INEQUALITY, MARIJUANA LEGALIZATION, AND THE DISTRICT OF COLUMBIA’S UNIQUE POSITION

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Chief Deputy Attorney General for the District of Columbia
**Washington, D.C.'s unique situation**

<table>
<thead>
<tr>
<th>Ballot Measure</th>
<th>Date Ballot Measure Passed</th>
<th>Date Possession Legalized</th>
<th>Date Retail Sales Began</th>
<th>Number of Non-Medical Retail Stores in Operation as of 11/7/2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska (Ballot Measure 2)</td>
<td>11/4/2014</td>
<td>2/24/2015</td>
<td>10/1/2016</td>
<td>147</td>
</tr>
<tr>
<td>California (Proposition 64)</td>
<td>11/8/2016</td>
<td>11/9/2016</td>
<td>1/1/2018</td>
<td>300+</td>
</tr>
<tr>
<td>Colorado (Amendment 64)</td>
<td>11/6/2012</td>
<td>12/10/2012</td>
<td>1/1/2014</td>
<td>504</td>
</tr>
<tr>
<td>Maine (Question 1)</td>
<td>11/8/2016</td>
<td>11/30/2017</td>
<td></td>
<td>None</td>
</tr>
<tr>
<td>Massachusetts (Question 4)</td>
<td>11/8/2016</td>
<td>12/15/2016</td>
<td></td>
<td>None</td>
</tr>
<tr>
<td>Nevada (Question 2)</td>
<td>11/8/2016</td>
<td>1/1/2017</td>
<td></td>
<td>37</td>
</tr>
<tr>
<td>Oregon (Measure 91)</td>
<td>11/4/2014</td>
<td>7/1/2015</td>
<td>Early retail sales of marijuana to adults 21 and over began at medical marijuana dispensaries on 10/1/2015 and licenses for adult use retailers began issuing on 10/2/2016.</td>
<td>507</td>
</tr>
</tbody>
</table>

*Source: (Drug Policy Alliance, 2018) - Marijuana Legalization and the Start of Adult Use Retail Sales by State (UPDATED)*
Initiative 71 passed by a landslide

“The Washington Post
Marijuana’s D.C. landslide

“In November, 70 percent of voters approved Initiative 71 to legalize marijuana.”
Initiative 71

WASHINGTON D.C. LEGAL CANNABIS MARKET

DESPITE BEING AT THE FOREFRONT OF CANNABIS LEGALIZATION, CONGRESSIONAL OVERSIGHT HAS STIFLED INDUSTRY GROWTH IN WASHINGTON D.C.

LEGALIZATION

MEDICAL 1998  ADULT USE 2014

24% PERCENTAGE OF 18+ ADULTS WHO CONSUMED CANNABIS IN THE PAST YEAR

MEDICAL DISPENSARY SALES

$17.8 MILLION  $33.9 MILLION

MEDICAL PATIENT RECIPROCITY:

5 DISPENSARIES  8 PRODUCERS

2017  2020

Source: New Frontier Data, Substance Abuse and Mental Health Services Administration, Washington D.C. Department of Health

MEDICAL MARKET

4,995 REGISTERED PATIENTS  294 PARTICIPATING PHYSICIANS

ADULT USE MARKET LAWS

21+ CONSUMPTION AGE  UP TO 2 oz POSSESSION  UP TO 6 Plants HOME CULTIVATION

CONSUMPTION IN PUBLIC  CANNABIS DONATIONS  CANNABIS SALES

Source: New Frontier Data Inc.
Rates of Marijuana Consumption Similar Among All Racial Groups

Annual marijuana use prevalence, by race

Source: Uniform Crime Reporting Program, U.S. Census Bureau
Data provided by Jon Gelman, Shenandoah University
Racial Disparities in Arrest Rates (Nationally)

Arrest rate per 100,000 for marijuana possession, by race

Source: Uniform Crime Reporting Program, U.S. Census Bureau
Data provided by Jon Gettman, Shenandoah University
Racial Disparities in Arrest Rates

- In 2010, across the country, blacks were 3.73 times more likely than whites to be arrested for marijuana possession.

- The rates at the high end of the spectrum are staggering:

<table>
<thead>
<tr>
<th></th>
<th>Black Arrest Rate</th>
<th>White Arrest Rate</th>
<th>Times More Likely Blacks Arrested</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iowa</td>
<td>1,454</td>
<td>174</td>
<td>8.34</td>
</tr>
<tr>
<td>D.C.</td>
<td>1,489</td>
<td>185</td>
<td>8.05</td>
</tr>
<tr>
<td>Minnesota</td>
<td>835</td>
<td>107</td>
<td>7.81</td>
</tr>
<tr>
<td>Illinois</td>
<td>1,526</td>
<td>202</td>
<td>7.56</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>1,285</td>
<td>215</td>
<td>5.98</td>
</tr>
<tr>
<td>Kentucky</td>
<td>697</td>
<td>117</td>
<td>5.95</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>606</td>
<td>117</td>
<td>5.19</td>
</tr>
</tbody>
</table>

Source: (ACLU, June 2013) – The War on Marijuana in Black and White
Vast Racial Disparities in Arrest Rates (in the District)

Source: (Drug Policy Alliance, 2018) – Marijuana Arrest Rates per 100,000 in Washington D.C. by Charge and Race (2010 – 2016)
Post-Legalization: Decreasing Arrest Rates

Source: (Drug Policy Alliance, 2018) – Annual Marijuana Arrests or Convictions by State

v Because marijuana arrest data are not available for Washington, data on the number of marijuana possession convictions were used to demonstrate the decline in marijuana arrests in the state.
Post-Legalization: Persistent Racial Disparities

Public Consumption of Marijuana Arrest Rates per 100,000 in Washington, D.C. by Race (2016)

Source: (Drug Policy Alliance, 2018)
Disparities in Marijuana Business Ownership

Breakdown of Marijuana Business Owners and Founders By Race (Nationally)

- White: 81%
- Hispanic/Latino: 5.7%
- African-American: 4.3%
- Asian: 2.4%
- Other: 6.7%
Effects of Absence of Regulation

- Emergence of gift economy
- Loss of tax revenue
- Cost of prosecution
- Illegal public consumption
Inability to Regulate
The Bottom Line: Disparities Persist

- The bottom line is that, despite much of the rationale for legalization, racial disparities persist and are woven into our marijuana law.

- As states move forward with legal marijuana regimes, they should remain mindful of these statistics.