

AN ORDINANCE to AMEND of the Code of Ordinance for the WINNEBAGO COUNTY regarding the possession of marijuana and/or cannabis.

WHEREAS, criminalizing cannabis use has failed to curb its use, and more than 100 million Americans say they have used cannabis; and

WHEREAS, marijuana and paraphernalia are subject to penalties per state statutes found in sections 9.17, 9.18, 9.33 and 25.04 (5) of the Winnebago county code,

WHEREAS, the Winnebago County Code already includes an exception of penalty for medical and dental use of synthetic cannabinoids under section 9.33, subsection (3),

WHEREAS, in a 2016 poll, 59 percent of Wisconsinites said that marijuana should be “fully legalized and regulated like alcohol,” and recent polls show a majority of Americans favor legalization of adult recreational use of marijuana; and

WHEREAS, a Pew Research Study conducted in 2021 found that 91 percent of U.S. adults believe that marijuana should be legal for medical and recreational use,

WHEREAS, according to the Non-partisan organization the Prison Policy Institute in a report in 2019, “Drug offenses still account for the incarceration of almost half a million people, and nonviolent drug convictions remain a defining feature of the federal prison system,” and

WHEREAS, FBI data states in 2016, 15,000 people were arrested in Wisconsin annually for marijuana offenses, and

WHEREAS, the cost of incarceration is \$60 a day to most counties in 2018 including probation revocations, and have increased since then,

WHEREAS, University of Wisconsin-Madison concludes in a 2016 study that it costs taxpayers \$439 per marijuana arrest, meaning that the annual cost to arrest for marijuana offenses is \$6.5 million per year, and

WHEREAS, according to the Vera Institute of Justice in 2015, the average cost per incarcerated persons in Wisconsin annually is \$38,644 in state prisons, with marijuana compounding to other sentences, and

WHEREAS, marijuana offenses are still considered subject to felony conviction in the state of Wisconsin, and

WHEREAS, according to Vera Institute of Justice using data from the Wisconsin Department of Corrections, the average cost of incarcerating first-time marijuana offenses is \$19,000 for a six month sentence,

WHEREAS, according to the economic analytics company New Frontier in 2019, “the impact of federally legal marijuana suggests that nationwide legalization could generate 1.1 million jobs by 2025,” and additional labor income will further economic growth almost immediately, and

WHEREAS, the Wisconsin State Legislature will be taking up cannabis legalization legislation in this forthcoming term,

WHEREAS, Connecticut, Alaska, California, Colorado, Maine, Massachusetts, Nevada, Oregon, New York, Illinois, and Washington have legalized adult personal use of marijuana, and regulate the production, distribution, and sale of cannabis, while Vermont and the District of Columbia have legalized limited personal possession and cultivation of cannabis by adults; and

WHEREAS, the states of Minnesota, Arizona, Pennsylvania, Louisiana, Missouri, Utah, Montana, North Dakota, Oklahoma, Arkansas, West Virginia, Rhode Island, Delaware, New Jersey, and Florida have all legalized medical cannabis,

WHEREAS, the time law enforcement spends enforcing existing cannabis laws and ordinances negatively impacts the time available to solve more serious crimes and apprehend more dangerous criminals; and

WHEREAS, cannabis prohibition makes product quality control and sales regulation impossible, leaving cannabis sellers free to target children as potential customers and to peddle potentially adulterated products,

WHEREAS, according to the National Center for Biotechnology Information, THC from cannabis has shown in studies to alleviate from heroin and opioid addiction, thereby assisting in ending the opioid crisis,

WHEREAS, our current elected Governor recognizes the medical benefits of legal marijuana,

WHEREAS, a 2018 study by the National Center of Biotechnology Information focused on youth in Washington State found, “no evidence that policy change influenced heavy-using adolescents’ rates of use nor the proposed risk factors associated with problematic use patterns,”

WHEREAS, an April 2020 poll found 71% of Coloradans and 65% of Washington state residents viewed legalization as a success or more of a success than a failure.

WHEREAS, a survey in Washington state, that spanned from 2012 to 2016, by the Washington State Healthy Youth Survey, suggests either no change or modest decreases in current marijuana use for every grade surveyed — 6th, 8th, 10th, and 12th graders.

WHEREAS, states such as Washington have shown cannabis legalization has had no effect on student graduation rates, per the Office of Superintendent of Public Instruction - and for the fifth year in a row, the 4-year statewide graduation rate has grown, breaking another record,

WHEREAS, in 2019, investigative reporting from KREM news in Washington state took a look at marijuana use in the school, and despite one Sheriff making claims that students now have been bringing in more cannabis into the schools - they found through their research, across all grade levels, marijuana usage rates have stayed almost exactly the same in Washington, and there was no significant hard data jump at all to support such claim,

WHEREAS, Washington state, just like Colorado, saw a significant drop in their incarceration rates, and the Prison Policy Initiative also shows their historic trend of incarceration has been the lowest it has been since before the turn of the century, with their current carceral rate is around 30% less than the national average,

WHEREAS, according to the Highway Loss Data Institute's study in 2017, there was no conclusive evidence stating a direct link to higher automotive collision rates and drivers who were noticeably high on cannabis in states where cannabis was legalized,

BE IT RESOLVED, the **WINNEBAGO COUNTY BOARD** do ordain as follows:

SECTION I: Section 9.17 of the county code is hereby created to read as follows:

(4) Penalties. Penalties for violation of this section of the Code ***shall be assessed as \$1.00 for up to 25 grams. Above 25 grams***, penalties will be as set forth in § 961.41, 42, and 43, Wis Stats.

(A.) Medical Or Dental Use Allowed:

(a) Acts and/or possession of any amount of marijuana, cannabis and/or THC substances that were otherwise prohibited under Section 9.17, in conjunction with 9.33(2) of this Code, shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts, provided that such use is permitted under state and federal laws.

SECTION II:

Section 9.18 (4) shall be amended as follows:

(a) CANNABIS and MARIJUANA Paraphenlia allowed:

Any paraphenalia determined to be use strictly for cannabis, marijuana or THC purposes shall not be subject to penalties set forth by state statutes.

SECTION III: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION IV: This ordinance shall take effect and be in force from and after its passage and publication.

RESPECTFULLY SUBMITTED,

Brian Defferding
Supervisor, District 6