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A Policy Continuum in State Approaches to Drug Control: From High Deterrence to Medicalization and Scheduling Changes

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Illicit Drug Policies: Selected Laws from the 50 States
Chartbook
Purpose

• Provide relatively current information (as of 1-1-00) to policy makers and researchers on specific state laws pertaining to drug scheduling and the penalties for sale and possession of select drugs.

• Demonstrate differences in state and federal approaches to drug policy by highlighting variation in state and federal scheduling of selected drugs and the recognition of medical marijuana.

• Document the variation in penalty provisions across states.
A First Step

• These data represent the necessary first step for a long-term research agenda.

• The natural variation in drug policies across states combined with other environmental variables can be used to assess the impact of particular policy approaches on youth perceptions and behavior and on use consequences.
State Policy/Law
Areas of Emphasis

• Selected drug policy areas that are consistently addressed across all states, although with inter-state variability.

• Legislation that represents a new policy experiment (medical marijuana).
Actual Policy Areas Selected

• Drug Scheduling – consistently identified in legislation in all states

• Penalties – consistently identified in legislation in all states

• Medical Marijuana – policy experiment
Selected Illicit Drugs

(Largely based on youth use patterns and recent trends in legislative activity)

- Marijuana
- Cocaine
- Methamphetamine
- Selected Club Drugs (Rohypnol, GHB, ecstasy, and ketamine)
A Comparison of Federal and State Scheduling of Selected Club Drugs

*N=48; excludes ME, MA, and VT

**As of January 1, 2000, GHB was not listed in the CSA.
Number of States with Specific Types of Medical Marijuana Provisions

- Medical necessity defense: 1 before 1995, 6 after 1995
- Physician prescription: 4 before 1995, 7 after 1995
- Rescheduling provisions: 2 before 1995, 1 after 1995
- Therapeutic research programs: 13 before 1995, 1 after 1995
Number of Quantity Triggers Specified for Sale Penalties

Number of quantity triggers

1
2
3
4
5

Marijuana
Cocaine
Methamphetamine
Ecstasy

Number of states

10 20 30 40 50
Number of Quantity Triggers Specified for Possession Penalties

Number of quantity triggers

- Marijuana
- Cocaine
- Methamphetamine
- Ecstasy

Number of states

1
2
3
4
5

10 20 30 40 50
States with Separate Penalties for Sale or Possession of Crack vs. Cocaine Powder

Separate penalties for...
- Sale and possession (4)
- Sale only (5)
- Possession only (2)
- Same penalties or NA (40)
Selected State Illicit Drug Laws as of January 1, 2000

Texas

Controlled Substance Scheduling

<table>
<thead>
<tr>
<th>Substance</th>
<th>Jurisdiction</th>
<th>1st Schedule</th>
<th>2nd Schedule</th>
<th>3rd Schedule</th>
<th>4th Schedule</th>
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Sale Penalties

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<th>Minimum</th>
<th>Maximum</th>
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Different Sale Penalties for Crack

No ☑ Yes ☐
## Selected State Illicit Drug Laws as of January 1, 2000

### Medical Marijuana

**Texas**

**No** ☐ **Yes** ☑

- Therapeutic research program: ☑
- Possession: ☐
- Physician prescription: ☐
- Medical necessity: ☐

### Possession Penalties

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<th>Years of Imprisonment</th>
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*“m” denotes crimes over “t” and “a”.

**Different Possession Penalties for Crack**

**No** ☐ **Yes** ☑
Conclusions

This Document Will:

• Inform policy makers of key elements of current state drug law/policy

• Highlight variance in state approaches to drug policy

• Stimulate policy research

• Encourage policy development
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