In the Weeds

stores selling adult recreational-use marijuana are expected to open as early as January in Colorado, following passage of first-in-the-nation legislation outlining how the drug will be regulated and taxed. The Colorado General Assembly approved a total of four cannabis-related bills, two on the last day of the session in May.

Legislation establishing the framework for commercial sales and taxation, drafted by a bipartisan committee, was required in Amendment 64, the citizens’ initiative that 55 percent of the voters passed last fall. It allows adults 21 and over to buy and possess up to an ounce of pot and grow as many as six marijuana plants at home.

Since the amendment’s passage, more than 50 Colorado cities and counties have banned recreational pot sales, so stores are expected to open only in Denver and about 20 other communities. While at least 20 states have legalized medical marijuana, Colorado and Washington are the first to legalize recreational marijuana. Washington's Initiative 502 removes criminal sanctions on an ounce or less of marijuana for personal use and also legalizes possession of cannabis-infused foods and drinks, although home growing remains illegal. Unlike Colorado’s initiative, Washington’s gives most of the administrative responsibility for sales to the State Liquor Control Board, which has until the end of this year to figure out a system of state-licensed growers, processors and retail stores. The initiative requires marijuana to be taxed 25 percent at each of those stages.

Unknown is how the federal government, which still classifies marijuana as an illegal substance, will deal with marijuana users in Colorado and Washington. Also unknown is how much money Colorado and Washington will see in new tax revenue and/or savings in law enforcement costs. In Washington, one government estimate put revenues at $1.9 billion over five years.

Colorado’s Amendment 64 states that the first $40 million raised from the 15 percent excise tax will go to school construction, but experts disagree on whether that amount is realistic. A study by the Colorado Center on Law and Policy estimated the new legal product would bring the state $60 million in revenue and savings each year for the first three years. But a study by the Colorado Futures Center at Colorado State University warned against overly optimistic revenue projections.

What is clear is that attitudes toward legalized marijuana have shifted. In 1969, only 12 percent of Americans thought pot should be legalized. This past year, 52 percent told the Pew Research Center they favored legalization.

—Mary Winter

Colorado’s Recreational Pot Laws

With state-licensed stores selling marijuana as early as Jan. 1, Colorado’s new regulations:

- Require store owners to be Colorado residents.
- Allow only medical marijuana dispensary owners to sell recreational pot for the first nine months.
- Limit sales to state residents to an ounce of marijuana and non-residents to a quarter-ounce at a time.
- Require packages to be child-resistant and labeled for potency.
- Prohibit marijuana smoking in coffee shops, bars, marijuana stores and other places subject to the state Clean Air Act.
- Require voters to approve a 15 percent excise tax and an initial 10 percent sales tax on marijuana in November.
- Prohibit driving with five or more nanograms of tetrahydrocannabinol (THC), the main psychoactive chemical in marijuana, in the bloodstream.

Back to the Books

Millions of children have headed back to class. Just who are they?

79 million
(26% of the population)
Children and adults enrolled in U.S. schools
77%
Percentage of kindergarteners who attend all day
25%
Percentage of K-12 students with at least one foreign-born parent
11.8 million
School-age children who speak a language other than English at home
8.5 million
School-age children who speak Spanish at home
15%
Percentage of full-time college students over age 34
32%
Percentage of part-time college students over age 34
42%
Percentage of 18- to 24-year-olds enrolled in college.

Source: U.S. Census Bureau
SOS for Sharks

It may be the most sought-after soup in the world, but at what cost? Shark fin soup is such a prized delicacy that as many as 100 million sharks are killed every year, a recent study in the Marine Policy Journal reported. That has spurred several states and territories to pass laws to strengthen national anti-finning efforts.

Shark fin soup, which commands up to $100 a bowl, has signified wealth and status at Chinese weddings and other official occasions for centuries. The shark fins, which are cartilage, are said to add texture rather than flavor to the soup, although some aficionados believe they also boost energy and sex drive.

“Finning” involves cutting off the fins (back, tail and pectoral) from a live shark then throwing the animal back into the ocean to die. The practice increasingly is seen as inhumane, harmful to ocean ecology and likely to lead to the extinction of many shark species if left unchecked.

The federal Shark Finning Prohibition Act of 2000 makes it illegal to remove sharks’ fins and discard the carcasses at sea. Ten years later, the Shark Conservation Act put some teeth in the earlier law and eliminated a few loopholes.

In 2010, Hawaii was the first state to pass legislation that banned the possession, sale, trade or distribution of shark fins, except for use in licensed research. California, Illinois, Oregon, Washington, American Samoa, Guam, the Northern Mariana Islands, the European Union and 27 other countries have similar bans. Fines in the state laws range from $1,000 for a first offense to $50,000 for subsequent offenses, and some states include imprisonment.

Lawmakers in Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania and Texas introduced legislation this year on shark fins. As of July 31, Delaware, Maryland and New York had passed bills.

Enforcement of these bans is difficult, although advances in DNA research is helping. Scientists can now use DNA from shark fins to determine where they came from.

But not everyone’s on board with banning the practice. Two organizations of Asian Americans sued last year in federal court to block California’s law from taking effect, claiming it discriminates against Chinese-Americans. They lost, but plan to appeal.

Anti-finning efforts may be changing young people’s view of the soup, which ultimately will have the most impact on dampening the practice and preserving the world’s sharks.

—Doug Shinkle

Suicide Prevention Changes Focus

Most state suicide-prevention programs have focused on teens, but lawmakers are turning their attention to middle-aged Americans who increasingly are taking their own lives at an alarming rate. In the past decade, 80 percent of states have seen suicides in this age group increase an average of 28 percent. Rates among younger people have remained relatively unchanged, at less than 25 percent the rate of older Americans.

Roughly 21,000 people between the ages of 35 and 64 took their lives in 2009; 10 years earlier, that number was 14,000. The greatest increases were among men in their 50s and women in their early 60s. Women’s suicide rate increased by almost 60 percent and men’s by 50 percent, according to a recent report from the Centers for Disease Control and Prevention (CDC).

The increases contribute to a grim trend in our country—suicides have begun to outnumber highway deaths, 38,364 to 33,687 in 2010. Why? The recent economic downturn and the rise in prescription opioid overdoses, among other things, are possible causes, according to the CDC.

Tennessee led a youth suicide-prevention effort in 2007 by passing the Jason Flatt Act, named after a 16-year-old Nashville boy. The act makes youth suicide awareness and prevention training a requirement for middle and high school teachers and staff. Nine states have adopted similar measures.

A few states now are requiring similar training for mental health experts outside school settings. Last year, Washington passed legislation requiring counselors, chemical dependency professionals, and marriage and family therapists to complete training in suicide assessment and treatment. This year, it added social workers to the list. Kentucky and New Mexico have also enacted laws that address suicide prevention in the general population.

—Hollie Hendrikson

Suicide Prevention Laws, 2013

♦ Kentucky requires social workers, marriage and family therapists, alcohol and drug counselors, psychologists and other mental health workers to receive training in suicide assessment, treatment and management.
♦ In New Mexico, the Native American Suicide Prevention Advisory Council will help develop policies for a state clearinghouse on the issue.
♦ In Washington, entry-level social workers must now get suicide assessment and treatment training.

Source: Centers for Disease Control and Prevention

States with Significant Increases in Suicide
(Among 35- to 64-year-olds, 1999-2010)

— Doug Shinkle
Tough Love for Sleepy Drivers

Arkansas delivered a wakeup call to drowsy drivers with a new law that imposes a fine of up $25,000 and a year in jail if they cause a fatal accident. A similar measure has been on the books in New Jersey since 2003.

The two states’ get-tough approach is one of several that legislatures are taking to combat drowsy driving, which killed 832 people in 2009. The number is down from 1,194 in 2005, but that’s probably because traffic fatalities in general are decreasing, due to safer cars and highways. The percentage of all traffic fatalities involving drowsy driving has remained fairly constant at 2.3 percent to 2.7 percent, according to the National Highway Traffic Safety Administration.

Under Arkansas’s new law, drivers are guilty of “fatigued driving,” classified as negligible homicide, if they haven’t slept for 24 consecutive hours and cause a fatal accident. Massachusetts is considering similar legislation, while New York is looking at a bill to require obese people to be screened for sleep apnea when applying for or renewing commercial driver’s licenses. Sleep apnea can cause a person’s breathing to be interrupted during sleep, often resulting in drowsiness during the day. Commercial drivers with the disorder are at a particularly high risk for drowsy driving due to long hours on the road, and individuals with untreated sleep apnea are two to seven times more likely to be involved in a crash, according to the Federal Motor Carrier Safety Administration.

Other states are attacking the problem through public education campaigns. Texas has designated a “Drowsy Driving Prevention Week” to call attention to the problem and educate drivers on ways to avoid it. California, Florida and Pennsylvania also have designated weeks, and a similar bill is pending in Massachusetts.

Utah commissioned a study in 2007 to determine where most drowsy driving occurred, then built road signs and rest stops accordingly. Deaths from drowsy driving in the state dropped from 37 in 2007 to 14 in 2012, although it’s unknown how many deaths were avoided, if any, because of the campaign. Similarly, Massachusetts has a bill pending to create a commission to study the impact of drowsy driving on state highways and recommend legislation concerning the scientific and legal standards for drowsy driving.

—James Hanseen

For a complete summary of drowsy driving legislation, go to www.ncsl.org/magazine.