Defeat Question 4 – Bad Business Deal for MA

While the Cape Cod Chamber of Commerce has not taken a position on the principle of recreational marijuana legalization generally, it stands opposed to the current ballot question that will be presented to voters this fall.

This is a bad deal for Massachusetts and its businesses. By seeking to enact law through a ballot question rather than the formal legislative process, which includes extensive public engagement and deliberation, the five billion-dollar marijuana industry - who wrote and paid for this effort with no public input, has forced the Commonwealth into an unfortunate all or nothing position. Legalizing recreational marijuana use in this fashion will be a boon to the industry, and a bust for Massachusetts.

Question #4 on the November, 2016 ballot seeks to allow the use, cultivation, possession and distribution of recreational marijuana for individuals at least 21 years old. It will allow users up to have 10 ounces of pot in their home, or one ounce on their person. Marijuana could be purchased in buds, edibles, drinkables, oils and ointments, and allows six home-grown plants for anyone over the age of 21, with a maximum of 12 plants per household. The Ballot question also sets up a state marijuana control board and advisory committee to regulate the sales and growth of recreational cannabis.

This question was written and placed on the ballot by The Campaign to Regulate Marijuana Like Alcohol and The Marijuana Policy Project, the industry’s leading national lobbying group. The language in the ballot question was written to benefit one profit making industry, but at the detriment of other industries in the commonwealth. There are three main points of opposition to this ballot question:

I. Business Burdens

The language in this ballot question is solely focused on making money for the marijuana industry and does not address the burdens that legalization will place on other businesses. If the MA ballot question were to pass, marijuana would still be illegal under federal law, which creates numerous state vs federal legal conflicts, would cause significant ambiguity for businesses to regulate a drug-free workplace, and creates no workplace protections for employers.
Legalization of recreational marijuana will impact HR policies for millions of Massachusetts employers. The prospect of employees under the influence of recreational marijuana raises concerns for many employers, companies and industry sectors across the state and would create a multitude of workforce issues including employee and workplace safety, potential for lost productivity, as well as significant liability if an accident occurs on the job.

Additionally, if enacted this law would limit an employer’s ability to prevent employees from working while impaired by marijuana consumed outside the workplace, and could expose employers to litigation for trying to impose workplace restrictions other than those specifically outlined in the measure.

Further, unlike alcohol, there are no field testing means or thresholds to establish safe levels for employees while navigating or being in actual physical control of any motor vehicle, train, aircraft, motorboat or other motorized form of transport or machinery while impaired by marijuana.

II. We can’t afford it – Literally
The ballot question would tax marijuana through sales and excise at 10% with a possible 2% local option. This is considerably lower than rates imposed in Colorado and Washington (25% and 37% respectively). At this rate, according to the Report of the Special MA Senate Committee on Marijuana, (March 2016) tax revenues and fees that would be generated from legal sales may fall short of even covering the full public and social costs (including regulation, enforcement, public health and safety, and substance abuse treatment), and would add no new public funding for other public needs such as education or transportation. In essence, recreational legalization of marijuana will cost cities and towns real money.