

# MARIJUANA DECRIMINALIZATION FACTSHEET

## The enforcement of Iowa's marijuana laws has led to stark racial disparities in our state's criminal legal system.

- Iowa ranks fifth in the nation for largest racial disparities in arrests for marijuana possession.
- The majority of marijuana arrests (both nationally and in Iowa) are for the individual possession of marijuana—nine out of 10 arrests.
- Black people in Iowa were 7.3 times more likely than white people to be arrested for marijuana possession in 2018 (the national average is 3.64 times.)
- Arrests for the possession of marijuana make up 55 percent of all drug arrests in Iowa.
- These incredibly harmful racial disparities in marijuana enforcement cannot be explained by differences in marijuana usage rates between Black and white people. The Substance Abuse and Mental Health Services Administration (SAMSHA) annual survey data consistently finds that rates of use by race do not significantly differ between Black and white populations.
- This data shows that enforcement of marijuana laws criminalizes Black people disproportionately for engaging in an activity that white and Black people participate in at the same rates.

## How is marijuana decriminalization a civil liberties issue?

- People from all racial and ethnic groups use or possess marijuana at virtually identical rates. But Black people are paying a far higher price. So, when people are not being treated equally under the law, then the law needs to change.

## Couldn't we just fix the racial disparities and keep marijuana illegal?

- Unfortunately, previous attempts at fixing the disparities in arrests have been unsuccessful.
- Currently, 11 states and Washington, D.C. have legalized the recreational consumption of marijuana and 15 states have reduced the criminal consequences (or decriminalized) of marijuana-related offenses.

## So what do we do about it?

- A first step is decriminalizing marijuana in Iowa. The ACLU supports legalization of marijuana, but in Iowa, we are pushing the issue forward incrementally by first decriminalizing it.

## What exactly does 'decriminalize' mean?

- Decriminalizing marijuana means reducing the criminal consequences of a marijuana-related offense. It is not legalization, and it would not create a system of lawful production and sale as in other states.
- As of early February 2022, SF 533 in the Iowa legislature that would decriminalize marijuana possession in Iowa in certain circumstances. It has bi-partisan support and would reduce the criminal consequence for someone possessing 5 grams or less of marijuana to a simple misdemeanor on a first offense.

*Updated as of February 2022*

## FIND OUT MORE.

Read the [ACLU report \(tinyurl.com/acluimarijuana2020\)](https://www.aclu.org/report/tinyurl.com/acluimarijuana2020) released in 2020 analyzing racial disparities in marijuana possession arrests.

