impacTEEN

A Policy Research Partnership to Reduce Youth Substance Use

Supported by:
The Robert Wood Johnson Foundation

ImpacTeen is part of Bridging the Gap: Research Informing Practice for Healthy Youth Behavior, supported by the Robert Wood Johnson Foundation and administered by the University of Illinois at Chicago.
Illicit Drug Policies:
Selected Laws from the 50 States

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MD Senate Special Committee on Substance Abuse
June 19, 2002
Bridging the Gap: Research Informing Practice for Healthy Youth Behavior

University of Illinois at Chicago
Health Research and Policy Centers

University of Michigan
Institute for Social Research
Purpose of the Initiative:

- To evaluate the impact of:
  - Policies
  - Programs
  - Practices

- Addressing various types of substances:
  - Alcohol Use
  - Illicit Drug Use
  - Tobacco Use

- At various levels:
  - State
  - Community
  - School
  - Individual
ImpacTeen Illicit Drug Team Policy Research

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Jamie Chriqui (Leg. DB Dir.)/Deborah Reichmann (Leg. DB Coordinator) –The MayaTech Corporation
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Frank J. Chaloupka and others—University of Illinois at Chicago
Lloyd Johnston, Patrick O’Malley, and others—University of Michigan
Michael Grossman, Michael French, Richard Clayton, and several other consultants
Illicit Drug Policies: Selected Laws from the 50 States
• 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.
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)
Data Sources and Methods

- State laws in effect as of January 1, 2000.
- Original statutory research conducted by legal research staff at The MayaTech Corporation.
- Verification, as necessary, with secondary data sources/state officials.
Data Caveats

• Does not reflect regulatory data.

• Penalty data only reflect statutorily-specified penalties and not those imposed during the sentencing phase of a trial or in non-statutory sources (e.g., non-statutory sentencing guidelines)

• We have not yet examined implementation/enforcement of these data.
Selected State Illicit Drug Laws as of January 1, 2000

Maryland

Controlled Substance Scheduling

<table>
<thead>
<tr>
<th>Substance</th>
<th>Federal</th>
<th>Maryland</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td># of Schedules</td>
<td></td>
</tr>
<tr>
<td>Marijuana</td>
<td>I</td>
<td>I</td>
</tr>
<tr>
<td>Cocaine</td>
<td>II</td>
<td>II</td>
</tr>
<tr>
<td>Methamphetamine</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>Ketamine</td>
<td>IV</td>
<td>IV</td>
</tr>
<tr>
<td>Ketamine</td>
<td>KSch</td>
<td>KSch</td>
</tr>
<tr>
<td>Ketamine</td>
<td>I</td>
<td>I</td>
</tr>
<tr>
<td>Ketamine</td>
<td>NSch</td>
<td>NSch</td>
</tr>
</tbody>
</table>

Sale Penalties

<table>
<thead>
<tr>
<th>Drug</th>
<th>(# triggers)</th>
<th>Quantity</th>
<th>$Minimum</th>
<th>$Maximum</th>
<th>Minimum</th>
<th>Maximum</th>
<th>Increased penalties for subsequent violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cocaine</td>
<td>(2)</td>
<td>Any</td>
<td>0</td>
<td>25,000</td>
<td>NS</td>
<td>20</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td></td>
<td>418.04</td>
<td>0</td>
<td>100,000</td>
<td>5&quot;</td>
<td>20</td>
<td>✓</td>
</tr>
<tr>
<td>Marijuana</td>
<td>(2)</td>
<td>Any</td>
<td>0</td>
<td>15,000</td>
<td>NS</td>
<td>5</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td></td>
<td>216.79</td>
<td>0</td>
<td>100,000</td>
<td>5&quot;</td>
<td>5</td>
<td>✓</td>
</tr>
<tr>
<td>Methamphetamine</td>
<td>(2)</td>
<td>Any</td>
<td>0</td>
<td>15,000</td>
<td>NS</td>
<td>5</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td></td>
<td>418.04</td>
<td>0</td>
<td>100,000</td>
<td>5&quot;</td>
<td>5</td>
<td>✓</td>
</tr>
<tr>
<td>Ectasy (MDMA)</td>
<td>(1)</td>
<td>Any</td>
<td>0</td>
<td>15,000</td>
<td>NS</td>
<td>5</td>
<td>✓</td>
</tr>
</tbody>
</table>

*Quantity/weight combination contains "x" stated unit amount

Different Sale Penalties for Crack: Yes ✓
Selected State Illicit Drug Laws as of January 1, 2000

**Maryland**

### Medical Marijuana

- **No** ☑️  **Yes**  ☐  
  - If yes, what type?
    - Therapeutic research program
    - Rescheduling
    - Physician prescription
    - Medical necessity
  

### Possession Penalties

<table>
<thead>
<tr>
<th>Drug (if triggers)</th>
<th>Quantity</th>
<th>$S_{Minimum}$</th>
<th>$S_{Maximum}$</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cocaine (2)</td>
<td>Any</td>
<td>$0$</td>
<td>$21,000$</td>
<td>NS</td>
<td>$4$</td>
</tr>
<tr>
<td></td>
<td>2g</td>
<td>$0$</td>
<td>$56,000$</td>
<td>NS</td>
<td>$25$</td>
</tr>
<tr>
<td>Marijuana (3)</td>
<td>Any</td>
<td>$0$</td>
<td>$1,000$</td>
<td>NS</td>
<td>$1$</td>
</tr>
<tr>
<td></td>
<td>$5000.0g$</td>
<td>$0$</td>
<td>$10,000$</td>
<td>NS</td>
<td>$10$</td>
</tr>
<tr>
<td></td>
<td>$45000.0g$</td>
<td>$0$</td>
<td>$50,000$</td>
<td>NS</td>
<td>$25$</td>
</tr>
<tr>
<td>Methamphetamine (2)</td>
<td>Any</td>
<td>$0$</td>
<td>$21,000$</td>
<td>NS</td>
<td>$4$</td>
</tr>
<tr>
<td></td>
<td>2g</td>
<td>$0$</td>
<td>$56,000$</td>
<td>NS</td>
<td>$25$</td>
</tr>
<tr>
<td>Ecstasy (MDMA) (1)</td>
<td>Any</td>
<td>$0$</td>
<td>$21,000$</td>
<td>NS</td>
<td>$4$</td>
</tr>
</tbody>
</table>

**Note:** Quantity/kg combination contains "standard retail amount"

**Increased penalties for subsequent violations**

**Different Possession Penalties for Crack**

- **No** ☑️  **Yes**  ☐  

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**NS** - Not specified

**kg** - Converted from kg
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 Quantity Triggers Specified for Sale Penalties

Number of quantity triggers:

1. 1
2. 2
3. 3
4. 4
5. 5

Number of states

Number of Quantity Triggers

Specified for Sale Penalties

MD

Marijuana
Cocaine
Methamphetamine
Ecstasy

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

MD - sale only

Separate penalties for...
- Sale and possession (4)
- Sale only (5)
- Possession only (2)
- Same penalties or NA (40)
Number of States with Specific Types of Medical Marijuana Provisions

- **Medical necessity defense**
  - Before 1995: 1
  - After 1995: 6

- **Physician prescription**
  - Before 1995: 4
  - After 1995: 7

- **Rescheduling provisions**
  - Before 1995: 2
  - After 1995: 1

- **Therapeutic research programs**
  - Before 1995: 13
  - After 1995: 1
Max. Fine for Possession: MD vs US Mean
(Standard Retail Amount Comparisons by Drug)
Max. Jail for Possession: MD vs US Mean
(Standard Retail Amount Comparisons by Drug)
Max. Fine for Sale: MD vs US Mean
(Standard Retail Amount Comparisons by Drug)
Max. Jail for Sale: MD vs US Mean
(Standard Retail Amount Comparisons by Drug)
What does it all mean?

This report provides real data that dispells several myths about drug law and policy in the states.
Myth #1: State law mirrors federal law

States have taken varied approaches to drug policy.

State law matters because the vast majority of offenders are tried in state courts.
Myth #2: Only 8 states have medical marijuana laws

Medical marijuana is not a new debate.

As of January 1, 2000, 24 states and DC recognized the medicinal value of marijuana.
Myth #3: There is a huge disparity between crack and powder cocaine penalties

The Federal sentencing disparity is not apparent in state statutes.
Conclusions

• Data show considerable variance in state drug policies/penalties

• This variance provides a natural laboratory to examine the relationship between drug policy (high penalties, marijuana medicalization, de-penalization) and consequences of use (overdoses, arrests, etc), as well as youth perceptions of risk availability and actual use (put this in a public health policy context)

• It is hoped that these data will:
  > inform policy makers of key elements of current state drug law/policy
  > stimulate policy research
  > encourage policy development informing