



FACT SHEET: Harsh Drug Penalties Not Deterrent to Drug Use

In the United States, harsh penalties have not been associated with lower rates of drug use or drug dependence. Using data from the National Household Survey on Drug Use and Health,¹ the below chart lists drug use and dependence rates for California, where drug possession is typically a felony, as well as the 13 states (and District of Columbia) where low-level drug possession is a misdemeanor offense.

In California, where the penalty for drug possession (other than marijuana) is typically a felony punishable by up to three years behind bars, drug use and dependence rates (9% and 3%, respectively) fall in the middle of the pack – higher than some misdemeanor states and lower than others.

By contrast, in Iowa – where the penalty for personal drug possession is a misdemeanor – about 6% of survey takers had used an illicit substance in the past month and just 2% were drug dependent. Meanwhile, in both DC and Vermont, where drug possession is also typically a misdemeanor offense, 11% of survey takers reported past month illicit drug use. DC’s drug dependence rate was highest, at 4.25%.

Illicit Drug Use, Dependence and Untreated Need in California and in Misdemeanor Penalty States (and the District of Columbia), Ages 12+ (% of age group), 2006															
	CA	DE	DC	IA	ME	MA	MS	NY	PA	SC	TN	VT	WV	WI	WY
Past Month Illicit Drug Use	9.09	8.07	11.05	6.32	9.99	9.96	7.49	9.38	7.65	7.25	8.89	11.01	7.95	7.17	8.67
Past Month Use of Illicit Drugs Other Than Marijuana	3.91	3.60	4.49	3.08	3.05	4.62	3.75	3.85	3.19	3.46	4.71	3.95	4.21	3.18	3.63
Past Year Cocaine Use	2.22	2.40	4.90	1.82	2.18	3.40	1.95	2.81	2.22	2.22	2.74	2.87	2.60	1.84	2.28
Past Year Nonmedical Pain Reliever Use	5.04	5.12	4.14	4.43	4.66	5.56	4.33	4.30	4.10	4.86	6.23	5.13	5.69	4.82	5.14
Illicit Drug Dependence or Abuse	2.90	3.10	4.25	2.10	3.12	2.92	3.07	3.12	2.46	2.98	3.04	3.16	2.90	2.48	2.82

Source: Substance Abuse and Mental Health Services Administration, <http://oas.samhsa.gov/statesList.cfm>

¹ 2010 National Household Survey on Drug Use and Health; available online: <http://oas.samhsa.gov/statesList.cfm>