



Connecticut Criminal Defense Lawyers Association

P.O. Box

Waterbury, CT 06721

203.805.8541

CCDLA.com

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Judiciary Committee
Legislative Office Building
via email: JUDtestimony@cga.ct.gov

Re: S.B. No 487 An Act Concerning the Legalization, Taxation and Regulation of the Retail Sale and Recreational Use of Marijuana.

Honorable Committee Members:

I have been authorized to offer this testimony on behalf of the Connecticut Criminal Defense Lawyers Association (CCDLA). The CCDLA includes more than 350 criminal defense attorneys from both private practice and public defender offices throughout the state. The CCDLA is the only statewide criminal defense lawyers' association in the State of Connecticut.

Our organization and its members support the legalization and regulation of cannabis for adult use. We are making the following recommendations for the pending legislation:

1. That the proposed legislation provide for erasure of all criminal convictions for possession of cannabis and possession of cannabis with intent to sell. After the General Assembly decriminalized the possession of under one half an ounce of cannabis, many citizens filed motions to have their decriminalized criminal convictions erased utilizing the mechanism under C.G.S. 54-142d. Several Judges denied these Petitions for Erasure and I personally took the matter on appeal to the Supreme Court in State v. Mendito, 315 Conn. 861 (2015), where the Supreme Court finally granted my client's erasure. This opened the door for countless people qualified for erasure but were not granted because the judiciary was uncertain how to act. As this experience

has demonstrated, the judicial branch will require a directive from the General Assembly to erase convictions.

2. For the same reasons in Paragraph 1, we support legislation that provides for the dismissal of all charges for people with pending charges for possession of cannabis and possession with intent to sell, the immediate release of all people being held pre-trial or on sentences for possession of cannabis and possession with intent to sell, and the termination of terms of probation or parole for people currently on probation or parole for possession of cannabis and possession with intent to sell

3. Adult use of cannabis should be regulated similar to alcohol, so that gifting of cannabis should not be restricted in quantity or quality, but sales should be restricted to those who possess retail licenses. (See Section 5 of proposed legislation)

4. The permitted transfer of cannabis products should include concentrate. Concentrates provide for the safe administration of cannabis through vaporization. Vaporization allows the consumer to inhale a vapor of the concentrate where no smoke is inhaled and the odor is virtually undetectable. Consumption in this manner provides the user to avoid the inhalation of carbon monoxide, tars and other gases that are produced by combustion of cannabis. (See Section 5)

5. The permitted transfer of cannabis should include cannabis products. Another recognized safe administration of cannabis is through oral consumption. By placing cannabis concentrates in food products dosage can be more easily measured and delivered without the harmful inhalation of carbon monoxide, tars and other gases that are produced by combustion of cannabis. (See Section 5)

6. The plant limitation in the statute should apply to adult flowering plants only. Any amateur agronomist is familiar with the principle of culling out or thinning weak seedlings. In order to grow a healthy garden, four or five seeds are planted in order to obtain one plant. The agronomist observes the growth of the seedlings and thins out the weaker seedlings so the healthiest and most robust one remains. Furthermore, the gender of the plant cannot be identified until it enters the flowering stage. Female plants contain the flowers from which useable cannabis is derived. Male

plants have no value other than to further propagate for seed production. Therefore, we recommend that the plant limitation apply only to plants in the flowering stage only since it may take many seedlings to produce a healthy female plant. (See Section 2.2.a, 8)

7. We support legislation that punishes violations of the law proportionately. Violations of cannabis regulation laws should not be treated as criminal offenses but regulatory civil offenses where the offender is fined as opposed to being threatened with incarceration. This would be consistent with the penalties for selling/distributing alcohol without a permit or license. However, providing a minor with cannabis should remain a criminal penalty consistent with the current laws regarding alcohol.

8. We support legislation where there are no numerical caps on the number of licenses for production facilities, manufacturers, and retailers. We support legislation that will provide strict regulation of cannabis related businesses, yet provide entrepreneurs both large and small, the opportunity to compete in a free market. The current proposal, limiting the number of licenses will provide limited economic growth for the few who are issued licenses. There will be no development of ancillary industries or a tax base from new jobs in the industry. Furthermore, in this manner, the application fees can be reduced and bonding will not be unnecessary.

9. We support legislation that acknowledges the desire to correct the discriminatory origins and effect of cannabis prohibition. In Connecticut, black people are arrested at a rate four times as high as white people even though white people use at a higher rate. (I have attached this statistical research as an exhibit) Furthermore, we have attached the 2017 Resolution of the National Hispanic Caucus of State Legislators that provides the historical background of cannabis prohibition in the United States which reveals its racially discriminatory purpose. The General Assembly should acknowledge that cannabis prohibition is the last bastion of Jim Crow remaining in Connecticut.

We urge the General Assembly to adopt the proposed changes listed above so that legalization that addresses the impact on the criminal justice system, safe personal consumption, fair regulation regarding personal cultivation, proportionate punishment for violations of the regulations, economic growth within the cannabis industry and an acknowledgment of the racially discriminatory origins of prohibition and its effect.

I will be more than willing to elaborate on any of these issues and can be reached at 860-286-9026 for any further comment.

Sincerely,

/s/ Aaron J. Romano

Aaron J. Romano, Esq.