_OCTOBER_2017.pdf

⁹ Legalization of Marijuana in Colorado: The Impact Vol 5 Oct 2017. Rocky Mountain High Intensity Drug Trafficking Area, http://www.rmhidta.org/html/FINAL_2017_Legalization_of_Marijuana_in_Colorado_The_Impact.pdf, p 55

¹⁰ *ibid.*

¹¹ *Monitoring, op. cit.* p 44

¹² *ibid.*

¹³ *Legalization, op. cit.* p 34

¹⁴ *Legalization, op. cit.* p 36

¹⁵ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2910149/>

Hickenlooper cited no data for this claim. Presumably, he's referring to the myth that legalization has eliminated the black market, and therefore illegal drug dealers have disappeared. Since illegal drug dealers don't register anywhere, it's difficult to quantify the truth. But here is what we do know:

1. The Colorado Department of Revenue estimated that in 2014, only 44% of marijuana consumed in the state came from licensed drug dealers. [154 metric ton resident demand (121-ton adult demand plus 27% for youth demand) and 68 metric tons sold to residents by licensed drug dealers]¹⁶ The remaining demand was supplied by the black market and grey market. The black market is marijuana from illegal sources. The grey market is from marijuana grown by "caregivers" that were authorized by Amendment 20 before Amendment 64 established a regulatory framework for recreational marijuana under the Department of Revenue's Marijuana Enforcement Division (MED).
2. The size of the black market cannot be determined, but seizures of illegal marijuana exports increased from 425 pounds in 2014 to 3.5 tons in 2016¹⁷. It's hard to see how the black market has decreased. The Colorado Association of School Resource Officers estimate that 26% of youth users obtained their marijuana from the black market in 2017¹⁸. An unknown percentage obtained their drug from the grey market.
3. Licensed drug dealers (marijuana dispensaries) increased from 156 retail stores in January 2014 to 459 in December 2016¹⁹. These numbers are highly localized, since 71% of the state's jurisdictions prohibited sales of either "medical" marijuana or recreational marijuana²⁰.

Less kids to prison

Hickenlooper's claim is true for white kids – almost a 10% drop in marijuana arrests from 2012 to 2014. But marijuana arrests for Latinos increased 20% and for blacks they increased 50% in the same time period²¹.

Raise \$200 million in one year in tax revenue

This is true. From \$67.6 million in 2014, marijuana taxes have risen to \$194 million in 2016 and \$205 million in the first 10 months of 2017²². That's a very impressive number, considering that there has been no spike in overall marijuana consumption according to the governor, marijuana tax rates haven't increased, and the marijuana black market is still with us. How can that happen?

And don't forget

¹⁶ <https://www.colorado.gov/pacific/sites/default/files/Market%20Size%20and%20Demand%20Study%2C%20July%209%2C%202014%5B1%5D.pdf>

¹⁷ Legalization, *op. cit.* p 93

¹⁸ Legalization, *op. cit.* p 45

¹⁹ [https://www.colorado.gov/pacific/sites/default/files/2016 MED Annual Report Final.pdf](https://www.colorado.gov/pacific/sites/default/files/2016%20MED%20Annual%20Report%20Final.pdf)

²⁰ <https://www.postindependent.com/news/marijuana/marijuana-by-the-numbers-10-numbers-about-pot-in-colorado-that-dont-include-4-20/>

²¹ <https://www.npr.org/2016/06/29/483954157/as-adults-legally-smoke-pot-in-colorado-more-minority-kids-arrested-for-it>

²² <https://www.colorado.gov/pacific/revenue/colorado-marijuana-tax-data>

Hickenlooper cherry-picked only good data that he could either report or mischaracterize, as noted above. It's unfortunate that he neglected to mention some of the other impacts of marijuana commercialization and legalization in Colorado:

1. Drugged driving – marijuana-related traffic deaths when a driver was positive for marijuana more than doubled from 55 deaths in 2013 to 123 deaths in 2013²³. It's true that this is only inferential data, but we have no better data because the state does not yet collect and report data on which substances cause DUI in the state.
2. Addiction – CDPHE reports strong evidence that marijuana is both psychologically and physically addictive²⁴. 11% of adults who used marijuana in the last 30 days have a Cannabis Use Disorder (marijuana addiction)²⁵.
3. Homelessness – informal surveys point to marijuana as the attraction for one out of five homeless people migrating to the state²⁶.
4. Poisoning – marijuana exposure calls to the Rocky Mountain Poison Center increased from 50 per year before commercialization to over 200 per year today²⁷.
5. Crime – both property crime and violent crime increased since commercialization according to the Colorado Bureau of Investigation²⁸. Although marijuana is not the cause of all crime increase, the Medical Marijuana Industry Group was quick to take credit for the brief drop in crime in 2013²⁹.
6. Corruption of the body politic – politicians and their appointees, the media, and many in the public in general have accepted the new above-described new norm created by commercialization of marijuana, and defend it, as exemplified by the Governor's MicMedia address, a recent radio interview with the Executive Director of CDPHE^{30,31} and almost any issue of the Denver Post.

Concluding remarks

Many refer to Colorado's adoption of marijuana as an experiment. But any experiment requires a control of input variables and measurement of outcomes. Colorado does neither. With less than half of the marijuana coming from licensed drug dealers, input variables cannot be controlled. The only outcome the state reliably measures is tax revenue.

²³ Legalization *op. cit.* p 13

²⁴ Monitoring, *op. cit.* p 76

²⁵ <https://www.ncbi.nlm.nih.gov/pubmed/27592339>

²⁶ Legalization, *op. cit.* pp 128-130

²⁷ Legalization, *op. cit.* p 82

²⁸ Legalization, *op. cit.* p 117

²⁹ <http://www.duidvictimvoices.org/wp-content/uploads/2015/04/Response-to-MMIG-Jan-2014-copy.pdf>

³⁰ <http://www.cbc.ca/news/canada/prince-edward-island/pei-colorado-marijuana-wolk-1.4366892>

³¹ <http://www.duidvictimvoices.org/fire-larry-wolk/>