

Decriminalization of Marijuana Is Worst of Both Worlds

In an attempt at compromise, the legislature enacted a marijuana bill "Marijuana Decriminalization Approved in NY After Legalization Efforts Stall"...

By **Steven Epstein** | June 25, 2019 at 11:46 AM

In an attempt at compromise, the legislature enacted a marijuana bill ["Marijuana Decriminalization Approved in NY After Legalization Efforts Stall"](#) (June 21, 2019 that brings forth the worst of both worlds.

A clear consensus has emerged that marijuana-use is reasonably acceptable and common. Indeed, now that other states have passed marijuana-legalization bills, we expect eventual legalization here. The downsides of marijuana legalization have always included the social and economic expenses incurred from drug-use—including health effects and the need for increased policing—and these costs will predictably rise as marijuana inches closer and closer to legality. These costs are worthwhile because, in part, of one notable benefit on the other side of the ledger: substantial tax revenues flowing through a controlled market for recreational use.

Yet the new decriminalization bills sidelines this equation. In reducing the social cost of marijuana use, New York will see an increase in drug use and its related expenses. But by decriminalizing rather than legalizing, the state

still cannot tax the market at all. Half-way measures like this are laudable for their intentions but regrettable for their consequences.

Steven Epstein is the founding partner of Barket Epstein Kearon Aldea & LoTurco and heads the vehicular crimes litigation group.