How can we change the law more efficiently and effectively?

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Abstract

This proposal seeks to provide a study that may respond to the question of how the citizens of a society - specifically American - may efficiently and effectively alter their government’s laws. Although it has historically been noted that society is able to raise their voice so as to affect the policy-makers, it can be a long and arduous process. Therefore, this paper aims to propose a way of investigating how long it currently takes to affect the laws that governments pass and hence how we may be able to change the laws we may not agree with anymore as a society. An example that is focused on is the legalization of administering medical marijuana in schools in California. After examining the issue thoroughly by discussing the legal and advertising background of marijuana, the proposal asserts that the best way to collect data is to conduct surveys centered around this particular controversy. By placing an emphasis on a specific, current debate, it becomes easier to collect and analyze the responses of the public. These responses can be examined to generalize to finally answer the question of how we may better affect the law.

Word Count: 191
Introduction

In a socially and politically active society, a pertinent question that has been asked many times is how citizens can better affect the law. Various issues are devastating the world today, such as immigration, LGBTQ+ rights, environmental concerns, etc. One such issue is the legalization of cannabis. Despite the historically popular plant, today, patients who undergo treatments involving medical marijuana are often stigmatized, even in states such as California where cannabis has been legalized. As a result, a current legal controversy that has emerged is whether or not the administration of prescription marijuana be allowed in school (Pre-K to 12). This paper thus seeks to answer the question of how long it takes for a law to change and thus how we can effectively affect the law through the lenses of this current debate.

Background

Context: Marketing of Marijuana

It is important to examine the evolution of the marketing of marijuana to truly analyze the controversy today. Research has shown successful drug marketing to affect how likely doctors would prescribe the drug - this study focused particularly on how
policies on allowing versus prohibiting drug detailing affect the prescriptions doctors may provide.¹

Initially, the use of hallucinogenic drugs was thought to be in connection with religion, magic, medicine, and later, “Hippie Culture” (the mid-1960s).² Unfortunately, by the end of 1967, there was an increase in drug-induced rapes and violent crimes by “hippies.”³ Such events encouraged the stigmatization of both recreational and medical marijuana. Since then, cannabis has been largely known as a dangerous drug, regardless of whether it is used medically or recreationally.

Later, when this drug was first legalized in certain states such as Colorado and Washington, weed businesses sought to market their product so that it is associated with sophistication. For example, Olivia Mannix, co-founder of a marijuana marketing agency called Cannabrand, has shared how the company avoided using terms such as “ganja, weed, pot, even getting high” and instead opted for the more sophisticated term, “cannabis.” Similarly, the replaced the vivid green colors (normally associated with cannabis) in their ads with white and blue shades.⁴ However, marijuana marketing agencies have since changed to be seen as more relatable. While there still are some agencies try to market it in a professional sense, many now advertise the drug through

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lifestyle-oriented images such as a group of friends sitting around the campfire, etc.\textsuperscript{5} By choosing to market the drug in such messages, cannabis marketing agencies are able to draw in more customers. According to Nielsen’s 2015 Global Trust in Advertising Survey, advertisements that depict real-life situations tend to resonate the most with consumers, as confirmed by 44% of global respondents. Furthermore, “consumer neuroscience research on learning and memory shows that employing familiar themes is extremely useful in driving memorability.”\textsuperscript{6} Consequently, many young adults (the target audience) have accepted using marijuana as a safe, normal recreational practice - the stigma around recreational marijuana has reduced with this age group, in turn leading to a reduction in the stigmatization of medical marijuana.

Therefore, today, the population is split between these two perspectives on medical marijuana - while some have grown up seeing or hearing of the dangerous effects cannabis has had on individuals and the surrounding society, others have seen it be normalized around them. As a result of this, Colorado’s original - and subsequently California’s - bill on legalizing medical marijuana in schools has been a controversy among parents and families.\textsuperscript{7}

\textsuperscript{5} Id.
\textsuperscript{7} “School Nurse Give Medical Marijuana At School.” \textit{School Nurse Give Medical Marijuana At School} | \textit{Colorado General Assembly}, 4 May 2018, \texttt{leg.colorado.gov/bills/hb18-1286}.
Consequential Legal Issues

While state law would have legalized marijuana, the federal government has not. Although the government has appeared to approve of the use of medical marijuana in general, the Trump administration has reserved the right to prosecute marijuana users even if they are complying with their state’s marijuana laws. Specifically, the President stated, “Division C, section 537, provides that the Department of Justice may not use any funds to prevent implementation of medical marijuana laws by various States and territories. I will treat this provision consistent with the President’s constitutional responsibility to faithfully execute the laws of the United States.” This statement was issued on February 15, 2019. To elaborate, Trump has asserted that his administration reserves the right to enforce federal drug laws regardless of whether or not those citizens have complied with their state’s medical marijuana laws. As a result of this statement, many faculty and staff members of schools fear the consequences of administering medical marijuana to minors on themselves. Although they would be complying with California’s state laws, the federal government may decide to enforce federal laws so that such citizens will suffer grave consequences such as being fired, prosecuted, etc.

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Today, cannabis is fully illegal only in approximately 18% (9/50 states) of the United States, as noted in the map below:

There are four prominent jurisprudential thoughts on how a law is passed - Natural Law, Positivist School, Historical School, and Legal Realism. Currently, most researchers and policy-makers view Legal Realism as the most accurate. This school of thought states that the jurisprudence that holds the law is not simply a result of the written law but also a product of the views of judicial decision-makers as well as socio-economic and contextual influences. In other words, the laws that are created by governments

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come about as a result of socio-economic mindsets of that particular time bleeding into the decision-making process. Therefore, although the law will always lag behind societal values, it will always change in time to best reflect the culture of the area. Seeing as the majority of the US has currently decriminalized and/or (medically) legalized cannabis, one would expect a change of law in the Federal Government that at the very least, decriminalizes marijuana. However, as reflected by the statement by the Trump Administration, such a change may take time.

Therefore, the question one must ask is: How can we - as citizens - affect and change the law in a more efficiently and effectively?

Methods

In order to best research this issue, a survey of citizens between 18-45 years of age in states that have (preferably two states from each category): legalized cannabis completely, decriminalized marijuana, partly legalized the plant, and has not taken any steps to legalize or decriminalize cannabis. In order to be confident that the results are representative of the population, the researcher must use random sampling to collect data. Additionally, the margin of error must be minimized as much as possible - this can be calculated by the formula 

\[ \frac{1}{\sqrt{N}} \text{, where } N = \text{sample size.} \]

Therefore, for a margin of error < 5%, \( N = 500 \) per state.\(^{12}\)

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It is important to note, however, that although there are various advantages to surveys, there are also some disadvantages:

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<thead>
<tr>
<th>Advantages</th>
<th>Disadvantages</th>
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<tbody>
<tr>
<td>The study is highly replicable due to standardized questions</td>
<td>May discover correlational relationships, not causal ones</td>
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<tr>
<td>Efficient to collect large quantities of data to improve generalizability of the results</td>
<td>There may be a discrepancy in responses due to Social Desirability Bias</td>
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<tr>
<td>An ethical method of collecting sensitive data</td>
<td>The sample may not be representative because of non-response bias</td>
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However, to combat the potential disadvantages that may arise with this particular method, the researcher has proposed data triangulation by collecting the data in different (but similar) states, in various locations as well as researcher triangulation by using two-three researchers per location. This ensures high general and inter-relater reliability of the data as well as establishing high credibility. Here, reliability is defined as the replicability of the study with similar results. Reliability is also further increased by creating standardized questions that collect both qualitative and quantitative data for the survey. As data will be collected from comparing more than two independent samples of approximately equal sample size, an ANOVA test will likely be used to analyze the results. This test will specifically provide a comparison of the means of the various

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14 Appendix II
groups and thus determine if any of those means are statistically significantly different from each other.\textsuperscript{15}

**Budgeting**

The ideal sample size per state is approximately 500 responses. In order to collect data in a cost-efficient manner, it is proposed to conduct this survey online. Today, a 200-person email survey’s costs may range from $2,500 to $5,000.\textsuperscript{16} Therefore, a 2,000-person survey may cost approximately between $25,000 and $50,000. Furthermore, by collecting data online, the time frame of conducting the study decreases significantly.

**Expected Results**

Although it is difficult to foresee the specificities the results of such a survey may yield, it can be certain that the data will allow the researcher to write an additional paper - this paper would focus on interpreting both the descriptive and inferential results. It would allow a conclusion to be drawn on the correlational relationship between the amount of time that must pass after a change in a particular mindset (here, one’s views on cannabis) to alter the law. Therefore, solutions on how to reduce this timeline may be proposed once these results are examined.


Conclusion

In a world that is ever-growing and becoming more aware, the question of how we may alter the laws that govern us is becoming increasingly popular. Although some may argue that the legalization of marijuana is not as urgent as other issues, this is a current issue that affects the citizens on both a state and a federal level. It thus is a controversy that has become relatively easy to measure to collect data on the workings of the US legal system. By focusing on a particular topic such as this, the researcher can specify the question to generate accurate, specific, and reliable results for the study. The results can then, in turn, be generalized to answer the prominent question: How can we change the law more efficiently and effectively?
Works Cited (in order of citation)


“School Nurse Give Medical Marijuana At School.” School Nurse Give Medical Marijuana At School | Colorado General Assembly, 4 May 2018, leg.colorado.gov/bills/hb18-1286.


Appendix I

Consent Form

We are conducting a survey to better understand the legalization of marijuana and thus how our legal system works. We would like to ask you to be part of our experiment. If you agree to take part in this experiment, you should know that:

● All data that we obtain will be kept confidential and anonymous

● You may stop participating in this experiment at any time

● Questions will be provided at different stages

● You shall receive more information about the nature of the experiment and our results after we have obtained results

The experiment will take about seven minutes to complete.

I, ________________________________,

understand the nature of this experiment and I agree to participate voluntarily. I give the researchers permission to use my data as part of their experimental study.

Gender: ________________
Debriefing Form

Thank you for participating in our study; this survey seeks to respond to the question of how US citizens may efficiently and effectively alter their government’s laws. Although it has historically been noted that society is able to raise their voice so as to affect the policy-makers, it can be a long and arduous process. Therefore, we aim to propose a way of investigating how long it currently takes to affect the laws that governments pass and hence how we may be able to change the laws we may not agree with anymore as a society. In order to do so, we focus specifically on the legalization of administering medical marijuana in schools in California. By placing an emphasis on a specific, current debate, it becomes easier to collect and analyze the responses of the public. These responses can be examined to generalize to finally answer the question of how we may better affect the law.
Appendix II: Sample Question

What are your current views on the legalization of marijuana:

- [ ] I believe that marijuana should be fully legalized - both recreationally and medicinally

- [ ] I believe that marijuana should be partially legalized - just medicinally

- [ ] I don’t believe that marijuana should be legalized but it should be decriminalized

- [ ] I believe marijuana should be fully illegal and criminal

Please explain why:

[ ]