

## NO DEFENSE NEEDED FOR LEGALIZATION

BY ROBERT GROESBECK

I am often asked to defend the legalization of marijuana in my home state of Nevada. My defense is wholly irrelevant.

The reality is that marijuana use is, in fact, now legal. Nevadans have made it clear on two occasions that they support legalization—in 2000, when medical marijuana was approved, and in 2016, when a ballot initiative to legalize recreational use won by a 54.4 to 45.5 percent margin.

Yet many continue to insist that legalization is inherently bad. One of the fallacies most often heard involves the “predicted” increase in impaired drivers. But it is only that, a prediction. Little data exists to support the contention.

What we do know is that laws alone do not deter people from making bad decisions. A perfect example is drunk driving. Driving while under the influence of alcohol has long been illegal in every state. Yet the Centers for Disease Control and Prevention reports that, in 2014, 28 people died every day in the United States in motor vehicle crashes involving an alcohol-impaired driver. That equates to one death every 51 minutes.

Let me make this clear: I do not condone impaired driving, no matter what substance causes the impairment. As a father of two daughters, nothing scares me more than a person under the influence getting behind the wheel. Impaired drivers should be prosecuted to the fullest extent of the law. It is an important deterrence. But the current federal laws against marijuana are outdated. As was the case with alcohol during Prohibition, the bans have succeeded only in creating a robust black market.

As for safety, critics assume that people who currently behave responsibly and don't drive drunk will suddenly choose to drive drugged because marijuana is legal. That argument is, at best, dubious.

Full disclosure: I co-own and operate five licensed marijuana facilities in Nevada



*The author at his Las Vegas marijuana dispensary*

that have been operational the past 2 1/2 years. For me, the medicinal and recreational marijuana markets represented a once-in-a-lifetime business opportunity.

The constitutional rights that Americans enjoy are guaranteed so long as they do not unreasonably infringe upon the rights of others. When people choose to use drugs or alcohol, and they do so in the safety and privacy of their own homes, they are acting within their rights. When they get behind the wheel while impaired and become a threat to the safety of others, they are infringing on others' rights.

The solution, in the case of both alcohol and marijuana, is not prohibition but to teach people not to engage in behaviors that put themselves and others at risk. And, of course, to hold them accountable when they do.

Few people think of this today, but marijuana was legal for far longer than it has been illegal. The cannabis plant has been used by many cultures for thousands of years. A number of our founding fathers grew marijuana; several are said to have used it. Marijuana was first crim-

inalized nationally in 1937; that law was later ruled unconstitutional. It wasn't categorized as a Schedule 1 narcotic (those deemed to have high abuse potential and no medical use) until 1970.

The most pertinent defense of marijuana legalization is that it represents the will of the people. Although marijuana remains illegal at the federal level, it is imperative that Congress and the executive branch take action to alter and/or repeal the arcane and out-of-date laws that are currently creating unnecessary tension between the state and federal governments.

Hopefully, we can move away from the hysteria and ignorance associated with marijuana and get the federal government to acknowledge that legalization and regulation are issues best left to the states.

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