Mandated Drug Treatment in the Aftermath of Recreational Cannabis Legalization

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Background

- Roughly half of the U.S. population lives in a state that permits recreational cannabis use and sales.

- Yet, the criminal legal system remains the single largest cannabis treatment referral source.

  - In 2019, more than 100,000 people admitted to treatment for cannabis use were referred by a legal entity (TEDS-A, 2020).

- Black individuals are overrepresented in cannabis treatment admissions (accounted for 35% of 2019 admissions)

  - Likely reflects outsized role of legal system as referral source

Why This Matters

- The legal system often requires treatment participation from individuals who do not meet the criteria for a substance use disorder (SUD)
  - Legal system ineffective at connecting those who do have SUDs with appropriate care
  - Mandated treatment carries possibilities of additional legal consequences if program expectations are not met
    - Well-documented collateral consequences of legal system involvement
    - Disproportionately harms individuals and communities of color
  - Continuation of compulsory treatment is potential pathway through which harms and inequities of prohibition persist post-legalization

Current Study

▶ Research question: **Has recreational cannabis legalization (RCL) impacted trends in legal system referrals to treatment for cannabis use?**

▶ Data source: TEDS-A (Substance Abuse and Mental Health Services Administration [SAMHSA], 2020)

▶ Study period: 2007-2019

▶ Independent variables: state RCL status

    ▶ Legalized states: AK, CA, CO, ME, MI, MA, NV, VT, WA

▶ Dependent variable: Rate of legal system-referred cannabis treatment admissions per 10,000 population

▶ Analytical methods: Staggered difference-in-difference using clustered fixed-effects and event panel analysis
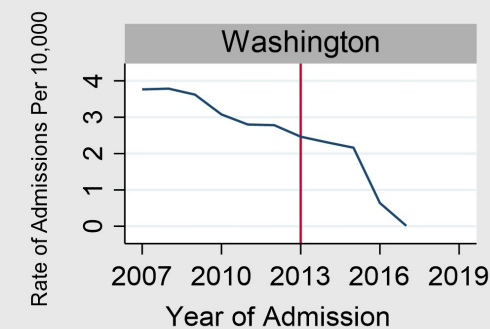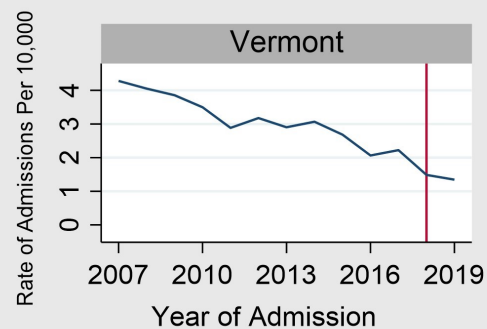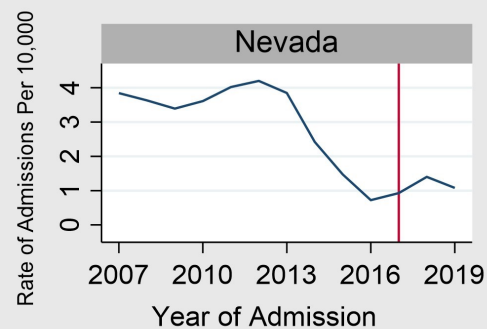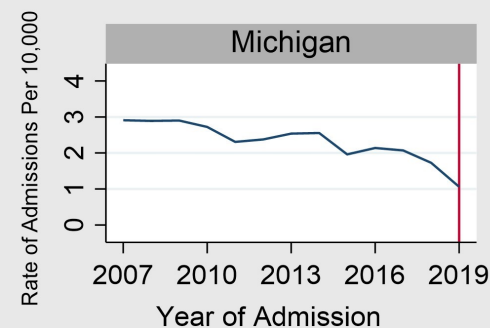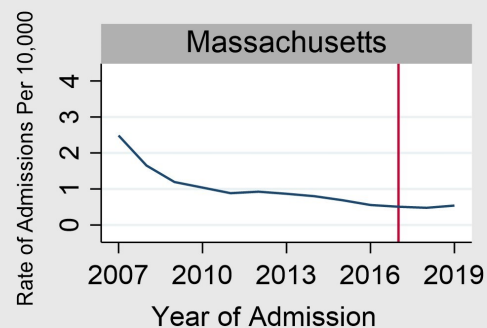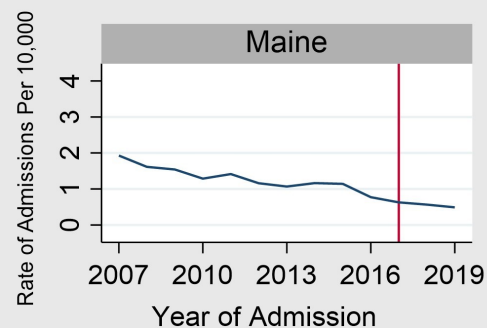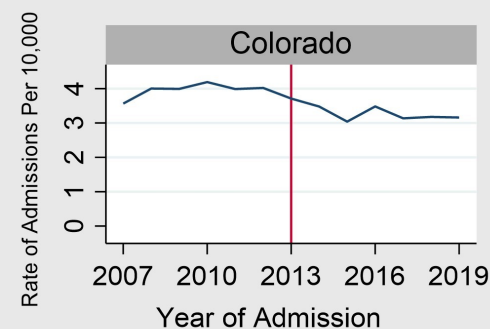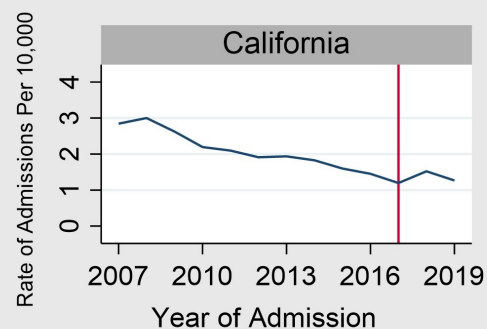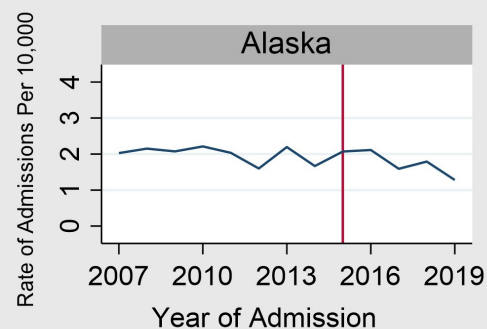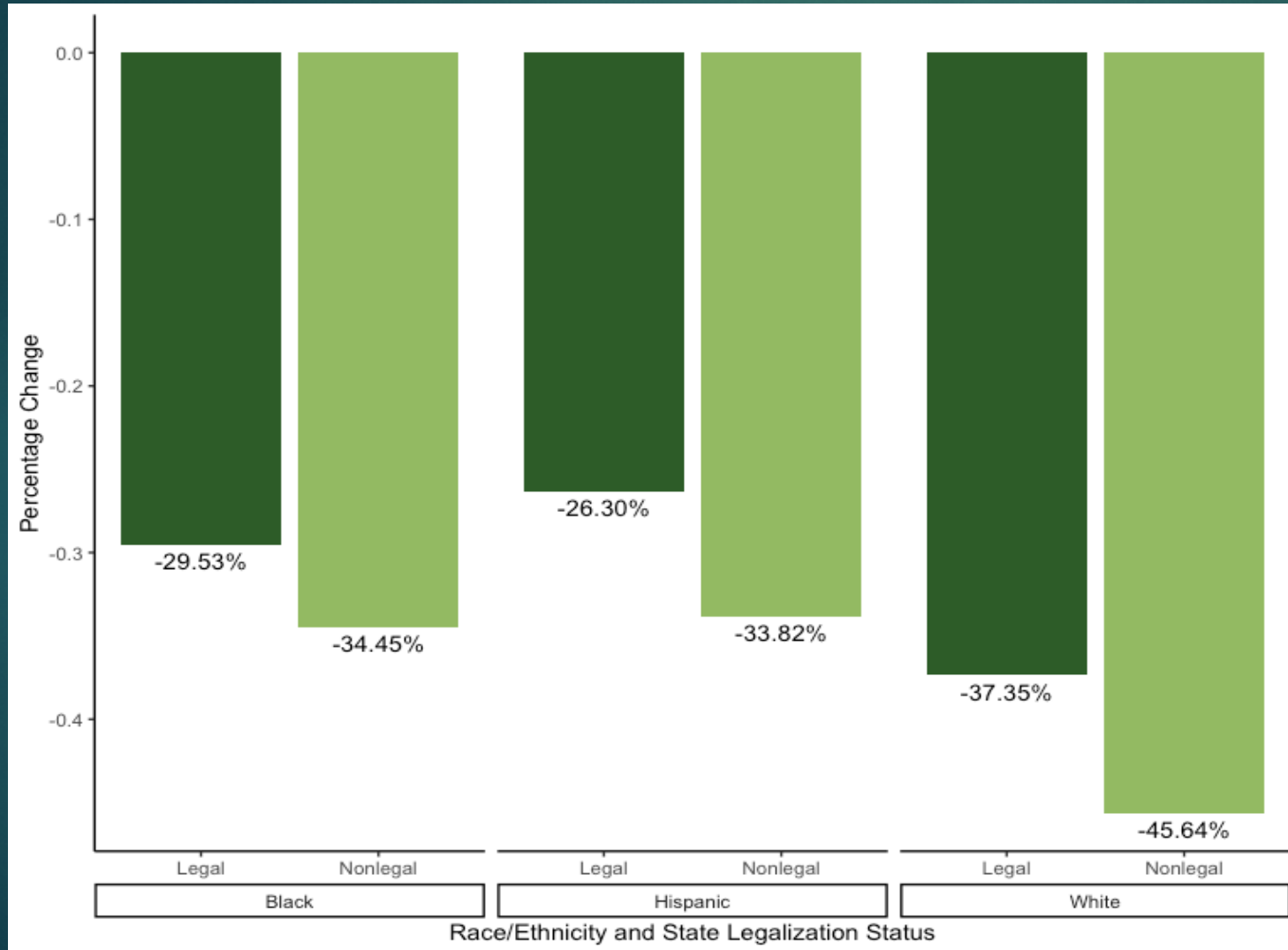
Cannabis Treatment Admissions Trends in RCL States
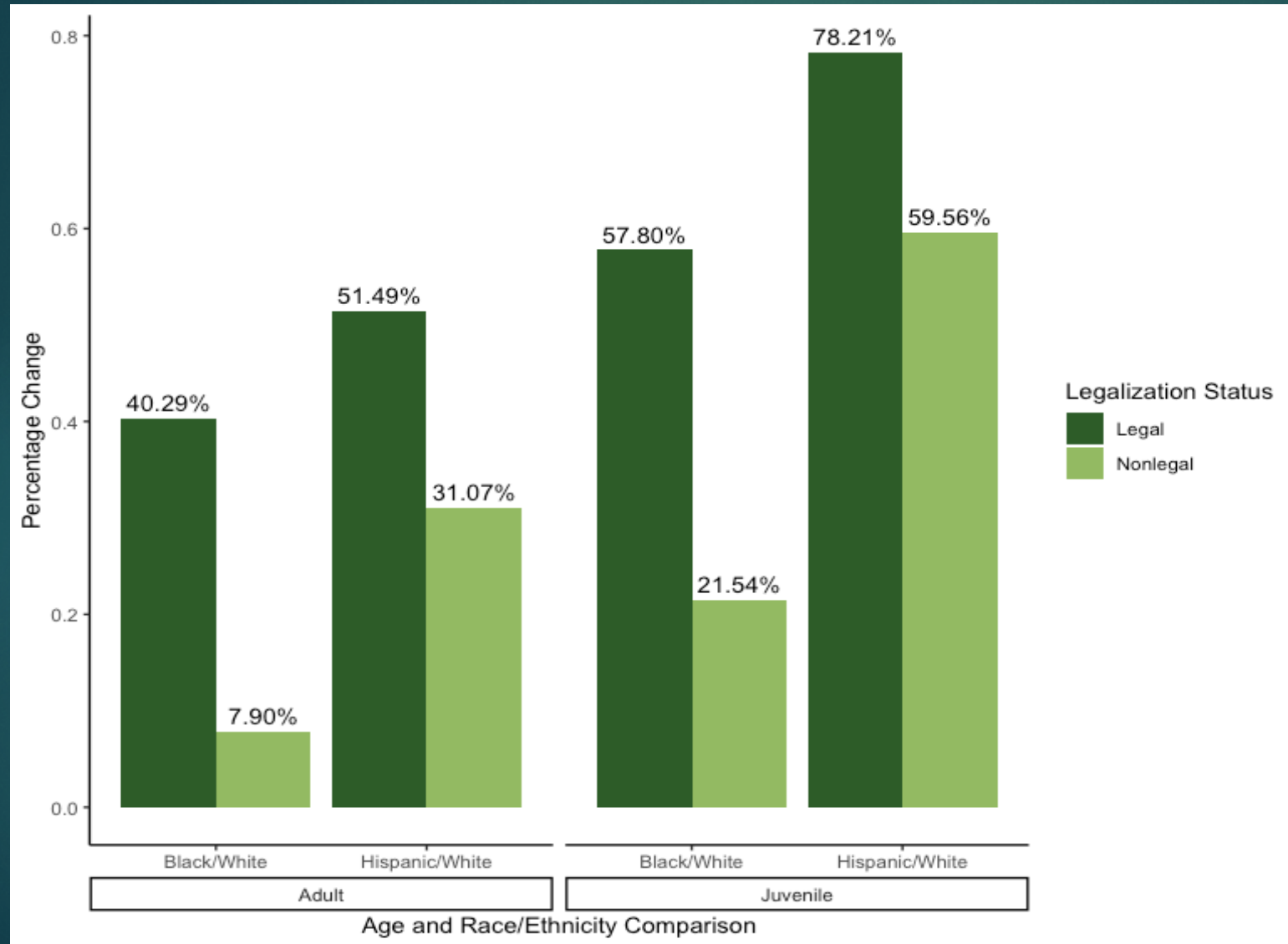
Red line = year possession was legalized

Size of Decline in Admissions Rates, 2007-2019
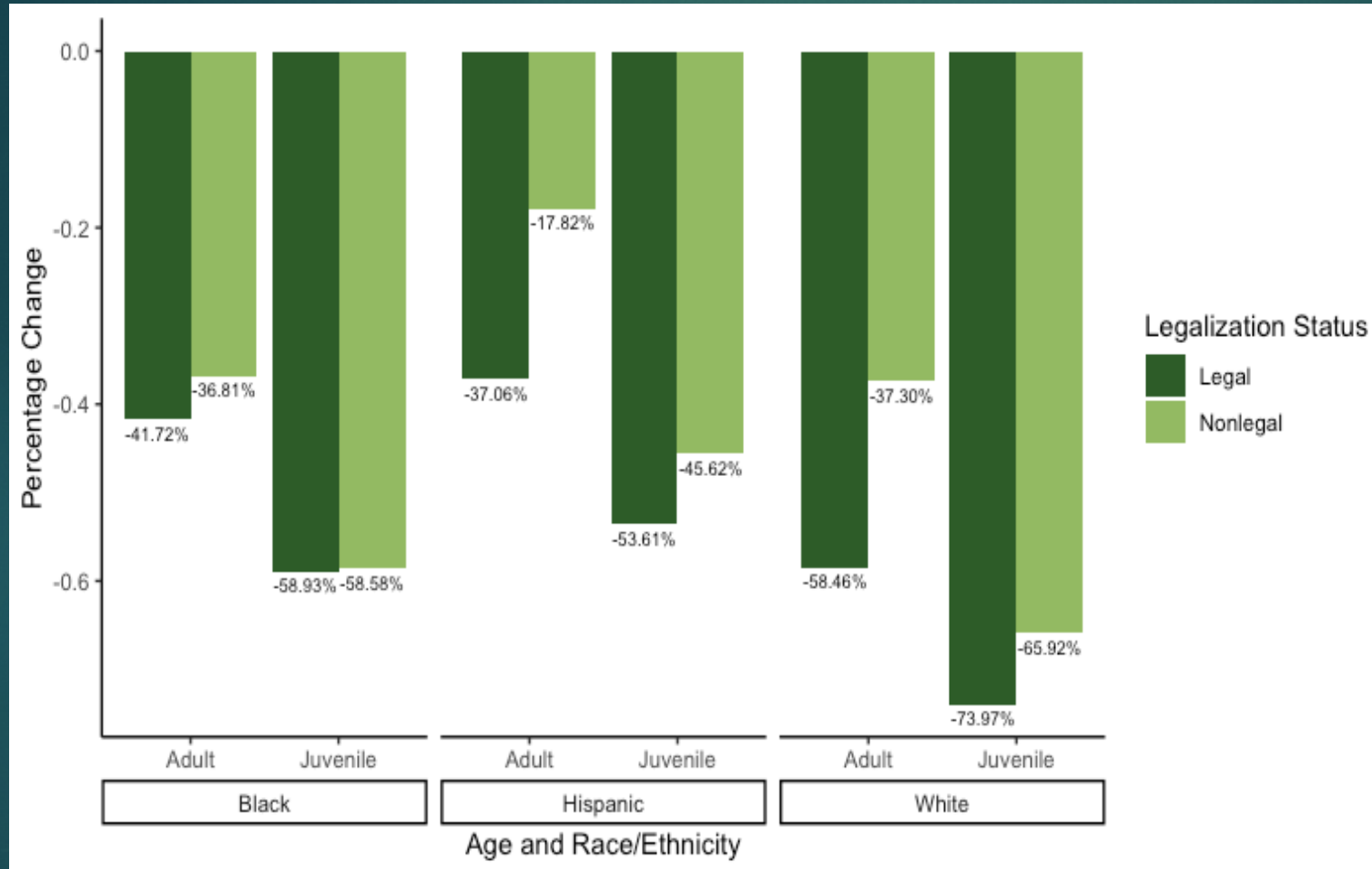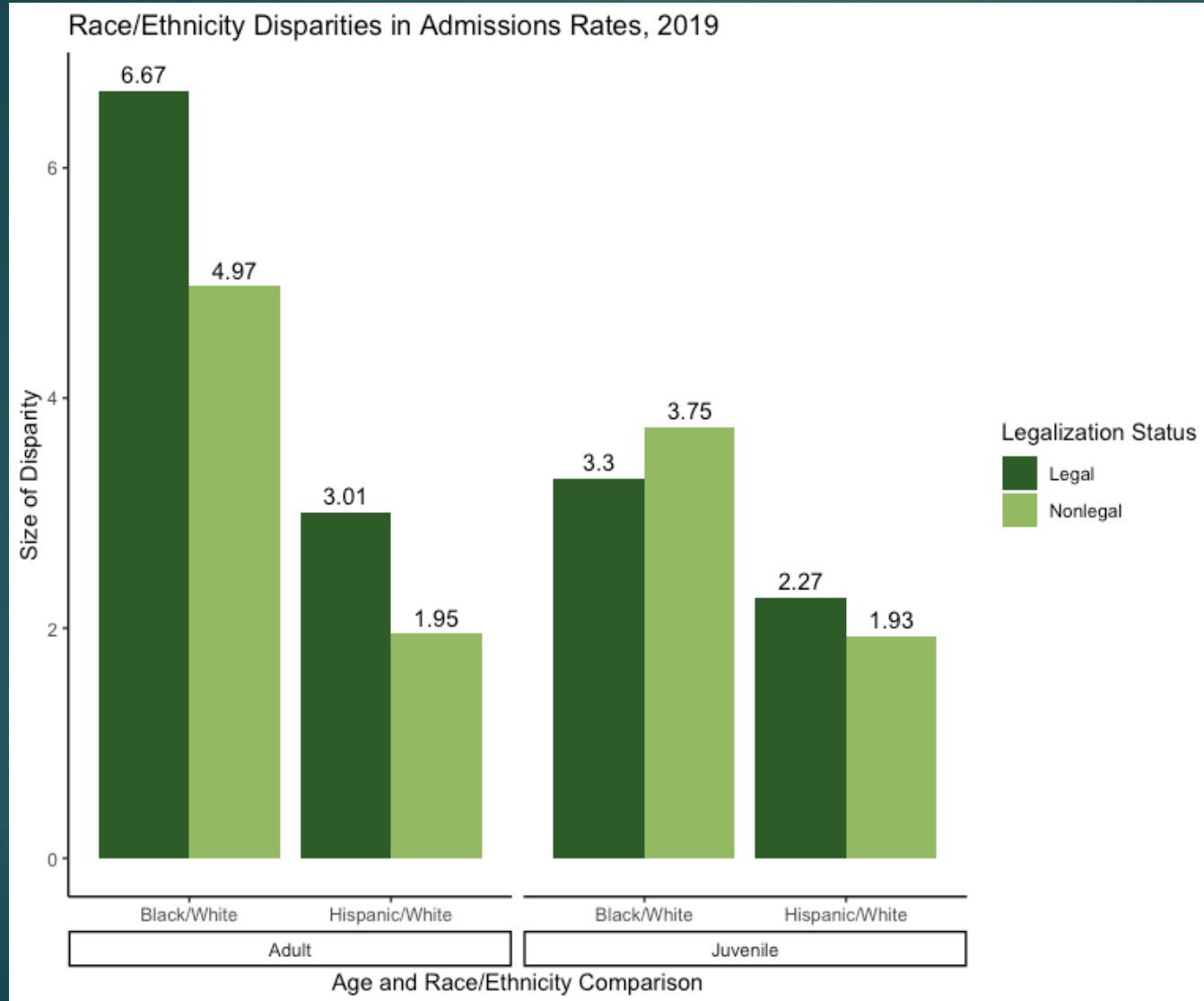
Change in Age Disparities in Admissions Rates, 2007-2019

Change in Racial/Ethnic Disparities, 2007-2019

Size of Disparity in Admissions Rates by Race/Ethnicity, 2019

Race/Ethnicity Disparities in Admissions Rates, 2019

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Discussion

- There is a long-term decline in legally mandated cannabis treatment admissions in all states for all populations in study
  - RCL was not statistically associated with these declines when controlling for sociodemographic factors
  - Suggests RCL does not necessarily alter how legal system responds to cannabis use among legal system-involved individuals
  - White adults/juveniles had steeper declines in admissions rates than Black and Hispanic adults/juveniles, which caused disparities in rates to grow
    - Consistent with prior research showing declines in arrest rates but increases in racial disparities post-RCL
    - Black and Hispanic individuals still more likely to encounter police and be arrested and charged with cannabis-related offenses post-reform
    - May be more frequently required to participate in mandated drug treatment as condition of probation or deferred adjudication
    - Legitimate concerns regarding increases in cannabis use disorder and unmet treatment needs cannot be adequately addressed through legal system interventions

Recommendations

- Enact cannabis reform policies that explicitly target legal system features beyond arrest and prosecution
  - Ex: Statutory provisions that require legal entities to establish clear evidence of a relationship between an individual's cannabis use and the offense in question to mandate treatment participation
- Reduce school systems' reliance on punitive disciplinary measures to respond to students' use of alcohol and other drugs
- To address concerns about increasing prevalence of CUDs, implement regulatory policies that discourage heavy use of high-potency THC products
- Invest resources for addressing substance use into school- and community-based initiatives rather than law enforcement programs

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