



April 2, 2015

VIA ELECTRONIC MAIL

**Re: Reallocation of Initiative-502 tax revenue in PSSB 6062/PSSB 5077 and
P2SHB 2136/PSHB 1106**

Dear Lawmakers,

On behalf of the American Civil Liberties Union of Washington (ACLU-WA), I write to raise concerns over legislation that seeks to reallocate revenue earmarked for health care, research, and substance abuse prevention in Initiative 502 ("I-502"). The ACLU-WA is a statewide, non-partisan, non-profit organization with over 20,000 members, dedicated to the preservation and advancement of civil liberties. ACLU-WA staff drafted I-502, were strong supporters of the New Approach Washington campaign, and have been working to ensure that the new marijuana law is fully and fairly implemented.

Washington voters made it clear in passing I-502 that they wanted a new approach to marijuana policy rather than just legalization without more. Instead of treating it as a crime, they wanted a system with strong regulations, taxation, and funding for prevention and public health. Legislation in the Senate and House seeks to undo a critical element of I-502. PSSB 6062 and PSSB 5077 explicitly contravene I-502's intent to "[g]enerate[] new ... tax revenue for ... health care, research, and substance abuse prevention,"¹ by eliminating the Dedicated Marijuana Fund. While not as drastic a cut as the Senate bills, P2SHB 2136 and PSHB 1106 would redirect money away from prevention programs to other non-marijuana-related programs. Taking away these funds means that our state's youth will not get the benefit of participating in evidence-based prevention programs and that adults will not get sufficient education about risky marijuana use. The legislature should not take away funding from these important policies.

In either case, taking away tax revenue from I-502's original earmarks directly contravenes the will of the voters. It is important to remember that I-502 passed by a large margin (received almost 56% support) and won in 20 of Washington's 39 counties.

Washington voters also enacted a measure that was to have been robustly evaluated by the Washington State Institute for Public Policy.² Independent, reliable cost-benefit evaluation of the impacts of I-502 is critical to ensuring the legislature has solid data to inform future decisions about funding priorities that protect and promote public health and safety. PSSB 6062 repeals the provisions mandating and funding these evaluations, which is unwise from a policy and public health perspective.

¹ Initiative 502 (2012), Part I – Intent – available at <http://www.newapproachwa.org/sites/newapproachwa.org/files/I-502%20bookmarked.pdf>.

² RCW 69.50.550

AMERICAN CIVIL
LIBERTIES UNION
OF WASHINGTON
901 FIFTH AVE. SUITE 630
SEATTLE, WA 98164
T/206.624.2184
WWW.ACLU-WA.ORG

JEAN ROBINSON
BOARD PRESIDENT

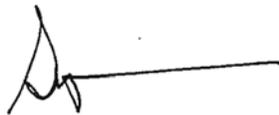
KATHLEEN TAYLOR
EXECUTIVE DIRECTOR

PSSB 6062 also contains tax amendments that benefit marijuana businesses, but strips the provisions of I-502 that were carefully drafted, in consultation with Washington prevention experts, to protect youth and vulnerable populations. This is lopsided and unfair to Washington's communities, and contravenes the spirit of I-502 to not just end marijuana prohibition, but end it responsibly. It is also unwise to remove this funding at a time when the Department of Justice is still monitoring Washington's law closely. As DOJ stated in its August 2013 Memorandum, federal noninterference in state marijuana laws depends on compliance with eight enforcement guidelines, including "preventing the distribution of marijuana to minors" and "preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use."³ The existing tax earmarks in I-502 directly address these federal concerns.

Lawmakers should also remember that I-502 is still in its developmental stage and that a great deal of misinformation about the law still remains. Although the measure was designed to incorporate the best public health features of tobacco and alcohol policies, it will take time to inform the public about the law and how to use responsibly. According to research from the University of Washington that was just released, "only 57 percent of Washington parents surveyed knew the legal age for recreational marijuana use."⁴ One of the study's authors indicated it "convincingly points out that people don't have good information about the new law."⁵ But we also know prevention programs work—for example, prevention use of tobacco litigation settlement funds has cut youth initiation of tobacco use in half. Now is not the time to cut funding for programs that prevent marijuana use and abuse by youth—the legislature should instead prioritize fully funding those programs and ensuring the promise of Washington's new approach to marijuana becomes a reality.

Washington state voters made history with the passage of I-502 in 2012, taking a new approach to marijuana policy. Lawmakers should not defy the will of the voters by reallocating I-502 tax revenue away from health care, research, and substance abuse prevention.

Sincerely,



Shankar Narayan
Legislative Director

³ U.S. Department of Justice, Memorandum for All United States Attorneys – [Guidance Regarding Marijuana Enforcement](http://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf), August 29, 2013, available at <http://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf>.

⁴ UW Today, Deborah Bach, *Study Shows Teens and Adults Hazy on Washington Marijuana Law*, March 9, 2015, available at <http://www.washington.edu/news/2015/03/09/study-shows-teens-and-adults-hazy-on-washington-marijuana-law/>.

⁵ Id.

Cc: Gov. Jay Inslee
Kevin Quigley, Secretary, Department of Social and Health Services
John Wiesman, Secretary, Department of Health
Steve Aos, Director, Washington State Institute for Public Policy