



The Legalization of Marijuana in Virginia and the Reduction of Penalties for Cannabis Related Offenses Among Minors

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Shaping Our Future: Policy Pathways
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Problem Statement: Marijuana Use, Possession, and Legislation Negatively Affect Minors



- Young people are using marijuana.
- Marijuana affects the bodies and brain development of young people.
- In Virginia, young people 18 and under are most impacted by marijuana offenses.
- Convictions among Black vs. White residents

Source: <https://nextstepcs.org/effects-of-marijuana-legalization-on-youth/>



Policy Context: The Negative Effects of Marijuana on the Brains and Health of Minors


Marijuana disrupts the functioning of the brain in young people.

Passion: “I feel like smoking is bad for all people but mostly kids our age because it messes up your lungs and causes other health issues.”

People who begin using marijuana **before age 18** are **4 to 7 times** more likely to **develop marijuana use disorder.**



Source: <https://truthinitiative.org/research-resources/substance-use/action-needed-youth-and-marijuana>



Policy Formation: The Role of Cannabis Legislation and Penalties

“Minor”: defined by Virginia Code § 1-207
–“Child,” “juvenile,” “minor,” “infant,” or any combination thereof means a **person less than 18 years of age.**

The role of legislation and harsh penalties in modifying behavior

On July 1, 2021, Senate Bill 1406 became law in the Commonwealth of Virginia.

Adults who are at least 21 years old can possess and use marijuana recreationally, within specific limits.

Code of Virginia Section 4.1-1105.1 furnishes the penalty for underage possession or use of marijuana.

MARIJUANA ON SCHOOL CAMPUSES

Marijuana possession is illegal for anyone under 21, but there are harsher penalties for youth under 18.

YOU CAN

- look up your school's regulations and drug enforcement policies



NOT RECOMMENDED TO

- possess marijuana on your school's grounds, including universities and colleges



#LegalizeItRight

MARIJUANA PENALTIES

OFFENSE

PENALTY

Possessing under 1 ounce

Zero penalty

Possessing between 1 ounce and 1 pound

\$25 ticket

Possessing over 1 pound

Felony

Consuming marijuana in public

1st: \$25
2nd: \$25 + substance abuse course
3rd: Misdemeanor and up to \$2,500

Driving under the influence of marijuana

Up to 12 months in jail, \$2,500 fine, 12 months suspended license, substance abuse course

Possessing under the age of 21

Fine, substance abuse course, probation

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Policy Formation: Cannabis Advertisements, Images, and Products

FIGURE 9-5
Loose regulations can lead to highly visible advertising and images that appeal to children



SOURCE: JLARC review of news articles and reports on controversial marijuana marketing.

FIGURE 9-4
Some THC product packaging can be appealing to youth and can be hard to distinguish from non-THC products



SOURCE: JLARC review of marijuana retail websites.

TABLE 9-2

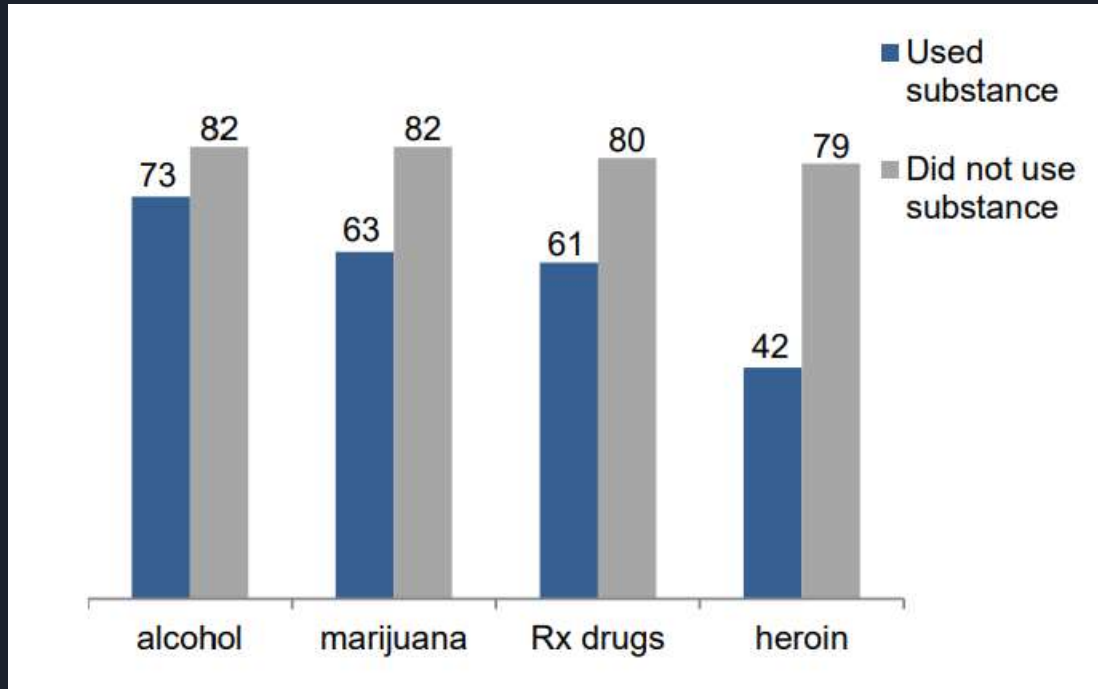
Three recent studies examining youth use after adult use laws do not show substantial increases in youth use

Study	Outcome(s) studied	Outcome
Association Between Recreational Marijuana Legalization in the United States and Changes in Marijuana Use and Cannabis Use Disorder from 2008 to 2016 (2020)	Youth use Prevalence of CUD Frequency of use	No change Small increase No change
Association of Marijuana Laws with Teen Marijuana Use: New Estimates from the Youth Risk Behavior Surveys (2019)	Youth use Frequency of use	Decrease in use No change
Prevalence of Cannabis Use in Youths after Legalization in Washington State (2019)	Use by 8th graders (Healthy Youth Survey) Use by 10th graders (HYS) Use by 8th graders (Monitoring the Future) Use by 10th graders (MTF)	Decrease in use Decrease in use Insignificant change Increase in use

SOURCE: JLARC analysis of research: Cerda 2020, Anderson 2019, and Dilley 2019

NOTE: CUD = Cannabis use disorder

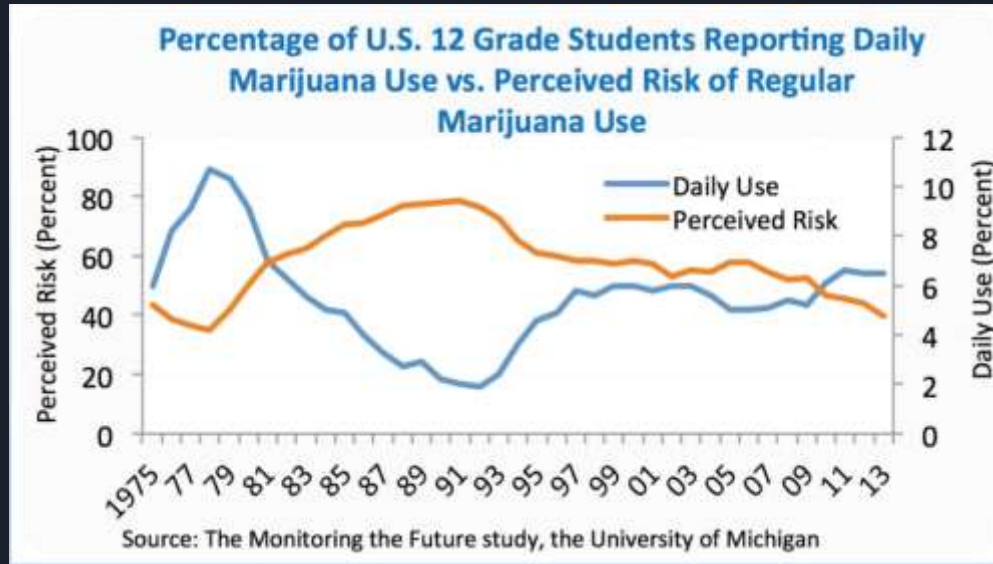
Policy Analysis: Grades & Substance Use



Source:
<https://www.vdh.virginia.gov/content/uploads/sites/69/2017/05/Substance-Use-High-School-Virginia-3.31.17.pdf>

Percentage of students in Virginia receiving mostly As and Bs by substance use

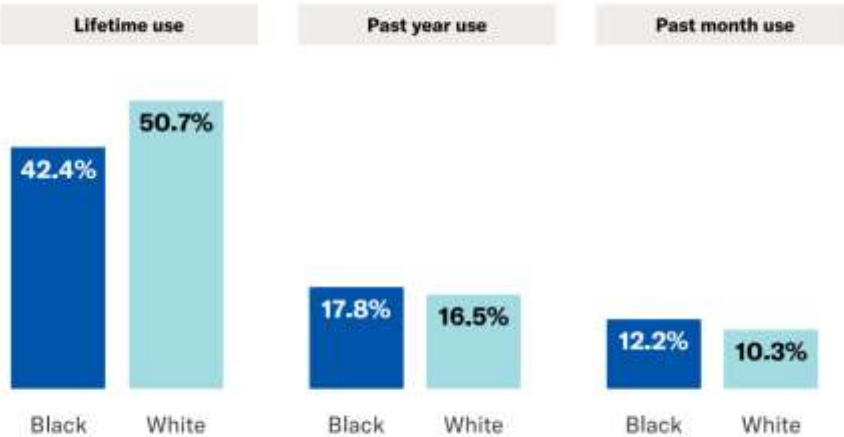
Policy Analysis: Percentage of U.S. 12 Grade Students Reporting Daily Marijuana Use vs. Perceived Risk of Regular Marijuana Use



Source: <https://family-intervention.com/blog/monitoring-future-survey-shows-dangerous-trend-marijuana-use/>

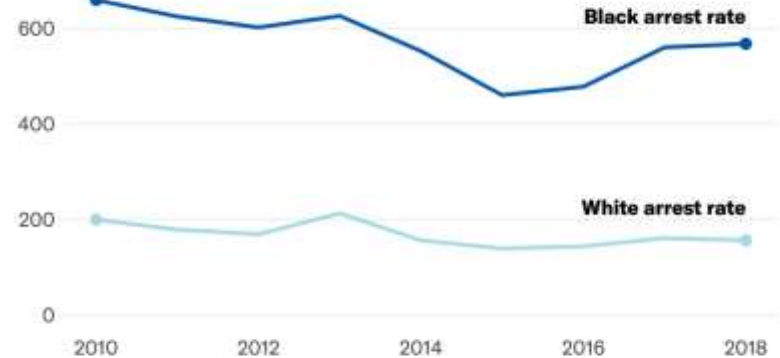
Policy Analysis: Usage versus Arrest by Race

Usage of Marijuana For Ages 12+ (2018)



Source: SAMHSA, U.S. Department of Health and Human Services.

Rates of Black and White Marijuana Possession Arrests per 100k people



Source: FBI/Uniform Crime Reporting Program Data and U.S. Census Data
Note: Florida and Washington, D.C. did not provide data.

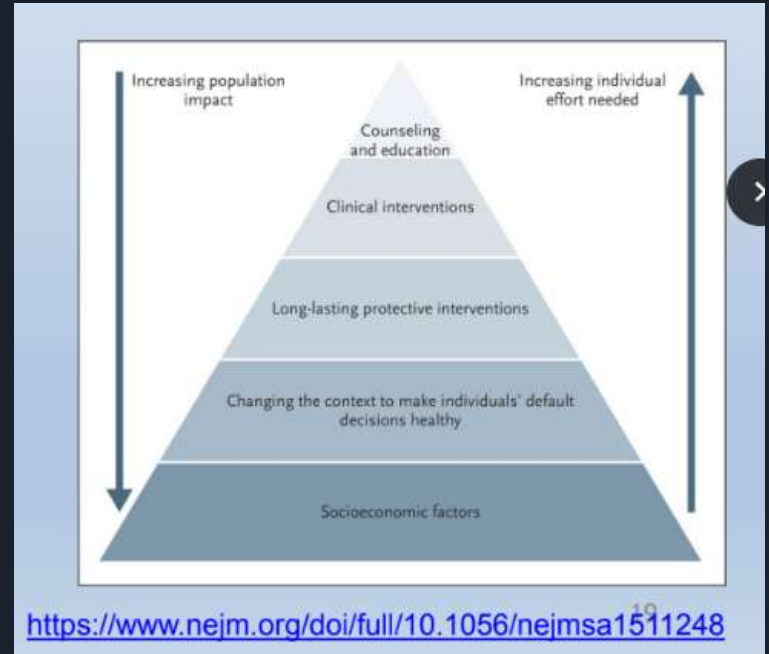
Policy Implications: Young Blacks who are Minors are Being Unfairly Treated

Some penalties are important to make sure people behave, but there should be limits when penalties are harsh, unfair, and discriminatory.

This is a serious concern when minors are criminalized for marijuana use or possession.



Recommendations



**Thank You For Listening to Our Capstone Project
on**

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References

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Source: <https://truthinitiative.org/research-resources/substance-use/action-needed-youth-and-marijuana>

Source: <https://www.aclu.org/report/tale-two-countries-racially-targeted-arrests-era-marijuana-reform>