



NDMA 2024 Policy Forum

October 4, 2024

Policy No. 1

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Subject: Recreational Marijuana Ballot Measure

Summary:

The 2024 ballot measure would allow for the production, processing, and sale of cannabis and the possession and use of various forms of cannabis by individuals who are 21 years of age and older; direct a state entity to regulate and register adult use cannabis production businesses, dispensaries, and their agents; provide protections for individuals who are 21 years of age or older who use cannabis; provide penalties for violations of the chapter; preserve certain employer rights regarding use of cannabis products by employees; supersede local ordinances that otherwise would prohibit the purchase, sale, use, delivery, or growing of cannabis by or to individuals 21 years of age or older; and provide that fees must be appropriated for administration of this chapter.

Relevant Information:

- North Dakota voters have twice rejected legalization of recreational marijuana by wide margins. (2018 and 2022)
- Despite the danger to children, the sale of gummies will be allowed by law. In just five years, the number of small children in the US exposed to cannabis after accidentally eating an edible rose 1,375% in kids under 6, according to an analysis of records from the National Poison Data System.
- Risk for substance use disorder is significantly higher for marijuana users (up to 30%) than alcohol users, and also associated with significantly increased risk of use of other illicit substances.
- Despite claims limiting use to private property, such protections will be impossible to enforce if tobacco products like vaping are allowed in public outdoor spaces. Enforcing these limitations will only add to the burden facing law enforcement because of legalization.

- Unlike other states, the measure prohibits local subdivisions from regulating use within their territory, nor does it give local government the option to opt out of the state law legalizing medical marijuana.
- Cannabis use and possession should be decriminalized, and civil fines and fees should be eliminated whenever possible. Referral for clinical assessment or educational activities are preferred as alternatives to civil penalties. There should be no mandatory minimum penalties, which disproportionately punish people of limited means.
- North Dakota should not use cannabis laws with criminal or civil penalties for possession or use to disproportionately penalize certain members of the population who use cannabis (e.g., people with limited means). States should offer automatic expungement for past minor cannabis-related convictions, so that hundreds of thousands of people — disproportionately people of color — do not remain marginalized for prior offenses.

Proposed Action:

- NDMA should oppose 2024 Ballot Measure #5
- Cannabis use should be discouraged through evidence-based prevention programs.
- NDMA should advocate for greater decriminalization of cannabis use and greater access to treatment (geographic, pediatric and adult, and financial) should be improved.

Reference:

American Society of Addiction Medicine - Public Policy Statement on Cannabis, 2020

Adopted November 26, 2024

Erica Hofland, MD

Policy Forum Chair