Testimony on SB 16 — An Act Concerning the Adult Use of Cannabis
Connecticut Judiciary Committee

March 2, 2020

Dear Chairman Stafstrom, Chairman Winfield, and members of the committee:

As Colorado's chief cannabis regulator from 2011 to 2017, I can attest that the legal regulation of cannabis can work, and that it is a far better approach than prohibition.

I am proud of our cannabis regulatory program's public health focus, which includes education campaigns that raise awareness about the health and legal consequences of teen cannabis use. Colorado also requires child-resistant packaging, restricts advertising, and imposes extensive labeling requirements. We have mandatory testing for potency, homogeneity, residual solvents, and contaminants, and perform underage compliance checks.

I offer the following insights into Colorado's adult-use regulatory system for the committee's consideration.

Colorado's regulatory system — overseen by the Marijuana Enforcement Division in the Department of Revenue, which I directed — includes licensing and stringent public health and public safety regulations. Business owners must undergo a fingerprint-based FBI criminal background check and an extensive financial background check with a complete disclosure of all persons with a financial interest to ensure there is no unlawful financial assistance. These requirements ensure that only those of good character are licensed.

Regulations include requirements for video surveillance; alarm systems; seed-to-sale track and trace systems; restrictions on edible marijuana-infused products; and mandatory testing for potency, homogeneity, residual solvents, and contaminants. They also include child-resistant packaging; extensive labeling requirements; underage compliance checks; and advertising restrictions.

Results Regarding Effects on Youth

Colorado has not seen an increase in consumption, not even for underage use. The Colorado Department of Public Safety has issued a 2018 Report on the Impacts of
Marijuana Legalization in Colorado — A Report Pursuant to Senate Bill 13 - 283,\textsuperscript{1} compiling and analyzing data on marijuana-related topics that include crime, impaired driving, hospitalizations and ER visits, usage rates, effects on youth, and other topics of interest.

The report notes that overall the state is not seeing an impact of recreational marijuana use on high school graduation and drop-out rates. In fact, graduation rates are up — rising steadily from a 10-year low point of 72% in the 2009-2010 school year to 79% in the 2016-2017 school year. During this same time period, drop-out rates decreased from 3.1% to 2.3%. Youth graduation rates are up, and drop-out rates are down since 2012.\textsuperscript{2}

Equally as important, Colorado is not experiencing an increase in youth usage of marijuana. Both the National Survey on Drug Use and Health (NSDUH) and the Healthy Kids Colorado Survey (HKCS) report that youth usage is down. The HKCS is Colorado’s comprehensive survey on the health and well-being of its youth and includes information regarding weight, nutrition, physical activity, suicide, bullying, mental health, tobacco, alcohol, marijuana, and drugs, among other critical subjects pertaining to youth overall health. As a result, it samples a large group of students – approximately 56,000 youth – from 190 randomly-selected middle and high schools statewide. Specifically, the NSDUH reports that for the 2015-2016 school year, youth marijuana use (9.1%) was the lowest it has been since the 2007-2008 school year (9.1%).

Additionally, the HKCS reports that the proportion of students trying marijuana before age 13 has dropped as well, from 9.2% in 2015 to 6.5% in 2017.\textsuperscript{3}

Results Regarding Impacts on Crime

The report finds that generally crime has not increased. An area of major focus is that law enforcement and prosecutors are actively and aggressively pursuing cases against illicit market activity. While there have been increases in felony marijuana court case filings between 2015 and 2017, it is believed that the increase in filings might be in part because legislation changed the allowable number of plants that can be grown in a residence, providing law enforcement agencies with greater clarity and tools to increase their enforcement of illicit market activity. Nonetheless, it is important to note that felony filings in 2017 (907) were still below 2008 filings (1,431).\textsuperscript{4}

\textsuperscript{1} http://cdpsdocs.state.co.us/ors/docs/reports/2018-SB-13-283_report.pdf

\textsuperscript{2} Id, pages 100-139

\textsuperscript{3} Id.

\textsuperscript{4} Id, pages 18-62.
The Big Picture

1. The Colorado experience with the legal regulation of cannabis has proven that it can work. A robust, regulatory program with focused attention on licensing requirements, compliance checks, and criminal investigations can ensure that those in the cannabis industry are compliant with regulations.

2. It is clear that making cannabis legal and regulated for adults does not increase youth use. We believe that is due to extensive focus by state officials, including public education campaigns that raise awareness about the health and legal consequences of teen cannabis use. These public education and youth prevention campaigns are made possible by funding provided from taxation of legalized marijuana.

3. Establishing a continuous improvement approach ensures that issues can be addressed quickly and brings the regulated industry, law enforcement, the medical community, parents’ groups, and government officials together to develop solutions.

4. As reported in: Colorado, crime generally has not risen. Indeed, by providing law enforcement greater statutory clarity, tools, and increased resource funding from the Marijuana Tax Fund, they have been able to begin addressing illicit market activity with greater success.

5. If individuals are going to consume cannabis, government officials have an obligation to ensure its safety. In Colorado, that is done through tracking, testing, and taxation. All regulated cannabis must be tested.

   - It is tested for potency to ensure that consumers know the potency of the products they are consuming — this ensures that consumers do not over consume or experience negative effects. In addition, each serving can only contain a maximum of 10 mg of THC, each edible product can only contain a maximum of 10 servings, and each serving must be marked with the Universal Symbol for cannabis.

   - It is tested for homogeneity — this ensures that for those edible products that contain THC, it is evenly distributed across the edible product to ensure that one serving does not contain the majority of the THC in the product.

   - It is tested for residual solvents when solvents are used to extract THC from the cannabis plant.
• It is tested for contaminants. These contaminants include mold, microbials, pesticides, and other items that should not be resident in cannabis.

• All of these safety precautions are even more significant when one considers that individuals with compromised immune systems and other medical conditions are consuming cannabis for medical use.

6. At this point, prohibition is creating harm in states without legalization, for the following reasons:

• Without a legalized, regulated program, individuals will continue to purchase cannabis through the illicit market. The notion that individuals buy from their friends is a red herring — at some point, that cannabis originated in the illicit market and was simply distributed by those friends. In fact, when states or countries merely decriminalize simple possession and consumption without a legal way to obtain it, it creates an unintended consequence — it creates an opportunity for the illicit market to flourish.

• Without a legalized, regulated program, individuals will continue to consume cannabis that is not safe. It is not tested, and it is unclear if there are unsafe and dangerous ingredients contained within it.

7. A legalized, regulated program reduces those harms as mentioned above, in addition to:

• Providing a safe environment for the purchase of cannabis.

• By limiting sales to individuals over 21, or for those that have received authorization for medical use, it reduces consumption rates for teens.

• By prohibiting products designed to appeal to children, including those in the shapes of people, animals, or food.

• By restricting advertising in media whose distribution is targeted toward children.

• By requiring potency testing and extensive labeling, consumers know what they are consuming. In the event of accidental ingestion, the testing and labeling allows the medical community to know what they are dealing with.

• By requiring a seed-to-sale trace and track system, if cannabis is contaminated, it can be easily identified and recalled.
• By requiring a taxing program, tax revenues can be raised to address the social costs related to cannabis: youth prevention, substance abuse treatment and prevention, public education campaigns, and law enforcement initiatives.

While I have not had the opportunity to review SB 16, and cannot opine on the specifics of the proposal, I wanted to offer these insights into Colorado's experience. I have come to strongly believe that the thoughtful regulation of cannabis is a far better approach than prohibition.

I regret I am not able to travel to Hartford to address you in person, but I would be available to assist you in any way I can. Please do not hesitate to reach out if you have any questions.

Sincerely and respectfully,

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