

# NEW YORK SHOULD LEGALIZE MARIJUANA THE RIGHT WAY

New York should be the next state to legalize marijuana.

Hundreds of thousands of people across the state have been funneled into the criminal justice system for behavior that most New Yorkers don't believe should be a crime. We have an opportunity to stop this and to repair some of the damage from the failed war on drugs.

## OVERVIEW

Marijuana arrests are a key driver of mass incarceration in America – and they have a devastating and disproportionate impact on communities of color in New York state. On average, 60 New Yorkers are arrested for marijuana possession daily – and four out of five are black or Latino. Hundreds of thousands of people across the state have been funneled into the criminal justice system for behavior that most New Yorkers don't believe should be a crime. These arrests can have profound consequences beyond potential jail time: educational and employment opportunities can be diminished, housing and child custody can be put at risk, and lives can be upended and even destroyed.

New York must legalize marijuana for use by adults and limit the often-dire consequences of past marijuana convictions, ensure a diverse and inclusive legal marijuana industry, and drive resources to the marginalized communities of color that have been hardest hit by the decades-long war on drugs.

**The Marijuana Regulation and Taxation Act (MRTA) (S.1527/A.1617) includes four key considerations to ensure that marijuana legalization is fair and equitable:**

- 1. Marijuana is no more dangerous than alcohol and they should be treated the same way.**

Marijuana should be viewed from a public health perspective, just like alcohol. The legislature must resist calls to keep marijuana in the criminal code or to impose harsher new penalties on New Yorkers who violate legalized marijuana rules.



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**2. Marijuana legalization must automatically clear the criminal records of people convicted under the old marijuana laws.**

Decriminalizing low-level marijuana offenses today does nothing for individuals who were arrested for marijuana possession yesterday, last month, or last year. They may have to live with the impact of an arrest for the rest of their lives. If past criminal records under the old marijuana laws are not automatically cleared, only a fraction of the people harmed by marijuana prohibition will benefit.

**3. To ensure that legalization helps repair the harms of marijuana prohibition, the revenue generated through legalization and taxation must flow to the communities ravaged by the war on drugs.**

The MRTA would do that by using the tax revenues generated by legal marijuana sales for job training, after-school programs, community-centered projects, drug treatment programs and public education campaigns, and public schools in the low-income communities most harmed by the war on drugs. Competing proposals that fund mass transit or that do not specifically dedicate funding for community reinvestment would fail the communities most harmed by marijuana prohibition.

**4. Marijuana legalization must not expand invasive roadside saliva testing.**

Impaired driving – whether from prescription drugs, sleep deprivation, phone use, marijuana, or other causes – poses a public safety hazard. But police officers are already trained to recognize the signs of impairment and make arrests for drugged driving. Calls for new testing methods or the expansion of roadside saliva testing are misguided. Roadside saliva testing provides no information about a person’s level of intoxication, because marijuana can stay in the body for days after use. The mere presence of marijuana in a person’s saliva does not mean that he or she is impaired. The effects of marijuana vary tremendously by the individual, and there is no scientific agreement about what amount of marijuana in the saliva makes someone too drugged to drive. There is no reason to use an invasive, inaccurate test when law enforcement already has well-vetted tools to check for impaired driving.

New York has an opportunity to pass the nation’s most comprehensive policy to legalize, tax, and regulate marijuana. It is time for legislators to step up, stop the harm, and start repairing the damage to marginalized communities from the failed war on drugs.

For more information, please visit [nyclu.org](https://nyclu.org).