

**2005 - 2006 #72
Marijuana Possession**

1 Amendment _ is an amendment to the Colorado Revised Statutes that:

- 2 ♦ changes state law to legalize the possession of up to one ounce of marijuana
3 for adults 21 years of age or older.

4 **Summary and Analysis**

5 Individuals growing, distributing, possessing, or consuming marijuana are violating
6 federal, state and, in some cases, local laws. Amendment _ addresses state law for
7 possession only; enforcement of federal marijuana laws would not change.

8 *State marijuana laws.* Under state law, any person possessing one ounce or less
9 of marijuana commits a Class 2 petty offense, which is punishable by a fine that may not
10 exceed \$100. Amendment _ allows adults 21 years of age or older to possess up to one
11 ounce of marijuana. The following other marijuana offenses will remain illegal under state
12 law if Amendment _ passes:

- 13 • for persons under 21 years of age, possessing any amount of
14 marijuana;
- 15 • possessing more than one ounce of marijuana;
- 16 • growing, distributing, or selling marijuana;
- 17 • open and public display, use, or consumption of marijuana; and
- 18 • driving under the influence of marijuana.

19 **Arguments For**

20 1) The proposal strikes an appropriate balance between individual choice and
21 public safety. Marijuana and alcohol are both drugs with known dangers. State law allows
22 adults 21 years of age and older to possess and consume alcohol, but prohibits the
23 possession and use of marijuana. Possession of a small quantity of marijuana should be
24 a personal choice for adults.

1 2) The proposal presents a sensible change in priorities without jeopardizing
2 public safety. The proposal could free overburdened state and local criminal justice
3 systems from expending public resources on petty offenders, and allow these systems to
4 target their resources on the manufacturers, distributors, and traffickers of illegal drugs.
5 At a time when government budgets for law enforcement and court systems are strained,
6 focusing resources on more serious offenses is logical for taxpayers.

7 **Arguments Against**

8 1) Marijuana use may lead a person to use or possess other illegal drugs. Under
9 Amendment __, overall drug use in the state may rise, and legalizing the possession of
10 marijuana will increase both the availability of marijuana and the likelihood that minors
11 will have access to the drug. Colorado does not want to become a magnet for illicit drug
12 users due to its unique status as the only state to allow marijuana possession.

13 2) Individuals in possession of any amount of marijuana are violating federal law.
14 Illegal drugs are illegal because they are harmful. Alcohol has caused significant health,
15 social, and criminal problems and legalizing marijuana would only make the situation
16 worse. State and local drug enforcement costs are minimal compared to the social costs of
17 drug abuse and addiction. Federal law, along with public safety and health concerns, make
18 legalizing marijuana at the state level an unwise public policy choice.

19 **Estimate of Fiscal Impact**