

# A Proposed Plan for the Effective Regulation of Drugs Via Legalization

By Barb and Charlie Asher

This Proposed Plan for the Effective Regulation of Drugs Via Legalization is our modest opening proposal for dismantling drug prohibition in America.

We enthusiastically invite others to [Submit a Plan](#) under 400 words.

- A. As with the legalization of alcohol in 1933, legalization of drugs will begin with ending prohibition on the federal level, thus allowing states and communities to choose the solutions best in their circumstances.
- B. Federal involvement will be converted from criminal enforcement to nonpartisan study of the challenges of drug control. The Drug Enforcement Administration (DEA) can be replaced with a nonpartisan Drug Study Administration (DSA) modeled on the successful experience with the nonpartisan Congressional Budget Office. The DSA will provide honest, nonpolitical, evidence-based analysis on drug control options.
- C. The leadership and staff of the DSA will be liberally represented by (among other) economists knowledgeable about the history and results of various attempts at drug control, including drug prohibition. Sample topics may include:
  1. The actual effects of drug prohibition on control over drugs, overdoses and disease, violence, law enforcement, corrections, and other important outcomes.
  2. The relative advantages of various alternatives to drug prohibition.
  3. The best methods of public education on drugs and drug abuse treatment.
  4. The best means of licensing and regulating manufacturers and suppliers.
  5. The best practices for the protection of children from the current incentives to involve them in drug use and dealing.
  6. The advisability of states permitting certain drugs to adults on demand, permitting others to adults only by prescription, and outright banning others.
  7. The likely effects of various systems of legalization with legal markets, legally regulated manufacturers and suppliers, and controlled and regulated distribution.

8. The many intersecting issues of widespread prescribed and over-the-counter drugs.
  9. Any encouragement to be given other countries about effective regulation via legalization.
- D. As with the successful experience with alcohol legalization in 1933, individual states and communities will be free to study, develop, and implement the drug control measures they deem best in their circumstances. Their measures may include the widest variety of options in prohibition, public health education, licensing, treatment, or other alternatives.

With these changes, here are just some of the key questions states will finally be able to address as they make the decisions that will work for their citizens:

1. What state and local agencies (and what coordination with other states and the new federal Drug Study Administration) will be involved?
2. What coordination will be undertaken with local communities, and what discretion will they have in their drug control policies?
3. What experts, including economists, pharmacologists, and other independent experts, will have roles in this new system?
4. Should any parts of drug control still be the subject of any criminal laws and sanctions (for example, delivery to children)?
5. What measures will be used to mitigate and reverse the negative consequences of past Drug Prohibition? A short list may include:
  - a. The luring of children into drug use and dealing.
  - b. The introduction of lethal contaminated drugs, overdoses, and disease into our state.
  - c. Widespread crime and violence.
  - d. Impairment of public-police trust.
  - e. Unequal application and protection of law.
  - f. Damage to our state's juvenile justice and adult criminal justice system
6. What will be the best public health education campaigns supporting effective drug control?
7. What standards, measures, and liability standards will be used to license those companies allowed to manufacture and sell the drugs chosen as legal?
8. What standards and measures will be used regarding purity, potencies, labeling, warnings, liabilities, and other issues in a post-drug prohibition era?

9. What standards and measures will be implemented regarding ongoing compliance with all applicable laws and regulations?
10. What drugs will be completely forbidden, what drugs will be allowed by physician prescription (such as to currently addicted persons), and what drugs will be allowed to be sold to consenting adults?
11. What identification will be required for a person's purchase of particular drugs, what records will be kept of drug sales and purchases, and what uses will be made of such records?
12. What standards and measures will be used to eliminate the unknowable, toxic, unlabeled, and lethal drugs created by drug prohibition?
13. Given the considerable number of medically compromised addicts created by drug prohibition, what medical interventions will be recommended and studied, and how will access to those interventions be provided?
14. What harm reduction and other safety measures will be used, such as safe administration sites and counseling, education, and medical services at those sites.
15. What standards and measures will be used in considering clemency, sentence modifications, and other relief for those already convicted of nonviolent drug offenses?

These suggested questions, of course, are only samples of the valuable choices that will be available to individual states with legalization.

And with the strict regulation possible only with legalization, states and communities will finally have the chance to choose not merely vastly better responses, but the vastly better responses best suited to their needs.

Watch our video entitled **“The Prohibition Blunder: Dismantling Drug Prohibition in Half an Hour”** to learn why America needs drug legalization now.

