WE CAN DRINK ALCOHOL AT 21, WHY CAN’T WE SMOKE WEED AT 21?; USING ALCOHOL LAWS TO MODEL THE LEGALIZATION OF MARIJUANA

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By: Hannah T. Hartman*

For many years the issue of alcohol and the legal age for consumption has become a large debate in the United States. As we move more into the twenty-first century we see this debate switching to the substance of marijuana instead of alcohol. For the last decade the American public has started to move towards more of a pro-marijuana nation. We have seen the beginning of legalization in the United States with the movement of medical marijuana. Through research of cases and other resources, I will argue that if we as an American can drink alcohol at 21, we should be able to smoke marijuana at 21, by enacting similar laws and regulations to those that we already use for alcohol.

INTRODUCTION

In the United States we have a history of prohibition and then legalization of alcohol in the country. In 1920 alcohol was outlawed in the United States. It was made legal again in 1933, leaving the prohibition at 13 years. Marijuana was legal until 1970 when the Controlled Substances Act came into play. At this point marijuana was considered a schedule one drug.¹ As this movement starts to be fueled by the DEA, Americans were criminalized for possessing or using marijuana (cannabis). As I see it, if we had a short prohibition with alcohol, which is a substance that contributes to 80,000 American deaths a year², why can’t we do the same thing with a substance that the government has never produced numbers on marijuana attributed deaths.

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¹ Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the DEA Controlled Substances Code Number set forth opposite it. (http://www.gpo.gov/fdsys/pkg/CFR-2012-title21-vol9/xml/CFR-2012-title21-vol9-sec1308-11.xml)

² There are approximately 80,000 deaths attributable to excessive alcohol use each year in the United States. (http://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm)

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I. ALCOHOL AT 21

The Center for Disease Control (CDC) states: current drinking during the previous month among persons aged 18 to 20 years declined significantly from 59% in 1985 to 40% in 1991, coincident with states’ adopting an age 21 minimum legal drinking age, but increased to 47% by 1999. This fact plays importantly into the debate and discussion about the legalization of marijuana. When the law was created to enact the drinking age to be 21 in the United States the amount of underage drinking declined. So even though we have not yet legalized marijuana, we can see from the use of laws like the ones used for alcohol that these laws make a great model for the legalization of marijuana.

II. USING IT AS A MODEL

My argument is to implement the idea of using alcohol laws that are already in place to use for legalizing marijuana. The United States already has laws regarding age, time and place of purchase and consumption. So my thought is that we could do the same with marijuana. If marijuana was legal, why should a person over 21 and buying at an authorized retailer not be able to make the choice between alcohol and marijuana? From my perspective there is no reason that a person of 21 years or older should not be able to make that choice for themselves.

III. MEDICAL MARIJUANA

Recently, many states have started to legalize marijuana for medical use. Currently 18 states and Washington DC have laws for legal marijuana. I see the next step as moving past just medical marijuana and creating a choice for a person. If 18 states are able to pass laws to enact this medical stipulation with marijuana, why can’t other states completely legalize it?

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3 http://www.cdc.gov/alcohol/fact-sheets/mlda.htm
4 Keeping in mind that alcohol attributes to 80,000 deaths per year. There are no official published numbers about marijuana.
5 You are able to find all laws and restrictions at this website, (http://medicalmarijuana.procon.org/view.resource.php?resourceID=000881)
CONCLUSION

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In conclusion, I found through my research that there is really no barrier keeping the public from legalizing marijuana using a model of alcohol laws. However, I see the obstacle as the people and voters themselves and their stance on the issue. With advocacy and education and using the idea of modeling alcohol laws I think it would be easier to explain and then pass a law to enact the legalization of marijuana. The average American is very familiar with alcohol laws and using them as a model to help pass the legalization of marijuana.