

Marijuana Policy and Utilitarian Ethics

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Introduction

Marijuana policy raises difficult ethical questions because governments must balance individual liberty, public health, criminal justice, economic cost, medical use, and social consequences. Utilitarian ethics evaluates an action or policy primarily by its consequences for overall well-being. A utilitarian analysis of marijuana therefore asks which regulatory approach produces the greatest net benefit and the least preventable harm across society. The answer is more complex than choosing between prohibition and unrestricted legalization. Cannabis can produce therapeutic benefit for some patients and pleasure for adult users, while frequent or high-potency use can contribute to dependence, impaired driving, cognitive effects, and mental-health risk in susceptible individuals. Criminalization can also produce harms through arrest, incarceration, unequal enforcement, illicit markets, and barriers to research or treatment. A defensible utilitarian policy should compare these harms and benefits empirically and adjust regulation as evidence changes. (SAMHSA, 2026)

Utilitarian Ethics

Classical utilitarianism is associated with philosophers Jeremy Bentham and John Stuart Mill. The theory holds that actions should be judged according to their tendency to increase happiness or reduce suffering. In public policy, this often involves comparing expected benefits and harms across affected groups.

A utilitarian approach does not ask only whether cannabis use is morally acceptable for one individual. It asks how laws affect users, families, communities, healthcare systems, employers, law enforcement, taxpayers, and people harmed by impaired driving or illicit markets.

Consequences must be considered over time. A policy that produces short-term tax revenue but increases serious long-term health harm may not maximize welfare. Likewise, a prohibition policy that reduces use but causes widespread criminal-justice harm may also fail a utilitarian test.

Potential Benefits of Marijuana Legalization

Legalization can reduce arrests and criminal penalties for possession, lowering the social and economic costs associated with enforcement. People who would otherwise receive criminal records may avoid barriers to employment, housing, education, and family stability.

Regulated markets can also replace some illicit sales with products subject to testing, labeling, age restrictions, and taxation. Tax revenue can support public health, education, treatment, or other services.

Adults may value the freedom to use cannabis recreationally, and utilitarian analysis can count voluntary enjoyment as a benefit when it does not impose greater harm on others.

Medical Benefits

Cannabinoid-based treatments have evidence for selected conditions and symptoms. The strongest evidence varies by product, dose, and indication. Medical use should therefore be separated from claims that all cannabis products treat a wide range of diseases.

Patients with chronic pain, chemotherapy-related nausea, spasticity, or other conditions may obtain benefit under clinical guidance. Legal access can reduce barriers for appropriate patients.

Utilitarian analysis favors access when expected therapeutic benefits outweigh risks and when patients receive accurate information rather than marketing claims.

Public Health Risks

Cannabis use is not harmless. Acute effects can include impaired attention, coordination, reaction time, and judgment. Frequent use can lead to cannabis use disorder, and risk is higher among people who begin young or use high-potency products regularly.

Some users experience anxiety, panic, or psychotic symptoms. Evidence suggests associations between heavy cannabis use and psychosis risk, particularly among vulnerable individuals, although causation and individual risk vary.

Public policy should communicate risk without exaggeration. Treating cannabis as equivalent to either a harmless herb or the most dangerous illicit drug prevents balanced decision-making. (SAMHSA, 2026)

Adolescent Use

Adolescence is a major concern because the brain is still developing and early heavy use is associated with poorer educational and health outcomes. Legal adult markets should therefore include strong age restrictions and controls on marketing that appeals to minors.

Policies can limit advertising near schools, restrict child-oriented packaging and flavors, require secure storage, and fund prevention programs.

Criminal punishment of adolescents may itself produce harm. Public-health interventions, family support, and treatment are generally more consistent with utilitarian goals than unnecessarily punitive responses.

Impaired Driving

Cannabis can impair driving performance. Legalization therefore creates a responsibility to address road safety through public education, enforcement, and research.

Unlike alcohol, there is no simple cannabis blood concentration that maps consistently onto impairment for every person. THC can remain detectable after acute impairment has declined, particularly in frequent users.

Policies should focus on demonstrated impairment, validated testing methods, and prevention rather than relying solely on arbitrary numerical thresholds.

Workplace Safety

Employers have legitimate concerns about impairment in safety-sensitive work such as transportation, heavy machinery, healthcare, and emergency response. A utilitarian approach should protect workers and the public while respecting privacy.

Testing policies should distinguish current impairment from historical use where possible. A positive test does not always prove that an employee was impaired at work.

Clear rules, education, and evidence-based testing are preferable to inconsistent discipline.

Cannabis Use Disorder

Some users develop a pattern of use that causes significant impairment or distress. Symptoms can include inability to reduce use, continued use despite problems, tolerance, withdrawal, and interference with responsibilities.

Legalization should be paired with accessible treatment and honest public education. Commercial incentives can conflict with public health when companies profit from heavy consumption.

A utilitarian policy should avoid creating an industry whose success depends primarily on increasing high-risk use.

Criminal Justice Harms

Prohibition can impose substantial harms through arrest, incarceration, legal fees, criminal records, and family disruption. Enforcement has also affected racial and ethnic groups unequally in many jurisdictions.

These consequences matter in utilitarian analysis because punishment itself creates suffering and uses public resources. A criminal penalty should produce enough public benefit to justify its costs.

Decriminalization or legalization can reduce some of these harms without requiring governments to endorse cannabis use.

Racial and Social Equity

Marijuana laws have historically been enforced unevenly. Reform can include expungement or record relief for conduct that is no longer criminal and measures supporting communities disproportionately affected by enforcement.

Equity programs should be evaluated for actual outcomes rather than symbolic intent. Complex licensing systems may still exclude small businesses or people without capital.

A utilitarian approach considers distribution of benefits and harms, not only the aggregate total. A policy that benefits many people slightly while imposing severe harm on a smaller vulnerable group requires careful ethical scrutiny.

Economic Benefits and Costs

Legal cannabis markets generate employment, business activity, and tax revenue. Governments may reduce some enforcement expenditures.

Costs include regulation, public-health campaigns, treatment, impaired-driving enforcement, and possible healthcare consequences. Market prices may fall as competition increases, potentially encouraging consumption.

Taxation can raise revenue and reduce demand, but excessive taxes may preserve illicit markets. The optimal rate balances public-health and market goals.

The Commercialization Problem

Legalization and commercialization are not identical. A government could permit adult possession

while strictly limiting advertising, product strength, retail density, or corporate concentration.

A profit-driven industry has incentives to recruit new customers and increase frequency of use. Experiences with alcohol and tobacco show that commercial marketing can conflict with health goals.

Utilitarian policy may therefore support legalization with strong regulation rather than a fully unrestricted commercial model. (Boss, 2023)

Product Potency

Modern cannabis products can contain much higher concentrations of THC than traditional plant material. Concentrates and edible products create different patterns of exposure.

Higher potency may increase risk of adverse effects and dependence for some users. Clear labeling of THC content and serving size can support informed decisions.

Regulators may consider potency-based taxes, serving limits, or stronger warnings while monitoring unintended effects on illicit supply.

Edibles and Accidental Exposure

Edible cannabis products can have delayed effects, leading inexperienced users to consume additional doses before the first dose takes effect. Children may accidentally ingest products resembling ordinary food.

Child-resistant packaging, clear serving sizes, unattractive packaging for minors, and safe-storage education can reduce harm.

Emergency departments and poison centers should monitor trends and communicate risks.

Pregnancy and Breastfeeding

Health authorities advise caution regarding cannabis during pregnancy and breastfeeding because THC crosses biological barriers and evidence does not establish safe exposure.

Pregnant patients should receive nonjudgmental counseling and evidence-based treatment for nausea, pain, or substance-use problems. Fear of punishment can discourage prenatal care.

A utilitarian approach seeks to protect maternal and infant health without creating policies that drive patients away from healthcare.

Federal and State Conflict

In the United States, cannabis policy has historically involved conflict between federal prohibition and state medical or adult-use laws. This creates uncertainty for banking, taxation, research, employment, and interstate commerce.

Inconsistent rules can increase compliance cost and make consumer protection more difficult. Policy reform should aim for clear roles and evidence-based standards.

Research Barriers

Legal restrictions have historically complicated cannabis research. Better evidence is needed regarding dose, potency, long-term outcomes, vulnerable groups, medical indications, driving impairment, and interactions with other substances.

Policy should support independent research that is not controlled solely by industry. Data from legal markets can help evaluate population effects.

Decriminalization as an Alternative

Decriminalization removes or reduces criminal penalties for possession without necessarily creating a commercial legal market. It can reduce criminal-justice harm while avoiding some commercialization concerns.

However, an illicit supply may remain unregulated, and users may continue to encounter unknown potency or contaminants.

Utilitarian comparison should therefore include prohibition, decriminalization, regulated legalization, and public monopoly models rather than treating policy as a binary choice.

Regulated Legalization

A regulated legalization model can include minimum purchase age, licensing, testing, labeling, taxation, marketing restrictions, packaging standards, retail limits, impaired-driving laws, and monitoring.

Regulation should be adjusted according to evidence. If youth use, poisoning, or high-risk consumption increases, governments should strengthen controls rather than assume the original framework must remain unchanged.

Revenue should support prevention and treatment rather than making public budgets dependent on ever-increasing cannabis sales. (Boss, 2023)

Individual Liberty

Although utilitarianism focuses on consequences, individual freedom contributes to well-being. Adults may reasonably argue that the state should not punish private conduct that does not substantially harm others.

Restrictions become easier to justify when use creates external harm, such as impaired driving, unsafe workplace behavior, exposure of children, or deceptive marketing.

A proportionate policy protects liberty while targeting identifiable risks.

Mill and the Harm Principle

John Stuart Mill argued that coercion is justified primarily to prevent harm to others. Although the harm principle is not identical to utilitarian calculation, it supports analysis of when private conduct becomes a public concern.

Marijuana use in a private setting differs ethically from driving while impaired or exposing a child to smoke. Regulation can distinguish these contexts.

Measuring Policy Outcomes

Governments should evaluate cannabis policy using indicators such as youth use, adult use patterns, cannabis use disorder, emergency visits, poisoning, impaired driving, criminal arrests, illicit-market share, tax revenue, treatment access, and equity.

One indicator should not dominate. For example, increased legal sales may reflect movement from illicit to regulated markets rather than increased total consumption.

Longitudinal data are necessary because effects may change as markets mature.

Utilitarian Evaluation

Strict prohibition may reduce availability but creates criminal-justice costs, enforcement disparities, and illicit markets. Unrestricted legalization may reduce arrests but increase commercialization and high-risk consumption.

A regulated adult-use system with prevention, age limits, product standards, treatment, impaired-driving controls, and ongoing evaluation may better balance benefits and harms. This conclusion remains contingent on evidence and can vary according to local conditions.

Utilitarian ethics requires willingness to revise policy if real consequences differ from predictions.

Conclusion

Marijuana policy cannot be evaluated ethically through slogans that cannabis is either harmless or inherently immoral. Both use and prohibition create consequences that affect individuals and society.

Utilitarian analysis supports a policy framework that maximizes adult autonomy and legitimate medical benefit while reducing youth exposure, dependence, impaired driving, accidental poisoning, and commercial exploitation. It also considers harms caused by criminal enforcement and unequal punishment.

A carefully regulated system, supported by research, treatment, prevention, and continuous monitoring, may produce greater overall welfare than either severe prohibition or unrestricted commercialization. The ethical standard should remain measurable human well-being rather than ideological consistency. (Boss, 2023)

References

Boss, J. A. (2023). *Ethics for Life*. McGraw Hill.

Mill, J. S. *On Liberty*.

Substance Abuse and Mental Health Services Administration. (2026). *Marijuana and Cannabis Use Resources*.