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3 Title: Resentencing for People Convicted of Marijuana-Based Offenses
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5 Introduced by: Brent Oldham for the Medical Student Section
6
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8 Aaron Sherwood, and Brianna Sohl
9
10 Referred to: Reference Committee B
11
12 House Action: **DISAPPROVED**
13

14
15 Whereas, from 2016 to 2017, more than 20,000 arrests involving marijuana charges were made in
16 Michigan, which accounted for approximately eight percent of all the arrests in the state and approximately
17 10 percent of all drugs arrests^{1,2}, and
18

19 Whereas, 87 percent of the arrests in Michigan were for possession and 13 percent were for
20 sales/distribution, of which 90 percent of possession arrests accounted for one ounce or less of marijuana^{1,2},
21 and
22

23 Whereas, the Michigan Department of Corrections spent approximately \$214,900,160 in 2017 to jail
24 individuals for marijuana-related offenses^{3,4}, and
25

26 Whereas, a 2014 report by the National Research Council found mandatory minimum sentences for
27 drug offenders to "have few, if any, deterrent effects"^{5,6}, and
28

29 Whereas, in 2016, throughout the United States, 44,700 people whose most serious offense was drug
30 possession were serving sentences in state prisons⁷, and
31

32 Whereas, according to the United States Department of Education, individuals who have been
33 convicted with possession of a controlled substance under any Federal or State law are ineligible to receive
34 federal grants, loans, or work assistance for one year after a first offense, two years after a second offense,
35 and for an indefinite period after their third offense⁸, and
36

37 Whereas, arrests for marijuana possession, regardless of whether the person was later convicted on
38 these charges, have been shown to negatively impact opportunities such as finding employment, housing,
39 and obtaining student loans, which can lead to widespread and multifactorial individual health
40 consequences^{9,10,11}, and
41

42 Whereas, criminalization of drug use is associated with increased stigma and discrimination of drug
43 users, and that stigma and discrimination experienced by drug users is associated with decreases in mental
44 and physical health^{12,13}, and
45

46 Whereas, nationally, African Americans are three times as likely to be arrested for marijuana
47 possession than whites; a similar pattern is seen in Michigan where African Americans are 2.6 times more
48 likely to be arrested despite the fact there are no significant differences in use^{2,9}, and
49

50 Whereas, 10 states (Alaska, California, Colorado, Maine, Michigan, Nevada, Oregon, Vermont,
51 Washington, and the District of Columbia) have legalized the use of both recreational and medicinal
52 marijuana¹⁴, and

53 Whereas, in the past four years, 10 states have passed laws addressing expungement of certain
54 marijuana convictions, pairing these laws with other policies to its decriminalization or legalization¹⁴, and
55

56 Whereas, in 2018, California became the first state to enact legislation ordering its Department of
57 Justice to conduct a review of criminal records and identify past convictions eligible for recall or dismissal of
58 sentence, dismissal and sealing, or re-designation in accordance with the Adult Use of Marijuana Act¹⁵, and
59

60 Whereas, California’s passage of Proposition 47 showed that reductions in criminal penalties for drug
61 possession can reduce racial and ethnic disparities in the criminal justice system, allowing for improvements
62 in health inequalities linked to social determinants of health; additionally, the dismissal of misdemeanor
63 marijuana convictions may dramatically improve the lives of those seeking housing, employment, or an
64 education^{16,17}, and
65

66 Whereas, Colorado and Massachusetts have approved legislation allowing individuals convicted for
67 possession to petition to seal criminal records of misdemeanor offenses that are no longer considered
68 crimes¹⁴, and
69

70 Whereas, during the 2018 elections, Michigan voters passed Proposal 1 to legalize the recreational
71 use and possession of marijuana for individuals 21 years of age or older^{18,19}, and
72

73 Whereas, Macomb and Oakland County Prosecutors have already begun dismissing low-level
74 marijuana criminal charges²⁰, and
75

76 Whereas, state legislation, House Bill 6227, was introduced, but not addressed during the 2017-2018
77 Legislative session to require judges to review requests of people convicted of low-level marijuana crimes²¹;
78 therefore be it
79

80 RESOLVED: That MSMS supports the resentencing of persons who are currently serving a sentence
81 for offenses for which the penalty is reduced, so long as the person does not pose a risk to public safety, and
82 to redesignate or dismiss such offenses from the criminal records of persons who have completed their
83 sentences; and be it further
84

85 RESOLVED: That MSMS supports legislation to set aside convictions of marijuana based offenses in
86 certain criminal cases.
87

88
89 WAYS AND MEANS COMMITTEE FISCAL NOTE: \$1,000 or more for costs related to the adoption of new or
90 revised MSMS or AMA policy.

Relevant MSMS Policy:

Marijuana (Pending final approval by the 2019 MSMS HOD)

MSMS considers marijuana use a public health issue with potentially severe adverse health effects and opposes the recreational use of marijuana. (Prior to 1990)

Edited 1998

Amended 2019 (Res46-18 AND 70-18)

Relevant AMA Policy:

Cannabis and Cannabinoid Research H-95.952

1. Our AMA calls for further adequate and well-controlled studies of marijuana and related cannabinoids in patients who have serious conditions for which preclinical, anecdotal, or controlled evidence suggests possible efficacy and the application of such results to the understanding and treatment of disease.

2. Our AMA urges that marijuana’s status as a federal schedule I controlled substance be reviewed with the goal of facilitating the conduct of clinical research and development of cannabinoid-based medicines, and alternate delivery

methods. This should not be viewed as an endorsement of state-based medical cannabis programs, the legalization of marijuana, or that scientific evidence on the therapeutic use of cannabis meets the current standards for a prescription drug product.

3. Our AMA urges the National Institutes of Health (NIH), the Drug Enforcement Administration (DEA), and the Food and Drug Administration (FDA) to develop a special schedule and implement administrative procedures to facilitate grant applications and the conduct of well-designed clinical research involving cannabis and its potential medical utility. This effort should include: a) disseminating specific information for researchers on the development of safeguards for cannabis clinical research protocols and the development of a model informed consent form for institutional review board evaluation; b) sufficient funding to support such clinical research and access for qualified investigators to adequate supplies of cannabis for clinical research purposes; c) confirming that cannabis of various and consistent strengths and/or placebo will be supplied by the National Institute on Drug Abuse to investigators registered with the DEA who are conducting bona fide clinical research studies that receive FDA approval, regardless of whether or not the NIH is the primary source of grant support.

4. Our AMA supports research to determine the consequences of long-term cannabis use, especially among youth, adolescents, pregnant women, and women who are breastfeeding.

5. Our AMA urges legislatures to delay initiating the legalization of cannabis for recreational use until further research is completed on the public health, medical, economic, and social consequences of its use.

¹ Mack J. See data on 2017 marijuana arrests in your Michigan city or township. MLive.

https://www.mlive.com/news/index.ssf/2018/10/see_the_number_of_2017_marijua.html. Published 2018. Accessed January 20, 2019.

² Hovey J. New Analysis Shows Vast Majority of Michigan Marijuana Arrests Are for Petty Possession. Regulate MI.

<https://www.regulatemi.org/press/2018/10/10/new-analysis-shows-vast-majority-of-michigan-marijuana-arrests-are-for-petty-possession/>. Published 2018. Accessed January 20, 2019.

³ Snyder R, Walsh JJ. EXECUTIVE BUDGET STATE OF MICHIGAN. https://www.michigan.gov/documents/budget/FY19_Exec_Budget_613184_7.pdf. Accessed February 28, 2019.

⁴ Mack J. Marijuana is 9% of all Michigan arrests, and other facts on marijuana arrests. M-Live.

https://www.mlive.com/news/2017/07/marijuana_is_9_of_all_michigan.html. Published 2017. Accessed February 28, 2019.

⁵ Council NR. The Growth of Incarceration in the United States. Washington, D.C.: National Academies Press; 2014. doi:10.17226/18613

⁶ Trust P. More Imprisonment Does Not Reduce State Drug Problems.; 2018. <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2018/03/more-imprisonment-does-not-reduce-state-drug-problems>.

⁷ Carson EA. Prisoners in 2016.; 2016. <https://www.bjs.gov/content/pub/>. Accessed January 20, 2019.

⁸ McKeon H. H.R.6 - 105th Congress (1997-1998): Higher Education Amendments of 1998. 1998. <https://www.congress.gov/bill/105th-congress/house-bill/6>. Accessed January 20, 2019.

⁹ Taras G. High Time for Change: How Legalizing Marijuana Could Help Narrow the Racial Divide in the United States. *J Intl Comp L*. 2016;24:565-598. doi:10.3868/s050-004-015-0003-8

¹⁰ Roelfs DJ, Shor E, Davidson KW, Schwartz JE. Losing life and livelihood: A systematic review and meta-analysis of unemployment and all-cause mortality. *Soc Sci Med*. 2011;72(6):840-854. doi:10.1016/j.socscimed.2011.01.005

¹¹ Graetz B. Health consequences of employment and unemployment: Longitudinal evidence for young men and women. *Soc Sci Med*. 1993;36(6):715-724. doi:10.1016/0277-9536(93)90032-Y

¹² Burrell S. Disease Stigma in U.S. Public Health Law. *J Law, Med Ethics*. 2002;30(2):179-190. doi:10.1111/j.1748-720X.2002.tb00385.x

¹³ Ahern J, Stuber J, Galea S. Stigma, discrimination and the health of illicit drug users. *Drug Alcohol Depend*. 2007;88(2-3):188-196. doi:10.1016/J.DRUGALCDEP.2006.10.014

¹⁴ National Conference of State Legislatures. Marijuana Overview.; 2018. <http://www.ncsl.org/research/civil-and-criminal-justice/marijuana-overview.aspx>. Accessed January 20, 2019.

¹⁵ Bonta A, Skinner S, Wiener S, Gonzalez Fletcher A, Quirk A. An Act to Add Section 11361.9 to the Health and Safety Code, Relating to Cannabis. California Secretary of State; 2018. http://leginfo.ca.gov/faces/billStatusClient.xhtml?bill_id=201720180AB1793. Accessed January 20, 2019.

¹⁶ Mooney AC, Giannella E, Glymour MM, et al. Racial/Ethnic Disparities in Arrests for Drug Possession After California Proposition 47, 2011-2016. *Am J Public Health*. 2018;108(8):987-993. doi:10.2105/AJPH.2018.304445

¹⁷ San Francisco District Attorney's Office. San Francisco Leads the Way: Providing Relief Under Proposition 64. City and Council of San Francisco. <https://sfdistrictattorney.org/san-francisco-leads-way-providing-relief-under-proposition-64>. Published 2018. Accessed February 28, 2019.

¹⁸ Stutzky S, Yuille R, Coffin M, et al. Ballot Proposal 1 of 2018.

<http://www.house.mi.gov/hfahttp://www.house.mi.gov/hfaAnalysisavailableathttp://www.legislature.mi.gov>. Accessed January 20, 2019.

¹⁹ Grey K. Marijuana bill passes in Michigan: What you need to know. <https://www.freep.com/story/news/marijuana/2018/11/07/michigan-marijuana-results-election-legalization/1835297002/>. Published November 7, 2018. Accessed January 20, 2019.

²⁰ Grey K. Michigan marijuana legalization date set for Dec. 6. Detroit Free Press. <https://www.freep.com/story/news/marijuana/2018/11/26/election-results-certified-10-day-clock-starts-legal-weed/2115603002/>. Published November 26, 2018. Accessed January 20, 2019.

²¹ Neeley, Sneller, Ellison, et al. House Bill No. 6227. Michigan House of Delegates; 2018:10. <http://www.legislature.mi.gov/documents/2017-2018/billintroduced/House/pdf/2018-HIB-6227.pdf>. Accessed January 20, 2019.