CHAIRPERSONS: Senator Gary Winfield, Senator Alex Kasser, Representative Matthew Blumenthal, Representative Steve Stafstrom.

SENATORS: Bizzarro, Bradley, Carpino, Concepcion, Conley, Champagne, Flexer, Haskell, Kissel, Lesser, McCrory, Sampson.

REPRESENTATIVES: Cummings, Currey, Dillon, DiMassa, Dubitsky, Fishbein, Fox, Godfrey, Harding, Hill, Horn, Labriola, Luxenberg, McGorty, Miller, O'Dea, O'Neil, Palm Porter, Riley, Smith, Walker, Young.

REP. STAFSTROM (129TH): Come to order, the Judiciary Committee Public Hearing for March 2nd. We're here on -- for a Public Hearing on Governor's Bill 16. Before we get started, I'd like to have the Vice Chairman read the safety instructions.

REP. BLUMENTHAL (147TH): In the interest of safety, I would ask you to note location of and access to exits in this hearing room. The doors to which you entered the room are the my exits and are marked with exit signs. In the event of an emergency, please walk quickly to the nearest exit. After exiting the room, proceed to the main stairs or follow the exit signs to one of the fire stairs. Please quickly exit the building and follow any instructions from the Capitol Police. Do not delay and do not return unless and until you're advised it is safe to do so. In the event of a lockdown

announcement, please remain in the hearing room, stay away from the exit doors and heed concealment behind desks and chairs until and all clear announcement is heard.

REP. STAFSTROM (129TH): All right. As I indicated, we're here on -- we have one item on our agenda, Senate Bill 16, AN CONCERNING THE ADULT USE OF CANNABIS. This bill that comes to us from the Governor's office -- the way we're gonna proceed today is, I know we have several representatives of -- of the Governor's office and OPM and various state agencies, Executive Branch agencies. So, we're gonna have them kind of come up as a group, introduce the bill, take questions from the Committee.

Following the presentation by -- by the Executive Branch, we will then proceed with our normal course of alternating between a member of the public and our elected officials list.

We do have a relatively lengthy list for both, so we will try to move through it as expeditiously as possible. We ask folks to bear with us as we -- as we do.

With that, I'd like to turn it over to Jonathan Harris, representing the Governor's office. He will introduce the various Commissioners and agency heads who he has with them. You guys are free to introduce the bill and then the Committee will ask questions after that.

JONATHAN HARRIS: Thank you, Mr. Chairman, yeah, we will go through serially with the Committee's

permission. And I'll testify that we'll move down. People will sort of rotate into the chairs if that's acceptable and then we can answer questions after, just to make sure we're on the same page.

REP. STAFSTROM (129TH): That's fine.

JONATHAN HARRIS: Thank you, Mr. Chairman. Chairman Winfield, Stafstrom, Ranking Members Kissel and Rebimbas, I'm Jonathan Harris, Senior Advisor to the Governor. And I want to thank you and the distinguished members of the Judiciary Committee for allowing me to testify on behalf of the Governor, who has submitted written testimony on Senate Bill 16, AN CONCERNING THE ADULT USE OF CANNABIS.

This is a complex issue. We start this comprehensive 108 page bill based upon all of the hard work that you and your colleagues did in other committees last year and have laid out everything for discussion with some enhancements to that are important. For instance, a big focus on traffic safety.

Again, it's a complex issue. And this bill is here to answer some questions, but engage you, your colleagues, other stakeholders in a thoughtful discussion on this critical issue this session and beyond.

Times have changed rapidly, as we know. Adult use is legal in some way in Massachusetts, Maine and Vermont. Nearby New York, Rhode Island, New Jersey are on track to legalize adult use soon.

We can't stick our heads in the sand. There will be - cannabis will be -- it already currently is available, but it will be increasingly available to the residents of Connecticut.
We need to some together and figure out how to most effectively protect our children and the public health and safety. We have to recognize that the war on drugs has had a tremendous -- a tremendously destructive impact on certain communities. And we must redress this negative -- these negative impacts, not just because it's the right thing to do, but it will also help more people participate in our economy, be self-sufficient and lead to the economic growth that we all desire.

The Governor's made this bill, S.B. 16, one of only a handful of Governor's bills because we must have this tough discussion on this issue.

Some say the bill is being presented to raise revenue. Well, the revenue is meaningful. Governor Lamont does not believe that you legalize a drug for money. You legalize cannabis because it is good public policy.

When it come to cannabis, Governor Lamont believes that prohibition has not worked. He also doesn't take a Pollyannaish approach that cannabis is not without harm or that cannabis use should be encouraged. That's not what this bill is about.

However, when he takes a thoughtful look at the issue, Governor Lamont realizes that legal -- the legal market with strong regulations can lead to better outcomes.

All around us legally, in the black market it's here. We need to come together and create and implement a plan to protect our children and the public health, health and safety, and readjust the injustices. But we -- from what we now understand to be Draconian drug laws with respect to cannabis. Fortunately, we're well equipped to do so.

Connecticut has since 2014 had a highly regulated safe and successful Medical Marijuana Program. Thanks to you and your colleagues, before you we took a leap of faith to get out in front of a chance to improve public health. We not only have one, if not the most successful Medical Marijuana Programs in the nation. One that is looked at as an example. We also have a vast amount of knowledge and experience in regulating a cannabis market.

We must all remember that the Medical Marijuana Program was risky and perceived as radical in 2012, when you and your predecessors had the foresight to pass the legislation. The measured thoughtful approach that the legislative and executive branches took has helped now over 40,000 of our family members, friends and neighbors have access to another way to address diseases and serious medical issues.

S.B. 16 seeks to take that same measured thoughtful approach to adult use of cannabis. It doesn't do everything right at once. There is legalization. There are certain laws like erasure of criminal records to deal with the past injustices. There are traffic laws that would go into effect in the very near future. But it takes a measured approach with

an Equity Commission to make recommendations to you by January 1 of 2021 on equity issues.

The Department of Consumer Protection and other agencies to do the same in their areas of expertise and hand it off to you for final action next year. Commissioner Seagull was Deputy Commissioner and helped create and implement the Medical Marijuana Program. She's here today to provide that knowledge and experience as are numerous other commissioners and agencies. We have five others here and senior officials also to discuss your questions and answer -- answer your -- your questions.

I also want to say that we haven't done this in a vacuum besides your input from last year and our discussions this session. We've already talked to dozens of stakeholders, whether it's public safety, traffic safety, law enforcement, education, business, social justice, religious and other communities. And we're gonna continue to seek information and dialogue with them as that process moves forward.

So, thank you again for your time and we look forward to answering your questions.

REP. STAFSTROM (129TH): Thank you, Mr. Harris. And I want to thank you on behalf of certainly myself and I believe my co-chair and members of the Committee here that we know you put in an extraordinary amount of time into working on this bill this off session, as you've indicated, taking the ideas and the concepts that came out of three committees last year, this committee, the General Law Committee and the Finance Committee. And I

should take the opportunity, obviously, to recognize some of the members of the Finance and General Law Committees who are here today and listening in for this hearing, kind of on a -- what I would consider sort of an omnibus bill. It combines the concepts that came out of those -- those three committees last year. And as you indicated, it also adds to it.

If you could, just real quick, I think you touched on this. But what is the timeline here for if the legislature takes action this year, this committee passes this bill out or for some form of it? What is -- what is the timeline that the Governor's office is proposing as to when we would actually have legalization and then recreational sale of cannabis within the State of Connecticut?

JONATHAN HARRIS: Yes, we view this to be a continuing process. Again, a meaningful thoughtful approach as was done with the Medical Marijuana Program. So, this year, as of July 1 of 2022, there would be legalization of cannabis in the state. So, meaning, if you went and bought a legal --

REP. STAFSTROM (129TH): July 1, 2020.

JONATHAN HARRIS: 20 -- excuse me, 2020. If you bought a product in Massachusetts and came here, as long as you were under the possession limits in this bill, an ounce-and-a-half of cannabis, not more than five -- five mg of -- of concentrate, you would not -- it would not be a crime anymore in the State of Connecticut.

But we hand off to the Equity Commission, which is cast and -- and has the -- the experience based upon the appointments to look over all of the equity issues and make recommendations to the General Assembly and the Governor by January 1 of 2021 for action next session.

Same thing with the Department of Consumers Protection reviewing and making recommendations to the General Assembly and the Governor by January 1 of 2021 on the regulatory structure. We tasked Banking to look at the financial issues, the Insurance Department to look at insurance issues, also to come back and make recommendations.

Once that's done and hopefully the legislature acts next year to really codify a lot of the details of this market, then the switch would be flipped on July 1 of 2022 to open up the legal adult use market.

One other recommendation, the use of having homegrown would be tasked to DCP beginning on July 1 of 2022, when the market is -- is up and running, to take a look at what's been experienced in other states. Look at how the market is developing over the next half-year plus, and to make recommendations to the General Assembly on January 1 of 2023 as to what, if anything to do about homegrown. So, that's the general timeline.

REP. STAFSTROM (129TH): So, in other words, the -- the bill that is before us today would put in place a timeline for legal -- for legalization, but this legislature, in fact, would have at least two, if not three opportunities to refine and recraft the

exact details of -- of what the regulatory framework and what legalization in the State of Connecticut would look like before there is actually a commercial sale of cannabis within the State of Connecticut?

JONATHAN HARRIS: Yes, that's the thoughtful meaningful approach, mirroring what was done with our successful Medical Marijuana Program in a highly regulated market that the Governor wants to take with adult use.

REP. STAFSTROM (129TH): Okay. So, on your point about revenue, and frankly, I agree with you. I think -- I think the reasons to legalize are -- are many. But revenue is probably the least among them. You're -- you're not proposing, and the Governor's office has not budged any sort of revenue from the legal sale of cannabis at least for the next two years because there will be no legal sale of cannabis in Connecticut or the next two years?

JONATHAN HARRIS: That is correct. The Governor wants to do this because it's good public policy. And then he understands that there is going to be a cost to regulate it and we have to take that into account. He also understands that there will be social costs to this. So, that we believe that in a highly regulated safe marketplace is better than the black market and will also help us deal with the legal products purchased in other states all around us that will be here. So, it will be safer than if we do nothing. He realizes that there will be social costs. We have to take that into account while looking at the state budget.

And then after all of that, there will be revenue to the State of Connecticut.

REP. STAFSTROM (129TH): Thank you. Questions from the Committee?

JONATHAN HARRIS: Just -- Mr. Chairman --

REP. STAFSTROM (129TH): Sure.
JONATHAN HARRIS: Perhaps because some of these might actually be answered if we go through and with your permission just go through and have Commissioner Delphin written and give her testimony. Commissioner Seagull, we can kind of shuffle through and get all of the information out and then I'll be ready to answer questions if that works?

REP. STAFSTROM (129TH): That probably makes sense. So, go ahead, Commissioner.

COMMISSIONER MIRIAM DELPHIN-RITTMON: Thank you. And good morning, Senator Winfield, Representative Stafstrom and distinguished members of the Judiciary Committee. I'm Miriam Delphin-Rittmon, Commissioner of the Department of Mental Health and Addiction services. And I'm here today to testify on Senate Bill 16, AN CONCERNING THE ADULT USE OF CANNABIS.

I want to thank the Committee for allowing me to speak before you about this bill. This bill recognizes that the trend in nearby states, including Massachusetts, Maine and Vermont and nationally is to legalize adult use of recreational cannabis.

Neighboring states of New Jersey, New York and Rhode Island are all considering legal adult use cannabis. The trend to legalize recreational cannabis use means that cannabis will be easily accessed to Connecticut citizens.

This bill offers a thoughtful framework, in which Connecticut will be able to develop policy and think and related to the cultivation, manufacture, sale, possession and use of cannabis that prioritizes public health, public safety and social justice. The Department of Mental Health and Addiction Services is a healthcare agency that provides prevention, treatment and recovery services to individual with behavioral health conditions.

DMHAS provides a wide range of services across a continuum of substance use services from prevention through treatment and recovery. DMHAS treatment and recovery services essentially are the safety net for individuals who are uninsured or underinsured.

The agency services address both legal and illegal substances that result in addiction, which is defined as a chronic relapsing disorder, characterized by compulsive drug seeking, continued use, despite consequences and longstanding changes in the brain.

Senate Bill 16 protects the public health by providing access to safe products and preventing advertising in retail locations that would appeal to children and we know how important that is.

Section 39 of the bill allows the department the opportunity to make recommendations to mitigate the

misuse of cannabis with a particular focus on individuals under the age of 21.

Thank you for the opportunity to address the Committee and at the end I'd be happy to answer any questions you may have.

REP. STAFSTROM (129TH): Thank you, Commissioner. Commissioner Seagull.

COMMISSIONER MICHELLE SEAGULL: Good morning. Thank you all for having us here today. So, I'm Michelle Seagull, Commissioner for the Department of Consumer Protection here to testify in support of Senate Bill 16.

As has been emphasized, our neighboring states currently have or are certainly considering having an adult use cannabis marketplace. So, we really need to be prepared in Connecticut to have a marketplace as well where people here can get safe product.

Based on our experience with the Medical Marijuana Program, we're already well prepared to think through those issues and how to regulate that market safely. We would also look forward to taking part in the Equity Commission that this bill creates to -- to address the inequity that historic drug policies have created.

I think a lot of what I have is in my written testimony or has been covered by Jonathan Harris, but I'm happy to answer questions about our role in this proposed bill or what we've been doing on the Medical Marijuana Program end of things.

Thank you.

REP. STAFSTROM (129TH): Thank you. Acting Commissioner Beillo.

COMMISSIONER JOHN BIELLO: Good morning. My name is John Biello, I'm the Acting Commissioner with the Department of Revenue Services. Senator Winfield, Representative Stafstrom, ranking members and distinguished members of the Judiciary Committee, thank you for the opportunity to present testimony in support of Senate Bill No. 16.
The leadership at the Department of Revenue Services relies on three critical elements to formulate an effective task administration program for the State of Connecticut. It begins with a foundation made up of a strong team of experienced state tax professionals and infrastructure of effective tax administration policies and procedures.

And finally, the utilization of cutting-edge technology. These three elements currently exist at DR -- at DRS, which is why I am confident that the agencies can -- the agency can successfully support an implement tax provisions of Senate Bill No. 16.

The state tax professionals at DRS are poised and ready to administer the tax provisions of Senate Bill 16. The DRS team has significant experience with new legislation and employs a project management approach to methodically complete complex tasks associated with the implementation of new tax types.

Our team has already begun researching and planning for the implementation of tax on adult use cannabis. It is also important to note that DRS has many year of successful administration of similar taxes -- similar excise taxes such as the alcohol beverage tax and cigarette and tobacco products taxes, which like the new tax proposed in Senate Bill 16, are imposed at the wholesale level.

Day in and day out, DRS administers a wide variety of state taxes through advanced processes and analytics. DRS is committed to a program of continuous process improvement and ensures our customers, the taxpayers of this great state, receive the highest level of services.
We have reached out and spoken with our counterparts in the State of Massachusetts to learn about the policies and procedures that they put in place to administer their tax on adult use cannabis. We have learned best practices in marijuana tax administration from the State of Massachusetts and we'll continue to collaborate with them, should the General Assembly enact an Adult Use Cannabis Bill here in Connecticut.

Technology is critical to the success of implementation of a tax on cannabis. Without the right tools, the collection of the tax will be very challenging.

DRS, however, is in a rather unique position at this current time. We're installing a modernized state tax administration system that is utilized in over 30 states. This modernized system does, in fact, include a platform for the taxation of cannabis. In fact, the State of Massachusetts has installed this

very system a few years ago and they indicated that there was absolutely no issues in standing up the platform to administer their tax on adult use cannabis.

The DRS leadership did have the foresight to plan for the technology needs for the tax on adult use cannabis. In anticipation of this possibility, such a tax was included in the scope of the DRS contract with the vendor that is currently installing our tax administration system.

As such, and from a technological standpoint, DRS is well positioned to administer the new tax that's proposed by Senate Bill 16.

Just to summarize, DRS has the most experienced team of people. We have the right processes in place. And we also have a modernized computer system that will effectively administer the tax provisions of Senate Bill 16.

We are looking forward to the opportunity to contribute to the success of this very important piece of legislation.

Thank you.

REP. STAFSTROM (129TH): Thank you. Undersecretary Pelka.

UNDERSECRETARY MARC PELKA: Thank you, Chairman Stafstrom, Chairman Winfield, Ranking Member Kissel and Ranking Member Rebimbas. It's an honor to be in front of you today to discuss Senate Bill 16. I'll be focusing on sections 4 and 5 of the legislation,

which involves the record clearance for cannabis convictions. And I think much of the testimony and discussion today will look to the future on ways that Connecticut can develop a framework for acknowledging the growing number of states both in our region, on our borders and around the country that are legalizing adult use of cannabis. These sections enable us to look to the past that as Connecticut has made enormous strides in addressing the criminalization of cannabis with a chance to repair some of the harm that has been caused by the criminalization of the possession of cannabis.

Because I think part of our work today is reckoning with the impact of those -- that criminalization. Some of the strides to be made have been decriminalizing small portions of possession of cannabis, reclassifying from a low-level felony to a high-level misdemeanor, possession of controlled substances, legalizing the medical use of cannabis, repealing some mandatory minimums. But with each of those opportunities, there are people who were left behind that weren’t benefiting from the more smart on crime approaches to addressing cannabis policy in our state.

And when we look at the impacts of those convictions, we realize they remain on your record indefinitely. According to our Record Retention Policy at best, the record remains -- the criminal conviction remains on your record for 110 years after your date of birth. That means, when most people are buried, the work that they’ve done to atone for the wrongs or to rehabilitate or to move forward that record remains on their permanent -- that conviction remains on their permanent record.

And Connecticut statutes has 558 different collateral consequences of a criminal conviction, as Represent Porter knows very well. And those are occupation or legal barriers to accessing housing or employment or government services or education or much more.

So, we have the ability today to look back on the people and impact people's lives in meaningful ways. And thanks to the input of people from various organizations from the ACLU Smart Justice Campaign to connect, I've gotten a chance to hear stories and one story really resonated with me regarding having a conviction on your record for possession of a controlled substance. This is someone who had worked through recovery and he went further and further into the process of recovery and -- and applied for jobs or housing or other opportunities. His history returned to haunt his future, when he looked because that criminal record retained the behaviors that he as involved in during his period of drug use. And that doesn't reflect who he is right now, but that lingers as he moves forward into the future trying to further his recovery and to reintegrate into society more fully.

So, we have the opportunity today to be on the cutting edge by matching with other legislation that Governor Lamont has offered to legislature that I understand will be looking at perhaps next week regarding the Clean Slate Policy, which is Senate House Bill 5019. So, there are two pieces in Section 4 and 5 regarding the cannabis conviction on people's records. For people with a conviction for possession of less than four ounces or less of

cannabis, on October 1, 2015 or forward, they are permitted to petition the court to have that record cleared.

This is a similar process that exists for other crimes that are decriminalized. People have the ability to come forward to offer an affidavit, a record, and to petition the court for clearance of that record.

For people who were convicted of a -- of possession of cannabis prior to October 1, 2015, this legislation under Section 5, leverages policy and -- and House Bill 5019 on Clean Slate to allow for the automated record clearance of that possession.

This is a way that most states are moving now when it comes to addressing the lingering convictions that are on people's records. States that have legalized adult use of cannabis, most often look to ways to erase prior convictions. They often do it on a petition-by-petition basis.

When you look at the number of convictions that are on people's records around this state, our courts and our Pardons Board really can never catch up with that. Between 2000 and 2019, there were 45,900 -- I'm sorry, 45,553 convictions for 21a-279c. These aren't people, these are charges that led to a conviction. Our Pardons Board, for example, pardons about 950 cases per year.

So, the Section 5 uses technology that's been adopted in States like Pennsylvania, Utah, and now New Jersey, to -- through an automated process clear that record. To take the onus off of the individual

to petition on a case-by-case basis. But based on a waiting period and based on the cited statute, clear that record away.

We did hear concern from the Judicial Branch regarding their inability to specify the specific possession of cannabis. If you see in my testimony, I suggest some JFS language that could address that. What we heard from the Judicial Branch is they have no ability because of ways that records are retained and criminal record systems to pinpoint a specific cannabis-type substance.

So, we would suggest removing or bracketing out that reference to the less than four ounces and instead refer to Section 21a-279c, which would include some additional controlled substances, non-hallucinogenic, non-narcotic, but the bulk of the charges that led to a conviction from this section involved cannabis.
This would put Connecticut again on the leading edge of states that are using technology to provide repair of harm of criminal convictions and -- and I'll be happy to answer any questions when it comes to that time and I'm excited to or discussing about ways that this section is mirrored in the H.B. 5019 on Clean Slate.

Thank you, Chairs and Ranking Members.

REP. STAFSTROM (129TH): Thank you. Commissioner Rovella.

COMMISSIONER JAMES ROVELLA: Good morning, Senator Winfield, Representative Stafstrom, Senator Kissel,

Representative Rebimbas and distinguished members of the Judiciary Committee.

I'm James Rovella, Commissioner of Emergency Services and Public Protection. I appreciate the opportunity to appear before you today and discuss Senate Bill 16, Governor Lamont's bill concerning adult use of cannabis.

I'd like to begin by saying, we fully support the Governor's bill because it protects health and our safety of our citizens. It's important to recognize that in some form, cannabis is already legalized in states near or bordering Connecticut.

Adult use has been fully legalized in three out of the six New England states and more are looking to do the same. This means cannabis is already among us. And law enforcement is dealing with it and expending resources on it.

With that being said, the fact that this bill fully supports law enforcement testing of impaired driving is one of the important reasons I support this legislation.

Legalization of adult use cannabis is a topic that's been debated for many years both here at the legislature and the public. With all places of legislation, additional discussions may be needed to enhance the current language and I'm committed to participating in a continued dialogue on the bill and moving forward in the legislative session.

I'm convinced that we can all work together and well have a piece of legislation that most of us can agree on.

Thank you very much.

REP. STAFSTROM (129TH): Thank you. Commissioner.

COMMISSIONER SIBONGILE MAGUBANE: Good morning, Chairperson Winfield and Representative Stafstrom, Senator Kissel and Representative Rebimbas and distinguished members of the Judiciary Committee.

Thank you for the opportunity to testify on Section 11 of the Senate Bill 16, AN CONCERNING THE ADULT USE OF CANNABIS.

The Department of Motor Vehicles administers a program addressed in Section 11, which applies administrative licensing factions to drug-impaired drivers. Our agency has worked closely with the administration, our state's other agencies, public safety agencies in crafting a traffic safety approach, represented in this legislation. DMV believes that the approach taken in this legislation will improve traffic safety.

In 1990 Connecticut adopted the Implied Consent Law, which codifies in Section 14-227b of the Connecticut General Statutes, a law that states that every person who operates a motor vehicle in the state is deemed to have consented to a chemical/alcohol test, such as blood, breath and urine.

If arrested for operating under the influence of drugs or alcohol, in violation of this section,

there's a dual process for the disposition of that case. The person is prosecuted criminally for the OUI and is also subject to an administrative licensing section imposed by DMV, based upon either the present of elevated blood-alcoholic liquor content as measured through chemical-alcohol testing or the refusal to take a chemical test.

The administrative process is referred to as the administrative per se. This process removes drunk drivers from the road using a condensed timeframe for processing sanctions while affording due process.

DMV has removed over 100,000 drunk drivers from Connecticut's roads since the program's inception. Currently though, there is no mechanism included in this process to address drug-impaired drivers in the administrative per se.

Senate Bill 16 takes very positive steps to address the public safety concerns raised by the legalization of cannabis. The effects of cannabis are already exist in our state because of the legalization in neighboring states. Thus, the traffic proposal in this legislation is important because the tools that gives our agency to combat impaired drivers are valuable now as they will be after legalization.

Section 11 strengthens the administrative per se program by including in the process those operators who do not have elevated blood-alcohol content, but who are found to be operating under the influence based on other criteria.

The criteria includes observations by officers in the advanced roadside impaired driving enforcement as well as evaluation by Drug Recognition Experts. Broadening the scope of this program give DMV an expedited method for removing drug-impaired drivers from the road, similar to those impaired by alcohol.

The expansion of the administrative per se program is not limited to those imposed impaired by cannabis, it contemplates administrative licensing sanctions for all drug-impaired drivers.

DMV received over 8,000 OUI reports each year. And in 2017 through 2019, roughly 8 percent of those cases were not prosecuted because we did not have the means to do so. Senate bill eliminates this inconsistency and thereby enhances public safety on roadways of the state.

Thank you so much for giving me the opportunity to present the DMV view and I'll be ready for questions.

REP. STAFSTROM (129TH): Thank you, Commissioner. I -- you just -- I just need you to state your name and title for the record. I don't believe we did that at the beginning.

COMMISSIONER SIBONGILE MAGUBANE: Sibongile Magubane, Commissioner of the DMV.

REP. STAFSTROM (129TH): Great. Thank you. Acting Commissioner Guerrera, no. Good. Good.

JONATHAN HARRIS: Mr. Chairman.

REP. STAFSTROM (129TH): Good -- good to see you back.

JONATHAN HARRIS: Nice to see you. So, that concludes the seven agencies here given oral testimony. There will be -- because it is such a comprehensive effort and we're relying on all of our expertise in the state. There will be nine pieces of written testimony that you'll receive from other agencies, too.

REP. STAFSTROM (129TH): Okay.

JONATHAN HARRIS: I don't know if it's best now --

REP. STAFSTROM (129TH): So, I think -- I think what I'd like to do is, we'll try to break this up a little bit by subject matter and -- and give members and opportunity to ask questions of obviously any of the administrative representatives they'd like. But particularly with respect to the Judiciary piece, what I'd like to start on is legalization, timing of legalization and erasure of records. So, maybe if Undersecretary Pelka could come up. We'll start with that. And then from there, what I'd like to do is call back up our folks from Public Safety and DMV to talk about the driving piece.

But let's start with overall legalization and erasure first. And then -- and then move on accordingly.

So, Mr. Harris, you began by talking about sort of a two to three-year timeline for when commercial sale would actually take place. But right now, the current state of the law in Connecticut, if someone

is stopped and arrested for half and ounce of cannabis, what is the current offense for that under Connecticut law? Make sure you hit -- make sure you hit your microphone.

UNDERSECRETARY MARC PELKA: My name is Marc Pelka.

REP. STAFSTROM (129TH): Make sure you turn your microphone on.

UNDERSECRETARY MARC PELKA: Okay.

REP. STAFSTROM (129TH): Oh, it is. Oh.

UNDERSECRETARY MARC PELKA: I'm Marc Pelka from the Office of Policy and Management, Undersecretary Criminal Justice Policy and Planning. In 2011, Connecticut decriminalized the possession of small amounts, less than one half of an ounce of cannabis. So, that would be an infraction, if you were found to be possessing that amount of -- that quantity of cannabis.

REP. STAFSTROM (129TH): And under this proposed legislation as of July 1 of this year, we would eliminate that infraction for possession of small amounts, is that correct?

UNDERSECRETARY MARC PELKA: For -- you would be permitted -- oh, sorry. Mr. Chairman, people 21 years of age or older would be able to possess ounce-and-a-half ounces of cannabis, only five grams of which could be in concentrate form.

REP. STAFSTROM (129TH): Okay.

UNDERSECRETARY MARC PELKA: If you're under 21 years of age, Mr. Chairman, you would receive possession of less than two ounces would result in a fine of $150 for your first and then for every increasing case of possession would increase from there, starting at $200 to $500.

REP. STAFSTROM (129TH): So, possession under the age of 21 remains an infraction --

UNDERSECRETARY MARC PELKA: Yes, sir.

REP. STAFSTROM (129TH): -- correct? Okay. And if someone is over an ounce-and-a-half -- someone over the age of 21 has over an ounce-and-a-half, but less than two ounces that remains an infraction as well, correct?

UNDERSECRETARY MARC PELKA: Yes, sir.

REP. STAFSTROM (129TH): Okay. All right. And on the erasure piece, you talked briefly about some JFS language that you think need to make. Can you just explain why there's a distinction between possession charges that were -- possession charges that came down after October of 2015 as opposed to possession charges that came down prior to October of 2015 and what you're proposing with respect to the current bill as you would like to see amended with the JFS language?

UNDERSECRETARY MARC PELKA: Yes, sir. So, in 2015, beginning in October 1, 2015 forward, possession of a controlled substance was reclassified from a felony to misdemeanor. And all possession of controlled substances are now Misdemeanor A. Prior

to October 1, 2015, cannabis and non-narcotic, non-hallucinogenic drugs were classified understand or codified under 21a-279c. So, we have two pieces in terms of providing for the erasure under this proposed legislation.

The first piece in this bill, under Section 5, relates to people with convictions for possession of less than 4 ounces of cannabis from October 1, 2015 forward. That now includes all controlled substances and so the reality is that there is no way to pinpoint within criminal record systems how much someone possessed or what type of drug they possessed. So, we include in the legislation the petition process for the individual to come forward.

There is an interesting -- there is a pretty wide-ranging discussion happening around the legislature this session regarding a separate piece of legislation, House Bill 5019, which is colloquially called Clean Slate. That piece of legislation introduces a process for an automated erasure of criminal records. That is truly the optimal approach for providing for record clearance. It’s an innovation found most recently in Pennsylvania, Utah and New Jersey. It was also, I guess, pilot tested in California. And what it does essentially is you use information technology systems to identify eligible convictions for which criminal records could be erased.

It shifts from a one-by-one process where the onus falls on the individual to bring an affidavit or a record to a court or to a Pardons Board and say that, I believe I’m eligible for clearance of my record.

What states have found; California found this after it first allowed people with cannabis convictions to petition courts for erasure. And even what we see in pardon states like ourselves, it's only a small percentage of people avail themselves of that opportunity.

In many cases, it can be a confusing process. In many cases, also, the person can be really uncomfortable reengaging with the criminal justice system and finding their way through it.

So, the technology that's been planned for and funded in House Bill 5019 creates an automated process in which CJIS would identify records eligible for clearance, would notify the Judicial Branch using CJIS that that record is eligible for clearance. Judicial would make the needed changes and then the CJIS System would notify other criminal justice agencies. So, we are actually able to rise up to scale with level of equity, with consistency, with avoiding overburdening and creating cost personnel as well as challenges for individuals to come forward.

And I mentioned in my testimony that between 2000 and 2019, the number of charges that led to convictions under 21a-279c, was 45,553. That's a very long way to go in terms of time and personnel.

So, the preferred option, indeed, is the automated process. And so the JFS language acknowledges that because we're talking electronic criminal record systems, Judicial Branch and that matter of desk cannot pinpoint specific cannabis-related

convictions. It falls within a subsection 21a -- 21a-279c that includes a small number of additional drugs that are non-narcotic, non-hallucinogenic. And so that was how you wind up with a sort of bifurcated process for pre-October 1, 2015, using the preferred automated process and then providing relief from 2015 forward using the petition process.

Depending on the Judiciary Committee's direction next week, when a hearing could be held on Clean Slate, we can discuss areas where there's mirroring, areas where there's chances to further harmonize and I think the discussion will continue. But that's all, Mr. Chairman.

REP. STAFSTROM (129TH): So, with respect to the erasure that's proposed in this bill for cannabis, is it fair to say that what the Governor's office is proposing is about as far or advanced a system of erasure, automatic erasure as our systems -- our technological systems in the State of Connecticut will allow us to go?

UNDERSECRETARY MARC PELKA: Yes, sir, exactly, and I'm proud of that. The amount of money that the Governor has prioritized is $2-million dollars for implementation of the automated record erasure system.

Last year, the original Clean Slate Bill would have required this to be completely manual, done by personnel on a case-by-case basis. And the fiscal note was around $15-million dollars. More than seven times what's made possible through the use of technology.

States from -- I mentioned California, Utah, Pennsylvania and New Jersey have all moved in the direction of automation. It's leveraging technology to provide greater equity scale and avoiding cost.

REP. STAFSTROM (129TH): Thank you, Undersecretary Pelka. So, we just -- for members of the Committee and also the public, we're looking primarily right now at Sections 2 through 9 of the bill, which would be legalization and erasure pieces.

Are there questions?

REP. FISHBEIN (90TH): Mr. Chairman --

REP. STAFSTROM (129TH): Yes.

JONATHAN HARRIS: If I might just supplement what Undersecretary Pelka said. He was correct on saying that any person 20 years of age or older that possesses between the possession limit, ounce-and-a-half ounces and two ounces that is an infraction. But I just want to add and make clear that if someone 21 years or older has greater than two ounces, it would still be a crime, a Class B Misdemeanor.

REP. STAFSTROM (129TH): Right. Okay. Thank you for getting that on the record for us. Representative Fishbein.
REP. FISHBEIN (90TH): Thank you, Mr. Chairman. Good morning, gentlemen. Marc and I spent a lot of time over the past few months dealing with this Clean Slate situation.

And I just have a couple of questions. So, presently one who's been convicted of 21a-279c, since 10/1/1994, is ineligible in Connecticut to get a pistol permit. And that was a public policy thing that was put in place in 2014. So, about six years ago. What's changed since then with regard to that public policy with regard to pistol permit? Because I heard 45,000 was the amount of convictions during that period of time, so a lot of people. So, now we're recognizing that all of those people would be eligible to get pistol permits.

What's changed policy wise in the administration with regard to them?

UNDERSECRETARY MARC PELKA: Mr. Chairman, I think that the -- what -- I can't speak specifically to changes in gun policy, but I can -- I work on safety policy, either one. I can speak though to the ways that we've looked at our criminal records and the fact that convictions from a misdemeanor to a felony stays with you for life. And the work that we did over the interim, when looking at the impacts of the collateral consequences surface a number of new areas, where there are discretionary or mandatory boundaries or barriers created because of a criminal conviction.

And although I haven't had the privilege yet of really delving in with you or Senator Miner about ways that record clearance could impact the pistol permit restriction, I'd be eager to learn more and to try to be helpful to you on that. You were the one who -- you had that discussion in our collateral council to help me appreciate that -- that element -

- that effect that would be carried out with the record clearance.

REP. FISHBEIN (90TH): Well, thank you. The other thing is that let's say someone is charged with risk of injury to a minor and a marijuana offense, and it goes to court and through the plea bargaining process it's agreed that the risk of injury to a minor charge would go away and there would be a conviction perhaps an infraction for the marijuana charge.

Am I to understand that the Board of Pardons and Paroles would have no part of getting rid of that record that this would just go away? Is that -- what would happen in that particular scenario?

UNDERSECRETARY MARC PELKA: Through Mr. Chairman, the policy is actually offense based or charge based. So, it would not affect the person's entire record. It would only address convictions for a charge under 21a-279c. So, it's a -- it's a record clearance that applies to the specific charge, not to the case or docket or even the person's entire record. It's a charge-based record clearance.

So, for someone who wishes to have his or her entire record erased, the more effective path for them is to go through the Pardons process, which, if approved, enables them to have their entire criminal record clear.

The Clean Slate is indeed limited in the fact that it focuses on specific charges, but it applies a more precise intervention. By setting parameters around the charges that are included, a waiting

period, and then allows for the auto -- automated erasure of that. It would -- that's the importance of us selecting the range of offenses, classes that are included, sir.

REP. FISHBEIN (90TH): But in that particular scenario, there is no record of the risk of injury to a minor. The court issues a dismissal --

UNDERSECRETARY MARC PELKA: Right.

REP. FISHBEIN (90TH): -- and then they order the conviction of some -- some level on the marijuana charge. So, the only thing that's on the individual's record is the conviction for the marijuana.

So, am I to understand that that person would not be eligible for Clean Slate because they were charged with more than just the marijuana crime?

UNDERSECRETARY MARC PELKA: Through Mr. Chairman, no, the -- the person -- the person would be eligible for Clean Slate because the Clean Slate identifies the offense that is eligible for erasure. The person would not be disqualified because they have a more serious conviction or even if they have a more serious conviction on their record.

This is specifically looking at the eligible offenses. And the impact will be felt by people who only have a conviction for that cannabis conviction, for example.

It's interesting that you mentioned the automated process that removes from the record a charge for an

offense that is later nollied or dismissed or acquitted because that's a good example of the automation that's being sought under Clean Slate.

REP. FISHBEIN (90TH): So, through the pardon process, because that's the other way -- the - the victim, let's say it's the mother of the child's, you know, charge of risk of injury to a minor which was dismissed. The victim would have the ability to perhaps object to the pardon being granted, would e able to be heard. But this takes that totally out of that sphere.

UNDERSECRETARY MARC PELKA: I guess I was -- through Mr. Chairman, if the -- if the charge for risk of injury to a minor was -- was dismissed because a person -- because the charge was removed, then that wouldn't follow the person on his or her record any longer under the form of a conviction. The arrest might still be there. That would be where that record would lie. But in terms of the kind of permanent record of that conviction that wouldn't -- wouldn't be on there, which is why it's important, I think, to focus in an automated process like this solely on the charge, not on the individual's entire record.

The aim here is to identify which records don't require a full pardon process. And for someone who has a conviction for risk of injury to a minor, plus conviction for possession of cannabis, that person would be able to seek a pardon to address that. Clean Slate wouldn't be helpful in that case with someone with both of those convictions. Recognizing that yours applies to a conviction just for the controlled substance.

REP. FISHBEIN (90TH): And then last question. My understanding through your testimony is the reason why we -- the Governor's office prefers this as a policy is because of the number of convictions that would be -- the Board of Pardons and Paroles would be unable to handle, is that the representation?

UNDERSECRETARY MARC PELKA: Yes, through Mr. Chairman, yes, across the country, states have petitioned based pardons processes, which were never designed because of these inherent factors of being brought to scale. When -- between 2000 and 2019, for example, there were 177,274 charges that were convicted for Class C and D misdemeanors.

When our Pardons Board -- our Pardons Board does a tremendous job. They thoroughly review as an independent decision-making body people petitioning. Their services are vast and most effectively applied to complex more serious cases. But for these lower level non-violent, non-victim convictions, there needs to be an automated process to more efficiently and effectively address them.

REP. FISHBEIN (90TH): Okay. Thank you. Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Further questions with respect to Sections 2 through 9? Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman and good morning. Just kind of want to dive a little bit more into the details, but not take up too much time, hopefully.

You gave us a statistic of over 45,000 charges since 2000 to 2019. That's just in the State of Connecticut, is that correct?

UNDERSECRETARY MARC PELKA: Through the Chair, yes, that's correct.

REP. REBIMBAS (70TH): Okay. And how many of those were specifically just the charge that we're looking to erase, so not with any other charges?

UNDERSECRETARY MARC PELKA: Through the Chair, I was referring specifically to charges. So, that 45,553 number relates to the specific charges that led to convictions for that section.

I'm not able to speak to cases, dockets or individuals.

REP. REBIMBAS (70TH): So, in your statistic, any one of those individuals carried that specific charge, but could have carried a multitude of other charges, is that correct?

UNDERSECRETARY MARC PELKA: Through the Chair, yes, that's correct.

REP. REBIMBAS (70TH): Okay. When I break that down, just know, again, I was shocked by the figure. But my understanding it carries other charges, so we're not talking about over 45,000 people solely on this one charge. And when you further break that down to -- if I'm doing my math correctly, dividing that by 19 years, is approximately 2,300 people year. But again, I think, through your testimony

you concede to the fact that these are not just single charges. There could be some within there, but certainly they're not single charges.

So, I'm interested in, you know, the philosophy and certainly very supportive of the ability for any one individual to erase their record. Especially for the fact that if it impedes them in life and more often than not in this bill then we talk about employment aspect and potentially even housing. And when you throw out that figure and it's shocking and is, you know, that people would want to certainly assist those, I'm not necessarily convinced, or I don't know the exact number that erasing that one charge automatically on someone's record is going to be lifechanging in any sort of way because they'll still have a record.

My concern, and I voiced this previously and I'll continue to voice it, is the shutting out of the victims as it's been conceded, these are charges potentially that these individuals had in combination with others. So, there could have been situations, and I can certainly go down the laundry list from domestic violence to murder, you name it. That there are victims of these crimes that would potentially want to have their voices heard. And quite frankly, I think it's their right to have their voices heard even in erasure of what most would concede are minor offenses. But those minor offenses could be in combination with some serious offenses and serious incidents and -- and as well.

The other thing that I, you know, certainly take pause is, if we're going to attempt to rehabilitate and assist people and provide them with the

resources that are needed, I don't think we're doing anyone a service of an automatic erasure, if we're not determining whether or not that individual is still addicted.

The other issue I have with automatic erasure is, we don't know what's going on in that person's life in other states. We don't know if they've been further convicted and/or arrested or been arrested -- well, actually if they've been arrested, they've been charged. So, at least in the State of Connecticut will have that information. But we won't have the information on all the other states. And there are criminal databases that states are supposed to enter information, but we know that they're not complaint with that either in that regard.

So, I have concerns and, you know, the other, you know, simple factor and again people I'm sure will have differing opinions is, we're erasing records of individuals we don't even know whether or not they're still alive. And I guess I just don't see the necessity or the purpose in that regard either in that -- to do something like that.

I believe in the process or erasing. I believe in Pardons and Parole and we've had them before us on many different occasions. And I do believe that they do great work in that regard. To say that they would be burdened by -- we have no idea of how many applications. I think might be a little premature because we don't know the figures in that regard. I don't necessarily know what kind of false sense of hope and security we might be giving to individuals by an automatic erasure. I think, again, there's a sense of redeeming oneself. A sense of restoring

oneself, fulfillment and empowerment by taking the act to request a pardon. And it allows them then to certify an affidavit process that, A., they haven't reoffended, they haven't been arrested, whether they're in the State of Connecticut or somewhere else.

If there is something we can do to assist the Pardons and Parole process and making it -- I believe the representation was confusing, less confusing, more user friendly, 100 percent I'd be in support of that.

I'm just really cautious about anything that would be an automatic, we're missing the individuals who could take the steps. And again, if we can see that whether or not they're -- they're still in a form of addiction, if their addicted and assistance or shutting out the victim. And I just don't, again, see the false sense of that this is going to assist someone moving forward in life, if there's multiple other charges.

Just looking through here some of my notes to see if there was anything else. And certainly, if you'd like to take the opportunity to respond to any of that, you're more than welcome. And I'm certainly not, you know, requesting a response. But I am just looking over my notes in the meantime, if there is anything else specifically regarding this -- this topic, but I just wanted to touch base before we move on to the other sections.

UNDERSECRETARY MARC PELKA: Mr. Chairman, I -- I --

REP. STAFSTROM (129TH): Go ahead.

UNDERSECRETARY MARC PELKA: Thank you, sir. I hold the ranking member in incredibly high esteem, so I'd be remiss if I didn't at least try to reengage on some of the very thoughtful topics that she raised. And if I'm given the privilege next Monday of testifying on H.B. 5019, I think there will be a lot of detail I can delve into. On that she raises some very good points, Mr. Chairman. And I think part of how Governor Lamont has invited me to assist with framing Clean Slate policies and recognizing that, we've made improvements to our pardon system as well. And I err that by citing, I think, 950 pardons per year -- it's actually 750 on average over the last three years.

But through policy, Connecticut has created tiers for its pardon process. There's the absolute pardon, following an in-person review. And in 2015, there was enacted an expedited process for specific crimes -- or convictions that would not require a full hearing, but rather there could be a paper review.

Clean Slate is a good fit for one tier below that of records that have aged, that are generally of lower seriousness and are examples that could be addressed in an automated way.

And when I think about burdens, I think our Pardons Board limits that up, Mr. Chairman, to do anything. It's just that in last year, 2019 alone, there were 10 times as many new lowest-level CMD misdemeanor convictions than the Pardons Board was able to approve. And so there's an inability to really catch up.

I think that for people who have other convictions on their records or even a case, the chance to experience some record clearance would give them a sense of how the unburdening can feel and encourage them through a broader campaign about seeking further relief from that conviction.

Even for misdemeanors, there are 108 collateral consequences in our statute that affect them. So, even for the misdemeanors there's some impact.

I would add because this issue matters immensely to me and more importantly to Governor Lamont on the topic of victims. Part of how the eligible charges were identified in this bill and others was ones that didn't have a family violence flag attached to that charge or an offense that involved bodily harm or a sexual offense or other types of injury.

But I recognize, Mr. Chairman, the ranking member's leadership on specific issues involving victims. I'm confident we'll have further discussion in the future public hearing, sir.

REP. STAFSTROM (129TH): Thank you. Ranking member?

REP. REBIMBAS (70TH): Thank you, Mr. Chairman. I certainly just wanted to take the opportunity to thank you very much. And I'll certainly look forward, obviously to the -- the future hearing in that regard. I know that this is a very -- you know, large proposal that we have before us here today.

I guess the only other thing that I -- I have to raise a concern as well is -- and I, you know, certainly as well was listening to the testimony on my -- on my way in this morning regarding all the commissioners that are here. But I think the impact that this is going to have on -- on a change of policy potential of ability to obtain a firearm permit.

I guess, I'm just a little shocked not to see someone here from DESPP.

UNDERSECRETARY MARC PELKA: Actually, the Commissioner Rovella is with is. So, he's gonna come up next. He's gonna come back.

REP. REBIMBAS (70TH): So, he hasn't -- okay. So, he's not here now to --

UNDERSECRETARY MARC PELKA: He's here.

REP. REBIMBAS (70TH): -- address it?

UNDERSECRETARY MARC PELKA: He's sitting in the back up there.

REP. REBIMBAS (70TH): Okay.

UNDERSECRETARY MARC PELKA: I was gonna call him up as part of the --

REP. REBIMBAS (70TH): The next part of it?

UNDERSECRETARY MARC PELKA: -- driving piece, yeah.

REP. REBIMBAS (70TH): Okay. Okay. So, I appreciate that because I guess, you know, then I'll just voice it before we even move forward. This erasure has an impact in -- in a lot of different situations and certainly for all the ones that I've mentioned but then moving forward, what the policy may look like or any potential changes that I think would be important for us to know before we move forward on this proposal.

But again, thank you so much for taking the time.

UNDERSECRETARY MARC PELKA: Thank you.

REP. STAFSTROM (129TH): Further questions with respect to Sections 2 through 9?

UNDERSECRETARY MARC PELKA: Mr. Chairman --

REP. STAFSTROM (129TH): Go ahead.

UNDERSECRETARY MARC PELKA: I apologize but Commissioner Rovella actually because of the changing world were in is being called away fairly soon. I just want to --

REP. STAFSTROM (129TH): I'm trying to --

UNDERSECRETARY MARC PELKA: -- on the --

REP. STAFSTROM (129TH): I'm just trying to him --

UNDERSECRETARY MARC PELKA: -- Coronavirus, so --

REP. STAFSTROM (129TH): I'm trying to get him -- get him up right now if we can.

UNDERSECRETARY MARC PELKA: Thank you.

REP. STAFSTROM (129TH): All right. Anything else for Mr. Pelka? If not, Commissioner Rovella, if we could have you come up?

Mr. Pelka, if you could hang out, I think we do have another question for you today at the end. But I'd like to bring up our DMV and our Public Safety Commissioners. Sections 10 through 17 of the bill deal with driving under the influence and changes to out statutes with respect to impaired driving. I believe there's also a question with respect to firearm permits. So, I'd like to -- like to entertain questions on those, but before I do, Commissioner Magubane, I think you testified that this bill will improve traffic safety in the State of Connecticut.

I'd like to give you an opportunity to explain some of the terms you use, including a drug recognition expert and roadside testing. I know there's also changes in this bill with respect to the Code of Evidence and how evidence gathered by a drug recognition expert will be admissible in a -- in a court and administrative proceedings. So, I'd like to give you and Commissioner Rovella an opportunity to address those points before we move on. So, the other inquiries with --

COMMISSIONER SIBONGILE MAGUBANE: Just before I -- I get into your questions, can I just make one comment?

REP. STAFSTROM (129TH): Are you talking about Corona?

COMMISSIONER SIBONGILE MAGUBANE: Yes, I do. Thank you. Based on the prior testimony, I just want to make sure that you understand that by 2022, DMV is going to implement a system that's called State to State that will allow us to actually know driver history from other states. So, I just have to make sure that I put that on the record.

I'll let you go first so you can --

COMMISSIONER JAMES ROVELLA: I'm sorry, Representative. I missed the question; I was on the phone.

REP. STAFSTROM (129TH): The question, briefly is just -- I believe there was testimony that this bill will improve driver's safety and the ability to police driving under the influence in the State of Connecticut. I know there are various changes with respect to the Evidentiary Code and also the use of Drug Recognition Experts. I wanted to give you a moment to highlight some of those changes, if you care to?

COMMISSIONER JAMES ROVELLA: I do. So, across the country I read -- I read just about everything I can across the country from cannabis use and that gives us a chance to prepare for it in our state as we move forward besides the education value to our citizens.

So, when we look at your normal standard alcohol, we move to ARIDE, the Advanced Roadside Impairment

Driver Enforcement. We also move towards the DREs, which are the Drug Recognition Experts. I would have brought it to -- for the DRE, but my friends from DOT are gonna speak on that extensively for you on those two factors, ARIDE and DRE.

REP. STAFSTROM (129TH): Okay. Thank you, Commissioner. I know you have to get on to other business, so I'd like to give an opportunity for either the ranking member or Representative Fishbein to ask their questions with respect to -- Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman, good morning.

So, the pistol permit issue. Presently one cannot be issued a pistol permit if they've been convicted of 21a-279c, post 10/1/1994. Am I to understand that this would open up those 45,000 or so people to be able to get pistol permits?

COMMISSIONER JAMES ROVELLA: On the federal level, no. But on the state level, yes, it very well could.

REP. FISHBEIN (90TH): Okay. So, on the federal. So, why the distinction? So, because my understanding is when the criminal background check comes back that it defers to the state law. It's our choice whether or not by state statute to implement 21a-279c. That is not in the federal law. So, what -- why the distinction?

COMMISSIONER JAMES ROVELLA: The federal law asks several more questions in regard to marijuana use

and/or conviction of that of which you have to respond truthfully. The state statutes do not provide that we ask about those.

REP. FISHBEIN (90TH): Well, I think the statute that you're dealing with is -- was it 922g-1, who's addicted to or habitual user of Class 2 or higher narcotic would be precluded. That question is not on the application that you currently have applicants sign off on. So, where in the process would they be asked that question?

COMMISSIONER JAMES ROVELLA: On the federal level.

REP. FISHBEIN (90TH): No, the issuance of a pistol permit. So, one goes to their local town, they submit their application, a bunch of checks, fingerprint card and a certificate from the safety course. Where is the question asked, are you addicted to or a habitual user of a Class 2 or higher narcotic? That's only with the purchase of a firearm, not the issuance of a pistol permit?

COMMISSIONER JAMES ROVELLA: I don't think it's on the pistol permit application.

REP. FISHBEIN (90TH): Okay. So, why -- then we go back to where I started. Why would that impact somebody who's been convicted post 10/1/1994 with 21a-279c, but it's been erased by the state, why would they potentially be denied by the feds, a pistol permit?

COMMISSIONER JAMES ROVELLA: The -- and I'll find out exactly for sure and follow up with you. But I believe the Federal Government asks far more in

depth questions about cannabis and if you've been addicted and/or convicted of it.

REP. FISHBEIN (90TH): All right. I have extensive knowledge in this -- this area. And I know that that question is on the form when you purchase a firearm.

COMMISSIONER JAMES ROVELLA: Yes.

REP. FISHBEIN (90TH): So, okay, let's -- let's go on from there. The -- the refusal to take a test is not to be the -- the evidence of that is not to be used in a criminal prosecution is the way I read this language, is that correct?

REP. STAFSTROM (129TH): Ma'am, please identify yourself for the record?

SHARON GEANURACOS: Good morning. My name is Sharon Geanuracos, I'm the Agency Legal Director of the Department of Motor Vehicles.

A refusal to take a test can be used in a criminal prosecution. I don't think that's changing in the current statute in 227a.

REP. FISHBEIN (90TH): Okay. I'm looking at lines 372 through 375. I'll give you a moment to -- maybe I'm just reading it --

REP. STAFSTROM (129TH): Ma'am, I need you to just pull the microphone a little closer to yourself and we're having trouble on the transcript getting your name. So, if you could just repeat your name and title?

SHARON GEANURACOS: Yes, it's Sharon Geanuracos, G-e-a-n-u-r-a-c-o-s, and I'm the Agency Legal Director and we're the Department of Motor Vehicles.

REP. STAFSTROM (129TH): Thank you.

SHARON GEANURACOS: I'm sorry, would you repeat that line again?

REP. FISHBEIN (90TH): Sure. 372 through 375. And I'll read the language. It says, refusal to submit the testimonial portions of a Drug Influence Evaluation, shall not be considered evidence. A refusal of such evaluation for the purposes of any criminal prosecution. So, I take it that's a DRE interview --

SHARON GEANURACOS: Yes.

REP. FISHBEIN (90TH): -- which would be a test?

SHARON GEANURACOS: Yes, that -- that is the -- the refusal to answer questions cannot be used on -- on a DRE evaluation, cannot be used against you in a criminal prosecution. Actually, and then also if you read further in the bill, it also can't be a reason to suspend your license in an administrative hearing if you -- if you are refusing the interview portion. The remainder of it can be used. So, if you refuse the other parts of the drug evaluation, then that can be used against you.

REP. FISHBEIN (90TH): The other parts --

SHARON GEANURACOS: It's the testimonial part of it that is of concern.

REP. FISHBEIN (90TH): The other parts. I think the only part that would be of value here is blood, right?

SHARON GEANURACOS: Well, a drug evaluation consists of a 12-step process. There's a lengthy amount of information that they get, based on your -- your physical appearance, your -- you know, your psychomotor skills, certain other things. And so, those things, if you -- if you refuse to do the rest of the evaluation that can be used against you. But the testimonial portion and that -- so you don't -- they're not violating your rights --

REP. FISHBEIN (90TH): Constitutional --

SHARON GEANURACOS: -- to [Crosstalk]

REP. FISHBEIN (90TH): Okay. The --

REP. STAFSTROM (129TH): Before you continue, Representative, I just -- are there specific questions for Commissioner Rovella with respect to deaths that have not been addressed? If not, I know he has another engagement with respect to another matter going on in the world right now that he needs to get to. So, I want to address those before we go further, if that's okay, Representative?

REP. FISHBEIN (90TH): Yeah, I had two other questions. I -- I don't know based upon them whether or not which individual would be to --

REP. STAFSTROM (129TH): Okay. Why don't -- why don't you go ahead and ask the questions then and we'll -- we'll find out.

REP. FISHBEIN (90TH): Okay. Thank you. So, I'm looking at line 901 at the bottom of the page. And -- and that appears to allow for both blood, breath or urine and the DRE because it says both or both. Why would it -- let's say -- let's say blood is taken and it comes up negative, why would you have a DRE or in the alternative?

COMMISSIONER JAMES ROVELLA: Well, the DREs the beginning prior to the breath, the urine or the blood sample.

REP. FISHBEIN (90TH): Okay. So, if the DRE establishes that there is no impairment, based upon their experience, then law enforcement still has the ability to take blood?

COMMISSIONER JAMES ROVELLA: No, they -- they'll need a probable cause or a reasonable -- reasonable suspicion that builds a probable cause.

REP. FISHBEIN (90TH): Okay. So, why -- I'm getting a nod of the head to -- to the negative. I just don't understand why you would potentially use both if --

SHARON GEANURACOS: The section you're referring to, Representative, is -- is -- is the voting statute. So, this is for the suspension of your safe boating certificate or your right to operate a boat on the waters of the state.

I think what -- what happens a lot in these situations and that's both for motor vehicles and I think this statute is modeled after the administrative for safe statute, the boating part of this. Is that often times a police officer will bring someone in to be breath tested. And that person will blow under the legal limit. And the officer believes, through his or her training and experience, that that person is under the influence of some other substance beside alcohol. That's when they might initiate a Drug Recognition Expert Evaluation, or they might ask the person who's being arrested to submit to some other type of a test typically a urine test if they're at a police station.

REP. FISHBEIN (90TH): Okay. So, then operation of a motor vehicle is it zero tolerance or is there a standard?

SHARON GEANURACOS: Well, that's part of the problem. There -- there's a -- there's -- for purposes of administrative per se at the DMV, there is a -- something called elevated blood/alcohol content. And that -- you know, if you're over 21 and you're not a noncommercial driver, that's .08. If you're at .08 or above, the DMV uses that as the per se limit.

There isn't a per se limit in our statute for drugs. So, and we don't have zero tolerance. So, on the criminal side you can be prosecuted because they don't need to look at just the alcohol content. They can look at other things. They can look at --

REP. FISHBEIN (90TH): But you're just dealing with the marijuana, is it zero tolerance of marijuana or do you need a certain level of micrograms?

SHARON GEANURACOS: There is no level and there is no zero tolerance. It -- it's all behavior based. So, if the person is impaired and that can be proven in a court of law, then that person is -- is -- can be convicted for that offense.

REP. FISHBEIN (90TH): But if -- but if blood is drawn and it's established that they have the substance in their system, is that -- and motorist, you know, motorist pulled over, is that a crime just because they have it in the -- in their body or do they have to reach a certain level?

SHARON GEANURACOS: No, there is no level in CT statutes for --

REP. FISHBEIN (90TH): But under this law?

SHARON GEANURACOS: No, there isn't.

REP. FISHBEIN (90TH): So, it's zero tolerance if you -- if -- if you have any level of this substance in your body, operating a motor vehicle, and it is established through blood that is a crime under this -- under this law?

SHARON GEANURACOS: No, I -- I don't think that that's the way the law is written. I think it's not zero tolerance. What it is, is if you have some evidence that a person has this -- has this substance in their body, and there's other evidence of impairment, you have to be impaired in order to

be prosecuted or suspended in either a criminal court or at the DMV. There has to be evidence of impairment. Just the test alone will not necessarily be the deciding factor. And the reason for that is --

REP. FISHBEIN (90TH): But -- but wait a second. If I'm -- if I'm pulled over because the police officer sees me and two kids and we're fighting in the car, my -- my children were fighting in the car and they pull me over because that's a bad situation. And he smells alcohol on my breath, and he did not detect me operating the motor vehicle in a -- in an ill manner and I do the breathalyzer, and I blow a .10, it's violation of the law. I -- I didn't -- he didn't -- he doesn't have to establish impairment based upon just really smelling --

SHARON GEANURACOS: Right.

REP. FISHBEIN (90TH): -- the alcohol. So, are you to tell -- are you telling me that same scenario and I think you've got -- you know, your eyes are slits and -- you know, I'd like to take your blood. Will you let me take your blood? And it comes back that he's got marijuana in his system -- in their system, that is not a crime under this law?

SHARON GEANURACOS: There's no per se limit for drugs in this state. So, under this scenario you gave, whether it's alcohol or drugs, what happens is you're pulled over, the officer smells alcohol on your breath, perhaps the officer smells marijuana, the officer takes you out of your vehicle, subjects you to a certain battery of tests that indicate that you are under the influence, drugs or alcohol. And

places you understand arrest. Brings you to the police station and then you blow into the intoxilyzer.

So, that officer doesn't know at the roadside whether you're drunk or high. They arrest you first based on Field Sobriety Test, if they're ARIDE trained, based on their observations through ARIDE and then you're placed understand arrest.

REP. FISHBEIN (90TH): I thought it was presumed that if I blew at a certain level that I was impaired.

SHARON GEANURACOS: But you don't blow --

REP. FISHBEIN (90TH): I'm just -- I'm just --

SHARON GEANURACOS: -- you don't blow into the device until after you're already arrested.

REP. FISHBEIN (90TH): No, I -- I understand, but I have no other questions.

REP. STAFSTROM (129TH): Thank you. Representative --

SHARON GEANURACOS: I just want to add if you don't mind. One of the reasons their -- their -- that states don't establish per se levels of THC is because it doesn't act like alcohol. And it -- there's no reliable correlation between the amount of THC in your both and your -- and your performance on tests and your impairment behind the wheel. And that's -- that's science. And if I had a background in science instead of law, I'd probably be able to

explain it better. But that's -- that's a pretty well-known fact.

REP. STAFSTROM (129TH): So, if I understand this, what you're basically saying is, under the -- under the bill proposal, all of that evidence would be admissible, the credibility of that remains a determination of the trier of facts at the appropriate evidentiary stage of the proceeding?

SHARON GEANURACOS: That's absolutely correct.

REP. STAFSTROM (129TH): Thank you. Representative Smith.

REP. SMITH (108TH): Thank you, Mr. Chairman, and good morning, counselor.

So, just based on the exchange that was just -- you just had, I'm just wondering if there are any standards at all to determine whether somebody is impaired? Forget the alcohol part, but using marijuana?

SHARON GEANURACOS: There are -- there are no standards in the State of Connecticut. There are some states that have legalized marijuana and have adopted a standard. But there's no relationship between that standard and impairment. Basically what is, is some -- some states have zero tolerance. So, that if you are -- are under the -- if you have any amount of that substance in your body, then your license is suspended or you're -- you can be prosecuted.

The -- in -- there are some states that have 2 nanograms. There are a couple that -- there's one that has 5, but it's only a handful. Most of them have not adopted a per se standard because they know that there's no correlation between that and impaired driving.

REP. SMITH (108TH): Well, it's not that there's no correlation. They just can't prove what the correlation is. Sometimes there is a correlation, would you not agree with that?

SHARON GEANURACOS: There might be, yes.

REP. SMITH (108TH): Yes.

SHARON GEANURACOS: There might be.

REP. SMITH (108TH): Okay. So, if there's no standards by which a police officer has to apply, so when he or she pulls somebody over and the person has glassy eyes and some other indications that might indicate they're somewhat impaired with something, how does -- how do we get any standardized or -- I guess, how do we get any consistency, I guess is the question from police officer to police officer in pulling somebody over and saying, this person's impaired, but this person's not? And, I guess, it would change from person-to-person too, based on weight and ability to handle a -- a joint or -- or not or whatever, a gummy or whatever they're on.

But I'm just wondering, how do we have any consistency? How -- because I know the Police Officers Association is giving us testimony saying

they're opposed to this bill for that very reason. So, which concerns me greatly because they're the ones who are enforcing this law or this bill if it becomes law. So, how do we deal with that?

SHARON GEANURACOS: I -- I -- I think it's important from a safety perspective that the pieces be put into place to have police officers better able to detect drug use. And I think the ARIDE Program -- I think ARIDE should be required for all officers who are employed in the State of Connecticut.

And I think that that -- that enhanced training helps them recognize alcohol and drugs, but drugs specifically. Whereas, the Standardized Field Sobriety Test measure for alcohol -- impairment, yes, but mostly for alcohol. And I think ARIDE is -- is the next step.

REP. SMITH (108TH): So, through you, Mr. Chairman. Why is -- why is that not required already? The -- the language, driving while impaired has been on the books since I can remember. So, it's just alcohol, it's driving while impaired. Why do we not have that training already?

SHARON GEANURACOS: I -- I can't answer that. I'm sorry.

REP. SMITH (108TH): And I suspect it's probably because it's so difficult to determine who is and who is not impaired, unless you have -- under the alcohol situation, well, you have a certain reading if you're .8 or above -- you know, the law has determined you're -- you're impaired. Actually,

you're drunk at that point. Impairment I think is actually lower. I think what it is now.

So, I know we have some testimony. This bill -- not this particular bill, but the discussion of marijuana has been before this committee for a number of years now. We've had testimony from folks from Yale who tested people smoking marijuana and driving and -- you know, trying to give us some analysis. And it's one of the biggest issues to me personally that I have with it is that -- and I understand there's other states that are doing it. But until I'm able to actually determine who is and who is not impaired and what the standard is for that impairment, I don't know how our police will enforce it, except for randomly, which is the last thing we want.

So, I don't know, I'll continue to listen, but unless you have any further insight, I'm still very concerned.
SHARON GEANURACOS: Well, I would -- I would just repeat that I think the -- the ARIDE Program along with the Drug Recognition Experts are an enhancement that will help detect people who are impaired by drugs, to the extent that they can operate safely behind the wheel.

REP. SMITH (108TH): Well, thank you. Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): I guess, I would just ask her now, the ARIDE Program and Drug Recognition Experts, obviously there's a financial cost to getting -- getting officers trained in those techniques, is that correct?

SHARON GEANURACOS: Yes, that's absolutely correct. It's other states that have legalized cannabis have at the same time increased their Drug Recognition Experts. In some state quite a -- by quite a lot.

REP. STAFSTROM (129TH): And I know in the open, Mr. Harris mentioned that the Governor's office certainly understands that there will be some budgetary need to -- you know, spend some money making sure we improve public safety and the like. And some of that, obviously, would come out of the proceeds from recreational sale. I -- I assume the ARIDE and more Drug Recognition Experts around the state would be one of those expenses that the administration is contemplating?

SHARON GEANURACOS: Yes, absolutely.

REP. STAFSTROM (129TH): Okay. Thank you. Representative Harding.

REP. HARDING (107TH): Thank you, Mr. Chairman. Just questions going -- going back on to the administrative per se hearings. If you can just -- so I can understand, take me through the process now. So, if -- if I'm arrested let's say for a DWI, whether it be -- let's say just -- just for argument sake, it's alcohol. And I -- and I blow .08, I'm arrested. My license is then suspended, and I have an opportunity to request the administrative per se -- per se hearing. Let's say, for argument sake, I do, what is the standard by which the DMV would have to prove in order to have my license that's suspended, suspension upheld?

SHARON GEANURACOS: The standard of proof is substantial evidence on the record. And the four issues are, were you operating, did the officer have probable cause to arrest you, were you arrested and did you, A., either fail to -- or excuse me, do you have an elevated blood alcohol content or B., did you refuse? And if all of those things are found in the affirmative, you license is suspended.

REP. HARDING (107TH): Thank you. And through you, Mr. Chair. So, to follow up on that question, what is the standard now currently for a DWI if I am impaired through a narcotic?

SHARON GEANURACOS: Through DMV?

REP. HARDING (107TH): Correct.

SHARON GEANURACOS: There isn't one and that's the problem. And that's what this bill tries to address.

REP. HARDING (107TH): So -- so if an individual is arrested for DWI because of a narcotic, not because of their alcohol level, their -- my understanding is their license is still suspended, correct, it's not, you're saying?

SHARON GEANURACOS: It's not. So -- so that's the problem. You can be prosecuted criminally for that offense because in the criminal courts they're not confined to using this blood -- elevated blood alcohol content, they can use other things. And so, they just have to prove that you were driving under the influence of liquor, drugs or both. At DMV, we

take those cases and we throw them out. And last year we had over 600 of those cases with measured drug results. And they're not -- I'm sorry, there's not limits in there for the drugs. But we know these people had drugs in their system because we got urine tests back on these people. But we can't process them because we have no way, the way the statute is written, to suspend a license for someone who is under the influence of substance.

REP. HARDING (107TH): Thank you, Ms. Sharon. And thank you so much for the clarification. So, from what I'm understanding, you know, police will make an arrest on a DWI, they will submit that information to DMV, and then you will determine whether or not to suspend the license, issue a suspension.

And, I guess, from what I'm hearing from you, you're saying that if you review the record, notice that it's primarily or exclusively related to narcotics at that point you won't -- you won't issue a suspension then?

SHARON GEANURACOS: We call them un-processables. That's kind of a big word, probably not a real word, but that's what we call them. And it means that we can't do anything with them.

REP. HARDING (107TH): I appreciate the clarification. Thank you, Ms. --

SHARON GEANURACOS: You're welcome.

REP. STAFSTROM (129TH): Further questions on this topic. Representative Porter followed by Senator Champagne.

REP. PORTER (94TH): Thank you, Mr. Chair. And I just want to go back to the conversation around if you are stopped and let's say you have been tested for cannabis. I think the thing that's really been a red flag during this conversation the last few minutes for me is the fact that cannabis can remain in your system for an extremely long time and still show up in drug test.

So, what has been done to address that issue because let's say this is somebody that was hanging out with their friends, never smoked, decided to smoke, found out they didn't like the way it made them feel, never smoked again, but got stopped, let's say, a month later and was tested. And maybe it was alcohol, but the marijuana, the cannabis is gonna show up. Have we thought about how we address that?

SHARON GEANURACOS: Well, I think that's a really good question and I think it points to the fact that we -- we have decided not to adopt a per se limit, meaning, there's no nanogram, which puts you over the limit. It -- we've left it open. If you have it in your system, but there are other -- other -- there is other evidence of -- to the extent that you would be unable to operate a motor vehicle based on the evidence, then that's when we would suspend your license.

We don't think it's good to have a number for the narcotics because it's -- it -- you're exactly right, it can stay in your system for a very long

time. It's -- it's absorbed into your fat and so it's -- it's unlike alcohol, which is water soluble, it leaves your body, this does not.

REP. PORTER (94TH): Okay. Thank you for that. And I'm relieved to hear that because that would be a tremendous concern for me just for the fact that it shows up in a drug test that it's assumed that the person is under the influence because we know through science that that is not true.

SHARON GEANURACOS: That's right.

REP. PORTER (94TH): Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Senator Champagne.

SENATOR CHAMPAGNE (35TH): Thank you. I want to go back to the drug cases that -- that you're not prosecuting. If you just look at it and it says, there's some drugs in here. We're not gonna prosecute it or do you look at the whole case?

SHARON GEANURACOS: Oh, we look at the whole case. We review every single case that comes in because sometimes there will be alcohol results and drug results. And I think I said this before, an officer will arrest you, bring you to the police station, give you a breathalyzer and you will blow under the legal limit. But that officer, through his or her training believes that you are under the influence. And so, the officer will switch tests, perhaps give you a urine test to determine whether there are any drugs in your system.

And when DMV gets that case, we might see that you have a .04 alcohol level and a positive drug test. But because you're under .08, we -- we can't do anything with your license.

SENATOR CHAMPAGNE (35TH): So, you don't look at the field tests at all, the Field Sobriety Test, you just ignore that and just go to the -- what's in the -- actually shows on the test?

SHARON GEANURACOS: Well, because of the statute -- I mean, we do look at the field test if there's -- you know, if someone comes to a hearing, that's part of the decision-making process and it goes to whether the officer had probable cause to arrest you, you how you do on those field tests.

But once it comes to DMV and we have to make a decision about your license, the -- the fact that someone's looking at your case doesn't matter if the law doesn't give us the ability to suspend your license based on that criteria.

SENATOR CHAMPAGNE (35TH): But the court still has the ability to suspend it later, correct?

SHARON GEANURACOS: Well, right. So, you can be prosecuted for those offenses. And one of the penalties for your prosecution is a license suspension through the courts.
SENATOR CHAMPAGNE (35TH): So, there was something else that was said that bothered me that we're gonna pay for these DRE tests at -- from the proceeds of the sale of marijuana. What do we do in between? Meaning, these DRE -- you know, in the Town of Vernon there are two DRE specialized officers. And

in looking to send more costs between $6 and $7,000 per officer.

So, don't you believe the state should be putting money up first to get more of these officers trained throughout the entire state before we all of a sudden start putting people under the influence on the roads?

SHARON GEANURACOS: Well, I think that part of the scheduling of this bill is that the ARIDE piece and the DRE piece will be put in place prior to the program that we would administer being put into place because I think the success of this depends on having those pieces in place.

From a budget perspective, I don't think I can really speak to that, so --

SENATOR CHAMPAGNE (35TH): So, ARIDE is that the --

SHARON GEANURACOS: -- appreciate your question.

SENATOR CHAMPAGNE (35TH): The ARIDE, is that the test that would be the state-sponsored program that you need before you can get the DRE?

SHARON GEANURACOS: It -- it's a -- it's a step process. So, ARIDE is the first step. DRE is -- is -- is up a level and the training is even more advanced on that.

SENATOR CHAMPAGNE (35TH): Because I can't send two officers right now because we haven't offered the ARIDE Program in a while. Do you know when we're gonna do that again?

SHARON GEANURACOS: I -- I'm sorry. And, you know, the DMV doesn't administrator those programs.

SENATOR CHAMPAGNE (35TH): I know you -- I know you don't, but --

SHARON GEANURACOS: And I think DOT might be able to assist you with that.

SENATOR CHAMPAGNE (35TH): Okay. So, we're not -- we're not doing the ARIDE Program right now to prepare officers for the DRE. And it's $6 to $7,000 per officer to send for DRE training. I know we're drastically short across the state.

I'm hoping that somewhere there's a plan that prior to the implementation of this legalization that we do put this in place and send these -- you know, percentage of these officers. Do you have any idea -- what percentage would you send out of a -- you know, of officers?

SHARON GEANURACOS: I don't think I can answer that question.

SENATOR CHAMPAGNE (35TH): No?

SHARON GEANURACOS: But if I --

SENATOR CHAMPAGNE (35TH): I didn't think so, but --

SHARON GEANURACOS: -- I'd be happy to try to get some information on that if you want.

SENATOR CHAMPAGNE (35TH): Yeah. I mean, when you have two and you're sharing with all of the surrounding communities it makes it pretty difficult because it takes a half hour to run the DRE tests through --

SHARON GEANURACOS: Right.

SENATOR CHAMPAGNE (35TH): -- when you stop somebody on the side of the road. That's a long time. And you need a backup officer. So, there's two officers off the clock who can't respond to other emergencies because they're testing. And -- and if you're a small community that makes it even worse. And if you stop two, there's four guys. And that takes care of almost all medium-sized police departments. So, it's -- this -- it's a major issue that we need to somehow fix and get through and I think that's one of the major stumbling blocks for me because I don't want to put anybody in danger.

So, I'm hoping that I hear more about the -- the ARIDE Program and the DRE. And I hope everybody up here understands that until we get those employees, we've got to be very careful because we don't want anybody getting hurt. You know, we want to be able to stop this before it actually gets out there. And like I said, that's -- that's a major stumbling block for me on this. Now, you know, I've -- I've been a -- I was a policeman for 22 years and I've run people through the field test. And, you know, I've seen that the court will separate at different times the field tests and then the actual chemical results.

So, they'll actually charge them with DUI twice in court. And if they get convicted of both, they'll throw one of them out and -- and -- and stay with one of them. And I know this went through the State Supreme Court and they said that's okay.

So, that's why when you -- we were talking before when you guys wouldn't take the license, but I guess they can still do it in the court.

SHARON GEANURACOS: So, we'll follow up on that.

SENATOR CHAMPAGNE (35TH): Thank you.

REP. STAFSTROM (129TH): Thank you, Senator, and I think -- I think we can all agree on this committee that we need to take a very serious look at driving under the influence that is already happening on our roads, that is happening as a result of legalization in Massachusetts and likely surrounding states. And I think that's the main reason we're having this conversation today is how does Connecticut prepare and how does Connecticut put in place a regulatory framework that works for us. And it's why I certainly appreciate the deliberative approach that the Governor's office has taken on this interest terms of -- you know, setting a commercial sale date that is two years out and gives us two years to begin to beef up, based on what we've seen in surrounding states and what -- what may end up happening in Connecticut and that's why I certainly appreciate how thought out this is in terms of the timeline that we started with today.

So, but obviously an issue we'll continue -- we'll continue to -- continue to discuss, I'm sure as we m move forward on this.

Further questions?

Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman. And again, good morning to everyone. I appreciate the ability to speak for a second time and unfortunately, I know the Commissioner did have to leave for -- for other purposes.

And I -- I share certainly, the appreciation that the good Chairman has, but I guess I may be looking through a different lens in this regard because as it's already been stated, we need to deal with this because we need to deal with this and it's not just the out-of-state drivers coming through the State of Connecticut because other state have legalized marijuana.

We have people under the influence currently in the State of Connecticut and we should have those experts looking at the situations. But where I come is, once we open the door and say, it's legalized in the State of Connecticut, I do believe that we are going to increase the probability of the number of individuals on our roads under the influence, which then would call for more of those experts.

I understand the absolute difficulty in having a certain percentage or amount of whatever the substance may be in a person's body. But also by

not having it, we're also saying you can drive after smoking pot, cannabis, but just don't get caught. So, just don't do something to show that you may be impaired behind the wheel because that's the only way someone would actually then be able to pull them over. And the testing aspect, I do have then strong concerns in that regard because it almost seems and again, when we've got those experts already doing this work on the roads now, trying to determine what are they under the influence of and whether or not they're truly under the influence because there's too many other medical conditions that individuals exhibit a lot of the same signs that one would suspect someone to be under the influence.

But I do think that it's a larger burden on us and we're saying, it's okay, but we don't know how much. Because it really is gonna be dependent on the individual how much they're gonna smoke that's going to impair their ability to drive. And then it does leave for a lot of subjective decision making thereafter.

The Commissioner, before he left, in response to Representative Fishbein's responses regarding the -- the permit, the pistol permit. The ability to get it. So, it was almost -- I got a sense of, it's okay that we're automatically erasing it in the State of Connecticut because we've got backup. We've got this great backup series of questions that the Federal Government provides that will put the safety net that we just removed, that we've been championing for I don't know how many years of its necessity, but we've got the federal backup questions.

Questions, I believe, was posed, and I'm not familiar with this, I'm just trying to apply a little bit of commonsense here. Whether or not the person's addicted to or habitual user. So, we've got that as backup, even though we're gonna continue to automatically eliminate in the State of Connecticut. What if the federal law changes, I guess then we'll only be reacting to it if we need changes.

In addition to the pistol permit, that's not the only issues we've got if we're doing automatic erasure in the State of Connecticut, what are we saying about licensing of daycares? What are we saying about bus drivers who -- who bus literally the residents of the State of Connecticut and our children on these roads?

And we don't have to look too far to read the headlines regarding the bus drivers in that regard, it's happening now. So, these -- these are my concerns. So, pistol permits are so important, we'll continue with the automatic erasure, we'll have federal questions as backup, that's why we have the Pardons and Parole Board. That's why they had the ability to ask more questions if need be. What type of job the person has? Whether or not they're continuing, or they're addicted or a habitual user.

These are the important questions of the safeguards that we've had in automatic and all of a sudden automatically it's okay to automatically remove it. Those are just some of my current concerns. And again, I know the Commissioner had let but I wanted to dive a little bit more into those federal questions and certainly pertinent to DESPP, but I

can reserve them for a different day. But I -- I again just want to point out that those same concerns for permits should be the same concerns for a variety of other licensing throughout the State of Connecticut.

Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Thank you, Representative. And certainly, we can follow up with DESPP, you know, as this moves forward and make sure you get answers to -- to those questions.

Anything else on this or can we move on to the next topic? I thank you all very much.

What I'd like to do -- what I'd like to do is bring up Commissioner Seagull as well as Commissioner Delphin-Rittmon on the Regulatory Public Health pieces to this, which I believe are Sections 18 through roughly 50 of the bill. And I would ask if members have questions on these sections of the bill.

Mr. Pelka.

UNDERSECRETARY MARC PELKA: Mr. Chairman, if you'd allow me to assist with the ranking members last question or do you want to proceed to the next section? I was on the table and I wanted to help, but they don't want to delay your hearing?

REP. STAFSTROM (129TH): If you -- if you have something to offer, please by all means.

UNDERSECRETARY MARC PELKA: Okay. Through you, Mr. Chairman, I just wanted to note that -- you know, the auto-erasure components, the legalization applies only to the collection of information and criminal record systems electronically. And the record is not deleted or destroyed, or it is segregated. So, there is a notation that is left in the Electronic Case Management System indicating that record has been erased and therefore, is not searchable through traditional means. It requires a high-level of approval and each criminal justice agency establishes its own procedures for how that information can be gathered. That's the more nuance to elements to this. It also does not affect registries that exist. And DCF and a variety and the agencies that protect the people with developmental disabilities, those all retain that information. It's not automatically erased through this.

So, I think that we'll get a chance to delve into that much more. The ranking member raises some good questions and I want his reply to initial responses be -- to be assistance to the Committee today and be happy to delve into more later today or even next week. Thank you.

REP. STAFSTROM (129TH): Thank you. Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman. It's almost afternoon, so good morning.

Can you just, on lines 1416 through 1429, it deals with the concept of equity applicants. And, you

know, I read this a few times. Can you just explain to me how that works?

COMMISSIONER MICHELLE SEAGULL: Well, right now, I can't perfectly tell you how it's gonna work. It's right there, it's a concept and there's gonna be this Equity Commission that's going to be created specifically to make recommendations and give thought to how that should work.

So, I -- you know, me or someone from DCP want -- be on that commission, but it will be a nine-person commission and I don't want to get ahead of that.

REP. FISHBEIN (90TH): Okay. Well, the -- those particular lines don't mention the commission itself. It deals with an equity applicant, what an equity applicant is. And I'm trying to figure out how does that -- because I'm on 1416 through 1429. I think the commission is going to be empowered to utilize this term and this is the guidance. But for what use is the equity applicant part of this?

COMMISSIONER MICHELLE SEAGULL: Okay. Well, it -- this goes back to kind of the recognition that there's been communities and individuals disproportionately impacted by the War on Drugs and the way those rules and those laws have been implemented and enforced.

And but if you look at the -- at the lines just above the ones you're citing, what's gonna happen is the Equity Commission is gonna make recommendations. And one of the things it's supposed to consider is whether to establish an equity applicant's status. And for purposes of that, there's sort of saying,

this is what we have in mind for an -- what an equity applicant may be.

And so as I understand the way the bill envisions this working is, this Equity Commission will come together and it will have a number of different people with expertise and a variety of things, including social justice, providing access to capital.

So, all of this expertise will come together, consider, should an equity applicant's status be created and -- and if so, this is sort of what they should be keeping in their mind as they consider and make recommendations around that.

REP. FISHBEIN (90TH): So, am I to understand that if there's two individuals that want to get involved in this industry and one has a clean criminal record, outstanding citizen in the community -- you know, philanthropic donations and the other one had been convicted of a drug crime, felony, been in jail for three years, that the drug crime convicted person is -- is given a higher status than the other individual, is that how this works?

COMMISSIONER MICHELLE SEAGULL: Right now it -- it's not established at all. So, the way it works is, we're going to identify that there are certain individuals, certain communities who have historically now had a difficult time getting into -- to the medical portion of this bus or getting into other things -- you know, as Undersecretary Pelka talked about the collateral consequences of a conviction are serious and significant. And so this commission will look into, given that this is the

very industry that has contributed to those collateral consequences, should there be an avenue through this marketplace to start to -- to start to redress that in some way.

So, at this point I don't want to start speaking for what the commission, which itself hasn't been formed yet, may come to. But given this sort of historic unfairness, and as it relates to this exact industry, that is -- you know, one of the things that this bill, I think, appropriately would task that Equity Commission with considering. But how it will ultimately be implemented or what the Equity Commission will recommend, I can't speak to yet.

REP. FISHBEIN (90TH): So, as far as whether or not the person with the non-criminal record is given a higher class than the other is -- is not part of the policy statement, because Separation of Powers Doctrine calls for us to empower the commission as far -- through statute what they're supposed to do, so.

COMMISSIONER MICHELLE SEAGULL: So, it's -- as it's -- right now, the current status is an Equity Commission would be created. This is one of the things the Equity Commission would consider. And then it would come back to the legislature next year and make some recommendations.

One of the items they are -- the commission is being tasked with making a recommendation on is, whether and how to -- to create this equity applicant status. So, there would be another opportunity then for the legislature to -- to weigh in and consider that. But at this point it would be that -- that

more detailed conversation could be around what the Equity Commission recommends.

REP. FISHBEIN (90TH): Okay. Thank you. I believe that's all I have at this time, Mr. Chairman. Thank you.

REP. STAFSTROM (129TH): Thank you. Further questions? The Regulatory, Representative Blumenthal.

REP. BLUMENTHAL (147TH): Thank you, Mr. Chairman, and thank you all for being here today and for your testimony.

I wanted to ask a pretty broad question. We have a benefit of approaching this issue at a moment where other states have already taken the leap and moved ahead. And we have the opportunity to learn from their experiences both positive and negative with how they have implemented their adult use regimes. And I was just wondering if you could speak to how this proposed bill has incorporated the lessons learned, both positive and negative from the experience of other states?

COMMISSIONER MICHELLE SEAGULL: Those have been a number of ways. I think one of the really significant things about this bill is the way it -- it creates this opportunity for deliberation and this opportunity for lessons learned from other states to be incorporated in recommendations. That will then come back to the legislature next year.

But if you looked through both on the Equity Commission, there's a significant number of things

for that commission to consider. And then if you look over to the section that talks about recommendations for DCP to come back in May, a large number of those items tie into what we know other states have either incorporated within their programs or maybe failed to incorporate, but perhaps have later wished they had incorporated.

So, I think you see it in sort of the framework of what those sets of recommendations should be including.

REP. BLUMENTHAL (147TH): Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Further questions on the Regulatory Public Health piece?

Representative Fishbein, for the second time.

REP. FISHBEIN (90TH): I just have a question for you, Mr. Chairman. I had questions on Section 42. Am I to understand that that -- and that starts on page 71.

REP. STAFSTROM (129TH): Yeah, go ahead and try a piece. Folks can answer, if they will, if not we'll see if we can get somebody else here who can.

REP. FISHBEIN (90TH): Very brief. Thank you. On line 271 -- on 2173, starts of Section 42, (b)1. And that has to do with smoking in buildings. And there's a lot of revisions to this section.

Can you just generally tell me what is anticipated to change by just that (b)1 section?

JONATHAN HARRIS: Through you, Mr. Chairman. Jonathan Harris, Senior Vice of the Governor.

Representative Fishbein, good question. This is actually a language is mirrored in another bill that is updating our -- our Indoor Clean Air Act. And essentially, this language here is adding the smoking of cannabis and vaping to the Indoor Clean Air Act.

REP. FISHBEIN (90TH): Okay. But in addition to that, there's areas that are changing.

JONATHAN HARRIS: Yes, and if there's -- DPH also is here that can also come up and since they oversee the Indoor Clean Air Act, if you'd like have them come up, that might be helpful.

REP. FISHBEIN (90TH): Mr. Chairman, I would -- you know, I don't want to upset the apple cart. I would wait for that. And I think the other question that I had to do with was a DPH question also. So, I'll defer. Thank you.

REP. STAFSTROM (129TH): Okay. Further questions with respect to this? If not, we're gonna move on to the tax piece here. Further questions? No. All right. Then we're gonna bring back up the DRS Commissioner with respect to any tax questions and then I think we can wrap with the administration.

Commissioner, when you get settled in. I want to start -- you mentioned Massachusetts and the -- that DRS has been having conversations with Massachusetts about their tax structure and how to apply the tax structure here.

How does what's proposed in this bill compare or contrast with the Massachusetts tax structure?

COMMISSIONER JOHN BIELLO: Sure. I'll -- I'll answer that in a couple of different ways. I'll start with the tax rates. Massachusetts is a little bit different in the way that they have structured their -- their tax rates. They have a sale -- they have -- they have three levels, three layers of tax. We also -- the bill here proposes three layers as well.
The primary difference is with the excise tax piece. Massachusetts has a flat rate of 10.75 percent. We actually have in the bill proposed a tax based on the weight of the product, which is the preferred method. And the reason for that is because experience has shown that the price of cannabis product declined significantly over time.

In fact, I believe it's Massachusetts -- their -- their -- the cost of the -- I'm sorry, Colorado, the cost of the product has declined of over 60 percent since -- since they've legalized it in that state. So, what the -- with the method that is proposed in Senate Bill 16 does is because it's on weight, it maintains that revenue stream. It's not based -- that's not tied to the price of the product.

So, that's really the difference between Connecticut and Massachusetts in terms of the rate structure.

REP. STAFSTROM (129TH): Do you have any thoughts on how that distinction from Massachusetts tax rate would make legal cannabis sales and competitive either -- legal sales in Connecticut either more or

less competitive with Massachusetts. And I think part of the goal of this is to -- you know, stop folks from driving across the border and driving back and the like and whether this would -- whether this would incentivize or desensitize folks from across the border to buy?

COMMISSIONER JOHN BIELLO: That's a great question. I don't think it would do either, to be honest. I think it would not -- and certainly wouldn't incentivize people to cross the border to purchase in Massachusetts. And the reason for that is because if you look at the rate in total, the three pieces of the -- of the rate, in Massachusetts, you're looking at about 18 percent in total, actually maybe it would be more than that. Connecticut's effective rate, if you look at just the cannabis flower, which -- which has a -- a rate of $1.25 per -- per dry-weight gram, the effective rate is about 15.2 percent. So, we're very in line with what -- with what Massachusetts proposes or actually has in place at this -- at this time.

So, I don't think there's any incentive with the rates that are proposed in Senate -- in Senate Bill 16 to drive across the border to purchase in Massachusetts.

REP. STAFSTROM (129TH): And certainly, as we've discussed what's proposed here in the Governor's bill is sort of two-year or even three-year ramp up to actual commercial sale in Connecticut. And certainly that would allow this legislature and probably more appropriate, the Finance Committee, to dive deeper into that issue and make any adjustments

that need to be made over -- over that two or three-year period and beyond, is that correct?

COMMISSIONER JOHN BIELLO: Right. I -- I -- I think that's fair to say, correct.

REP. STAFSTROM (129TH): Okay. Questions, further questions on the tax structure that's proposed under the bill?

Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman. Just briefly on the tax structure and to the good Chairman's point of incentivizing people to go purpose somewhere else.

Not knowing the exact terminology, could you give me some comparables right now, purchasing something under the Connecticut tax structure compared to the other states that have already legalized it as to cost?

COMMISSIONER JOHN BIELLO: Sure. Actually we have a chart here that I can -- I can look at.

So, from Connecticut's perspective, I'll talk about someone who may purchase a one ounce item of -- of cannabis flower. All right. There's a -- the excise tax on the cannabis flower is $1.25 per gram. So, if someone were to buy a one ounce -- one ounce of flower, the excise tax would be about $35.00 -- $35.44. $35.44. The sales tax rate is at 6.35 percent, that's the second piece of that sale tax would be due of $25.40. There's also a local rate option that the -- that the -- the bill has.

And what that is, is that's a 3 percent rate that would go to the municipality where the retailer is located. So, the 3 percent tax on the one ounce of flower would be about $12. So, the overall effective tax rate, when you consider the local 3 percent option is about 18.2 percent.

The rates in Massachusetts, they have a state sales tax of 6.25 percent, so very similar to Connecticut's rate. They have a state excise tax of 10.75 percent. And they also have a local -- local tax of 3 percent. So, very similar to the -- to the State of Connecticut, to the proposal -- proposed tax rates that are in the Governor's bill.

So, I would -- based on the rates that are proposed and the rates that are also in place in Massachusetts, the amount of tax paid to both jurisdictions would be similar.

REP. REBIMBAS (70TH): And for the State of Connecticut, do we have any projections of how much taxes we'll be -- we'll be collecting?

COMMISSIONER JOHN BIELLO: We do have some -- some projections. And again, those I would have to be mindful that OPM provides all of the fiscal notes. But we do have some projections in the -- that I can give to you.

In fiscal year 2023, the revenue estimate assumes a six-month lead time because the retail licensing and retail sale won't start until 7/1/2022. So, we're looking at about $15.7 million dollars is projected at the state level. $2.9 million to the host

municipalities. For fiscal year 2024, we have a full year implementation and we're projecting 59.9 million dollars to the state and $11.2 million to the host municipalities.

REP. REBIMBAS (70TH): And before I get to the projections, going back to the comparison of Connecticut to Massachusetts, how would we compare to Colorado?

COMMISSIONER JOHN BIELLO: I don't have the rates for Colorado, unfortunately. I can get those for you, and I'd be happy to -- to reply to you.

REP. REBIMBAS (70TH): And the reason I'm asking this question is because we have seen, including in Massachusetts a considerable still robust black market. And quite frankly, when you regulate something as we're trying to regulate here, and you put the amount of taxes and other types of fees and possibilities on there, there's certainly zero incentive for someone who's been getting it off the black market to say, well, I think what I'll do is spend more money to get a less of a product -- a less amount of a product. So, you know, there's still certainly -- there's a black market, that will continue to be a black market in that regard.

Regarding the projections as well in Massachusetts, it's considerably less than what they expected. And I guess, you know, certainly these projections that we're anticipating in the State of Connecticut, I think will probably fall in line with the others. It will be exceeding what really will be collected. And again, that doesn't take into consideration all the other great things we want to do with those

funds. The intended purposes of rehabilitating, providing resources and things of that nature. And unfortunately, some of the other unintended consequences that this may have.

COMMISSIONER JOHN BIELLO: I think the -- the -- the Governor's bill takes the correct approach with the excise tax to prevent some of the things that you're talking about. It -- through experience in the other states, it's clear that the cost of the product declines rapidly over time. From the implementation or the legalization and five years out, I believe it's Colorado, they experienced a 60 percent decline in the price of the product. Because the excise piece of the -- of the Governor's bill bases the tax on the weight of the product, it prevents that from happening.

The revenue stream on the excise -- excise piece will remain steady and will remain constant. So, the revenue stream from the excise tax piece of the bill will be preserved, even though there's fluctuations in price.

REP. REBIMBAS (70TH): And I guess the other outstanding factor there is the number of consumers, someone who would actually decide to go and pay all of these excise taxes versus whoever their supplier may be now. Because we all know, unfortunately, or fortunately, however the case may be, this is occurring now. It's being sold now. And people are consuming it now illegally. And putting a structure in place, again, certainly do I think that it's gonna create businesses, absolutely, it will.

Do I think though, unfortunately, it's gonna have some unintended consequences, I think certainly those are also weighed against that in that regard.

So, thank you for your testimony.

COMMISSIONER JOHN BIELLO: Thank you.

REP. STAFSTROM (129TH): Further questions on the tax structure?

Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman. Good afternoon, sir. So, I'm trying to figure out if somebody imports marijuana into Connecticut presently, there's a tax, it's 12-651.

So, let's say they imported -- imported an ounce and then they convert it into an edible and then sell it to an end user. I would expect that they pay the tax to bring it in. And then where does the excise tax come in, the end user, that transaction?

COMMISSIONER JOHN BIELLO: The excise -- there's a couple of pieces to the -- to the transaction. So, the excise tax is on the first transaction that occurs. So, if the -- the product is -- is -- is produced and the -- that -- that producer does something with it, the excise tax is due.

REP. FISHBEIN (90TH): But when the product originally comes into the state, a tax is due, right?

COMMISSIONER JOHN BIELLO: On the first transaction, the excise tax is due, correct, correct.

REP. FISHBEIN (90TH): Okay.

COMMISSIONER JOHN BIELLO: From there -- from there, once the product makes it to retail sale, then we have the retail sales tax, which is the cannabis is considered to be tangible personal property and subject to the state's sales tax at 3. -- 6.35 percent, just as any other taxable item is. So, you've got -- you've got two layers there. You've got the excise tax piece, which is really on the first transfer, first transaction that takes place with the product. And then once the product makes it way to the -- to the retailer, the -- the retailer charges the consumer the 6.35 percent sales tax.

REP. FISHBEIN (90TH): So, all of those taxes are not paid in the black market and therefore, they have the ability to sell the product at a lower price because they're not having to pay the excise tax and -- and the sales tax to the state.

COMMISSIONER JOHN BIELLO: I guess that's a -- that's a fair point. I'm not sure what these products -- you know, how the price comparison would be, but that's a fair statement.

REP. FISHBEIN (90TH): In -- in lines 3038 through 3045, it modifies the current tax structure. Because currently, if you bring marijuana into the state and you pay the tax there's a stamp. It has to be permanently affixed to -- to the product,

which is a problem in and of itself. But there's a change here, you're getting rid of the stamp.

So, how does one tell that the tax has been paid on this product, under this -- under this new scheme?

COMMISSIONER JOHN BIELLO: Well, I'll address that through -- through the different layers of the tax. The excise tax piece, like I said, is paid by the -- by the producer or the manufacturer once there is a transfer or the -- well, one -- the first event that occurs with that item. So, the manufacturer or the producer of that product is responsible for the excise tax, which is actually, from an administrative standpoint, makes it much easier for -- for the state because there's less of them.

So, the state would only have to deal with a few different producers or manufacturers of the product.

REP. FISHBEIN (90TH): But under the current scheme, let's say I'm producing medical marijuana, can I bring in marijuana from another state? I'm required to have a stamp affixed to that product. And it says, payment thereof shall be evidenced by the permanent affixing of stamps on the marijuana or controlled substance immediately after receipt. That's -- that's what the statute presently says.

COMMISSIONER JOHN BIELLO: Okay.
REP. FISHBEIN (90TH): So, therefore, you can tell the tax was paid. Under the new scheme, you're getting rid of stamps. So, how does one of your investigators, goes to a place, they see bags of marijuana, they're not required to have a stamp. How does one know -- how do your investigators know

the tax was paid for that particular blend or that particular product?

COMMISSIONER MICHELLE SEAGULL: With your permission I can talk a bit about the product in the -- in the medical program.

REP. STAFSTROM (129TH): Just -- just identify yourself for the record.

COMMISSIONER MICHELLE SEAGULL: My apologies, Michelle Seagull, I'm the Commissioner at the Department of Consumer Protection and we regulate the medical program, the Medical Marijuana Program.

And so the way it's set up because of federal law, everything having to do with the medical program and currently as anticipated with adult use cannabis program would happen in the state.

So, right now, none of the medical marijuana production facilities should be getting product from out of the state. That would be a really significant violation of -- of the law and our regulations if that were happening.

REP. FISHBEIN (90TH): We have a -- we have a statute on the books that presently calls for marijuana that comes into the state to be taxed. And this procedure, it's 12-651. So, I don't -- I mean, other than medical marijuana, I don't know that transaction would be illegal presently, I believe.

COMMISSIONER MICHELLE SEAGULL: Yeah, it would -- I think it is people who are literally engaged in the

illegal marketplace. And that's related -- you know, how you often hear that you're very -- supposed to be paying taxes on revenue from even illegal conduct.

REP. FISHBEIN (90TH): Okay. So, the --

COMMISSIONER MICHELLE SEAGULL: To the extent -- to the extent there's product coming in from out-of-state and that's within the marketplace, that's -- that's illegal product. Anything that's in the legal marketplace through our Medical Marijuana Program, it's being produced in the state and all the transactions are happening into our state.

REP. FISHBEIN (90TH): So, presently law enforcement goes to a place, they find illegal marijuana and they say in addition to possession, where's your tax stamp? You haven't paid tax. So, it's a -- it's another area that they can get the -- the bad guys, so to speak.

COMMISSIONER JOHN BIELLO: I think what you're referring to is, we -- we currently have a controlled substance tax because it's currently illegal. So, this is a mechanism, the stamps, the tax stamps is a mechanism to collect the tax on the controlled substances that are currently illegal and subject to tax under the controlled substance statutes.

REP. FISHBEIN (90TH): Well, I'm just -- was my scenario incorrect? Because I'm -- I'm -- I'm reading directly from the statute, doesn't -- it says, marijuana or controlled substances --

COMMISSIONER JOHN BIELLO: Correct.

REP. FISHBEIN (90TH): -- so law enforcement asks, where's the tax stamps. You can't produce proof that you have a tax stamp. Then therefore, you get into a tax situation in addition to the criminal situation, is that the utilization of this current statute?

COMMISSIONER JOHN BIELLO: I've got Lou Bucari here, General Counsel. He's -- he's more familiar with the controlled substance tax. I'm gonna have him answer that for me.

LOU BUCARI: Good afternoon, good morning. I just want to make clear, the tax you're talking about is under Chapter 228D of the General Statutes.

REP. STAFSTROM (129TH): But I'm -- I'm sorry I got to -- it's Lou Bucari. And could you just spell your last name for the record?

LOU BACARI: Absolutely, it's B, as in boy, u-c-a-r-i. Thank you. I just want to make it clear that there's a current tax, Chapter 228-D. The intention of that, it's titled, The Marijuana and Controlled Substances Tax. And it's intended to -- because those products that would be -- the tax would apply to would be in Connecticut or in someone's possession illegally, that's the situation where that tax would apply.

So, the example you posited, say for example, the state police conduct a raid and they discover illegal marijuana in this person's possession. What they do is they go through the normal criminal

process and whatever happens. Many times what they do is they make a referral to the department, literally say we -- you know, conducted an arrest or whatever the situation was, and we found X-number of pounds, whatever you want to describe it as and they would send it to the department. The department would utilize that information and could make an assessment against that person for purposes of the tax imposed under Chapter 228-D. And the stamp that you're talking about -- and I don't mean to be funny. There's a way that you can possess it legally at the time -- you currently understand that aside from medical marijuana, there's issues with it's illegal to possess these types of items in Connecticut. So, you might suspect that there aren't many people who are coming forward to purchase a tax stamp to let us know that they have illegal drugs in Connecticut.

REP. FISHBEIN (90TH): So, but under the -- where I started with this. This language gets rid of the stamp. So, what would be --

LOU BUCARI: Yeah.

REP. FISHBEIN (90TH): -- the -- because you're still gonna have a tax, right?

LOU BUCARI: Yeah.

REP. FISHBEIN (90TH): Now, we're opening up the tax to this product that is going to be legally imported into the state, but you're not having a tax stamp anymore?

LOU BUCARI: Correct.

REP. FISHBEIN (90TH): What is the replacement procedure?

LOU BUCARI: So, if you look at 308-1 to 308-5 of the bill, it provides that the Commissioner, the documentation that the Commissioner shall provide in the form that Commissioner prescribes to effectuate that the proper tax has been paid on a product that -- that's subject to 228-D. And I want to make sure you understand that balance. It's still going to maintain the tax for people who are in possession of amounts that are in excess of those that they're allowed to have. And, therefore, that's the sort of the purpose that that tax will serve.

But to your point, to show that there's been a proper tax paid, it's addressed in line 308-1 to 308-5.

REP. FISHBEIN (90TH): But I just -- and I'm glad we -- we finally got there. I'm just trying to work -- the workability of that. So, you've got product that is in a dried form. You know, it's like cereal, right? It comes in and -- you know, you get it in small packets or perhaps you mix it with other packets. How is your department to tell that that particular dried product that the tax was -- was paid? You've got a bunch of pieces of paper in a file cabinet, saying I paid taxes on -- on product, but you don't know that it's exactly that dried product. I just -- would the permanently affixed tax stamp through the -- you know, receptacle that it came in, let's say, which is the current procedure, you're getting rid of that.

And I'm just -- how is this possibly workable?

LOU BUCARI: That's a -- that's a fair point. And the only way that I can really answer it is that we've got -- we've got very robust compliance programs that we -- that we have for other tax types, including the other excise taxes that we have on tobacco products and -- and cigarettes. We -- what we will do in this case administratively is we'll have a form, a tax return, that the -- the producer or the manufacturer will have to fill out and complete to report the amount of tax due, based on the weight of the products that they've -- that they have produced. And the tax would be remitted monthly to the department.

Our experience with the State of Massachusetts and our conversations with them is that there are so few of them in that state that they are able to look at every single one of them, every single month that they come in. And they have not found any significant compliance issues with respect to the excise tax.

So, at this point, we are relying on the experience and our conversations with our counterparts in Massachusetts to tell us that they have not recognized any compliance issues.

We expect to have a similar -- a similar experience, particularly with the start up of the -- of the legalization and sale and that there's going to be a small number of -- of producers and manufacturers that we hope and -- and we will certainly try to get a good relationship with, so we can -- both parties

can get through the -- through the transition smoothly.

REP. FISHBEIN (90TH): Do you not use -- still use stamps for cigarettes?
LOU BUCARI: We do use stamps for cigarettes, yes.

REP. FISHBEIN (90TH): Okay. Thank you. Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Further questions on the tax piece?

Representative Rebimbas, a second time.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman. Just some of the conversations for some other further questions regarding it. So, it’s a great thing that we’re looking at Massachusetts because I do know that they have a considerably less number of shops. I think it’s like to the tune of 33. And they expected it to be in the hundreds in that regard.

However, they all show statistics and I believe I’m reading from an article and the analysis came from the research from a BDS. It says, this year -- let me see, this article was written in November of 2019. So, when they refer to this year, I’m assuming it's in 2019. This year 77 percent of marijuana sales in Massachusetts occurred under the table, according to the cannabis research firm, BDS Analytics.

I have no doubt that the enforcement of the actual establishment will probably be robust in the State

of Connecticut because one of the main purposes for the legalization is to make sure that we can collect on that taxation.

My other concern is, as I hear often, quite often, for those who are advocating on behalf of the legalization of marijuana, it's more so of their belief that it's something that they have done. And again, in their belief, that there is -- you know, little to no harm in that regard and they would like to continue to do so without being labeled as a criminal. And I can appreciate and understand that particular situation.

But then I try to explain to them exactly what this proposal is doing. And even though a certain amount of possession may be decriminalizing, of course, it's still questionable how you'll be treated if you are caught behind the wheel or in any other type of criminal altercation being under the influence. But then more so is the shocker of how much money they're gonna have to pay more for something that they were doing previously.

And I think there is then the concern that they've got, well, wait a minute then, obviously that is going to affect them.

And then on top of that now, so if the black market still exists, and I have no doubt that in the regulated sales system the taxes will be regulated. Now, if there is some reason that someone goes to someone's home and they've been for many years home growing and as far as I can see, this proposal before us does not allow for home growing.

Now, in addition to still being charged criminally for something that they were doing because that small amount, if it exceeds it, more likely than not in homegrown. Now, on top of that, not only will you have a criminal charge, but you're gonna have taxes to pay on that. So, now you've got another hurdle. And these are the conversations I'm having with many of the advocates that want to legalize thinking that it's going to be -- I don't want to say, easier, but it's not gonna be a stigma on something that they've done for many years.

The problem here is it really makes it even more difficult for those to continue doing what they were already doing, and we really don't eliminate it.

So, I just wanted to kind of put that out in that regard. So, thank you. Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Further questions?

Representative Blumenthal.

REP. BLUMENTHAL (147TH): Thank you, Mr. Chair. And Commissioner, thank you for your testimony today. Questions from the Ranking Member and from Representative Fishbein, as per a question from me, my understanding is that the prices dropped in places like Colorado because a lot of the price of marijuana that's currently sold is based on the criminal jeopardy related to the illegal black market and that the price drops, when it's legal because that premium goes away and that the idea -- the basic idea behind the taxation pieces that we'll be able to make legal cannabis cheaper, even with the tax, than illegal cannabis.

And I guess my question would be, what mechanisms do we have in this legislative framework to ensure that that is the case so that we can actually get rid of the black market?

COMMISSIONER JOHN BIELLO: Well, I think -- I think it's the -- the excise tax in particular, the way it's structured because it's based on weight. And like I said, it -- it preserves the revenue stream and so if even if the price does drop, which it will, and it will certainly drop, the state's maintaining the revenue stream based on the -- of the weight of the product.

For example, the flower -- the price of a flower, cannabis flower is $1.25 per -- per gram. And the price of trim is 50 cents per gram. So, you -- you can see that regardless of whatever the retail price may be, or even the wholesale price, that the weight is going to -- to drive the -- the excise tax piece of that.

So, as the price comes down, the revenue stream is gonna -- is gonna be consistent with -- with the amount of product that's being sold.

REP. BLUMENTHAL (147TH): And is there any discretion built in or anything like that in -- in case, say the price of legal marijuana goes up and the excise tax we have increases it over the price of black market marijuana? Is there any discretionary mechanism that we could use to adjust the excise tax downward to make sure that it's essentially always lower than the price of illegal marijuana?

COMMISSIONER JOHN BIELLO: To my knowledge, there's nothing discretionary in the bill as proposed. I guess that would just be legislative.

COMMISSIONER MICHELLE SEAGULL: And I'll speak more broadly, but not necessarily -- again, Michelle Seagull --

REP. STAFSTROM (129TH): Just for the record. Yeah.

COMMISSIONER MICHELLE SEAGULL: Yeah. The Department of Consumer Protection, my -- sorry. But in addition to changes in tax policy, which obviously, the legislature can revisit every year. The Department of Consumer Protection can monitor supply and demand and that's another sort of viable way to -- if you find -- you know, people continue going to the illegal market, then it may mean that there's insufficient supply in the legal market and we would have mechanisms and that's included -- you know, among the recommendations we'll be making is how we should choose how many places to license.

REP. BLUMENTHAL (147TH): Thank you for your answers.

REP. STAFSTROM (129TH): Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman. Thank me for indulging and I think we can have a very good educated dialogue, but I have to correct the record, when I maybe need clarification.

I think I've heard reference that the regulated would be less than any illegal marijuana. Do you

have any knowledge anywhere where regulated marijuana is less than illegal marijuana?

COMMISSIONER MICHELLE SEAGULL: I don't track that. I've heard anecdotally that actually our medical prices -- medical marijuana prices, I'm hearing, are approaching the illegal market prices and are lower than what's in Massachusetts. But we don't actually track prices. The other important feature, when you think about prices, it's important to also consider the quality of product.

So, the price you may pay for a product that could potentially be tainted, you don't know its source, I think a lot of people are willing to pay a little bit more to know that they're getting a product that's been tested, that doesn't have heavy metals, doesn't have pesticides and that -- so it's difficult to kind of say that illegal product is the same as legal product in order to do a fair apples-to-apples price comparison because there's such a quality difference.

REP. REBIMBAS (70TH): So, I agree with you 100 percent. I don't think my question had anything to do with the quality of either or, it had to do with the pricing of. And I understand like the medical is completely different opposed to all the taxes that we're putting on this regulated. So, I would separate the medical from this.

And so, I haven't heard here, nor have I seen in any of my research that regulated of what's being proposed here has in any way, shape or form been less than on the illegal market.

And the other question too, because there's a lot of references of getting rid of the black market. As you guys all sit here, do you know anywhere where the black market has been eliminated?

REP. BELSITO (53RD): Not to my knowledge.

REP. REBIMBAS (70TH): Thank you. Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Further questions?

Representative Fishbein.

REP. FISHBEIN (90TH): Mr. Chairman, we may have exhausted the tax aspect and I know Commissioner Seagull was deferred to before I didn't know who was appropriate to go to. Section 42 at this -- this time.

REP. STAFSTROM (129TH): Yeah, go ahead and ask the question.

REP. FISHBEIN (90TH): Okay. Thank you. We were talking about before Mr. Harris was commenting in response to my question about lines 2173 through 2206 and the -- the change. And I think he said the Clean Air Act. And I'm just trying to figure out what we're doing with smoking in buildings here?

REP. STAFSTROM (129TH): Hold on one second, Representative. I know we have several folks in the administration here. We're trying to get you an answer to your question.

Ma'am, if you could just identify yourself?

BARBARA WALSH: Yes. I'm Barbara Walsh from the Department of Public Health Tobacco Control Program.

REP. STAFSTROM (129TH): If you heard the Representative's question, you can answer it.

BARBARA WALSH: Oh, no, I'm sorry.

REP. STAFSTROM (129TH): Representative Fishbein, can you repeat your question?

REP. FISHBEIN (90TH): Absolutely, thank you. So, I'm looking at lines 2173 through 2206, which has to do with where one can smoke, vape, that kind of stuff. And it appears that we're perhaps restricting the amount of areas in which somebody could smoke and perhaps removing -- no I think we're adding to restrictions.
Can you just generally tell me what's going on there?

BARBARA WALSH: Yeah, this would be mirroring the current Clean Indoor Air Act or the proposed expansion of the Clean Indoor Air Act, which is coming before the Public Health Committee. It's expanding it to include language for the cannabis as well.

REP. FISHBEIN (90TH): Okay. So, one of the changes in paren, C, it currently says, you can't smoke in any area of a retail food store. And we're potentially changing that to say, in any area of establishment accessed by the general public.

BARBARA WALSH: Right.

REP. FISHBEIN (90TH): So, that's a --

BARBARA WALSH: Expansion.

REP. FISHBEIN (90TH): -- that's a major expansion. And where do we define establishment accessed by the general public?

BARBARA WALSH: I do not know on the top of my head where that definition is.

REP. FISHBEIN (90TH): Okay. Is it possible --

BARBARA WALSH: We are --

REP. FISHBEIN (90TH): -- it's in the Clean Air, because we don't reference back?

BARBARA WALSH: Right. So, the current Clean Indoor Air Act only says retail food stores. The current -- our current proposal to expand that is to make it all establishments. Yeah, I do not --

REP. FISHBEIN (90TH): Okay. Well, I can understand if it was all retail establishments, right?

BARBARA WALSH: Right.

REP. FISHBEIN (90TH): Because now it says, retail food store. But we're going a lot further than that. And we're saying any establishment accessed by the general public --

BARBARA WALSH: Right.

REP. FISHBEIN (90TH): -- which --

BARBARA WALSH: Which you want a definition of. We can --

REP. FISHBEIN (90TH): Yeah. Because I mean, arguably any -- not that I'm against this, in favor of it, I'm just trying to read it and figure out what we're doing here.

BARBARA WALSH: Right.

REP. FISHBEIN (90TH): I mean, any -- I can't think of anything that's not accessed by the general public, whether or not the public's invited is a different question.

BARBARA WALSH: I'm sorry, we don't currently have a definition.

REP. FISHBEIN (90TH): Okay. All right. And then I didn't know, could you answer my question about 256 through -- well, not 256. It's 25, about the exclusions of employment. There's a portion of this that precludes one from not being hired -- well, no, that's not properly worded. If you didn't hire someone if they tested positive for marijuana, you could be sued essentially, unless you are in certain employment areas. Is that an area that you're okay answering a question on?

JONATHAN HARRIS: For the record, Jonathan Harris, Senior Advisor of the Governor. Representative Fishbein, yes. That -- employers are allowed to have a drug-free workplace. But this language, which mirrors what's being done in Nevada and, I

believe, New York City, would preclude an employer from either preventing someone from being hired by a pre-employment screening or screening when they are on the job.

We have actually had conversations, we should know, with some employers, including a very large employer in the state. And there are some issues that are raised by that and we are -- you know, willing to discuss whether we need to make some changes there.

REP. FISHBEIN (90TH): Well, I think you do need to make some changes because one of the things I was looking at is bus drivers. So, a bus driver is tested while they're on the job. And they test positive for marijuana, this law would prevent the employer from -- okay, I'm wrong?

JONATHAN HARRIS: That's one of those -- through you, Mr. Chairman. That's one of those areas that's carved out of this prohibition. Where safety -- there's a whole list, which I can --

REP. FISHBEIN (90TH): Yeah, that's the lines that I'm looking at. 250, it starts at 2570 and it ends at 2594. I didn't see bus drivers carved out here at all. Maybe --

JONATHAN HARRIS: I believe --

REP. FISHBEIN (90TH): -- in 2574, where the employee's required to --

JONATHAN HARRIS: Yes, that's correct.

REP. FISHBEIN (90TH): -- operate a motor vehicle. Okay. What about the operation of amusement park rides?

JONATHAN HARRIS: I would have to look in more detail on it, Representative. But I will tell you that the goal here is to carve out every important space in the employment sphere where public safety would be jeopardized.

REP. FISHBEIN (90TH): Okay. I would defer to the employer, quite frankly, to be able to establish that. But I don't know that it's government's role to do that, but okay.

Thank you. Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Thank you.

JONATHAN HARRIS: I just would refer you to 2589 to 2591, those -- that's the -- the language.

REP. FISHBEIN (90TH): If I may just -- 2589 says, any position with the potential to adversely impact the health or safety of employees or members of the public in the determination of the employer.

So, it's a catchall, I guess.

JONATHAN HARRIS: Yes.

REP. FISHBEIN (90TH): And I guess, if the employer made the decision to implement that, what would be the adjudicative process for appealing that?

JONATHAN HARRIS: It was a -- what would be a private right of action.

REP. FISHBEIN (90TH): So, the person who's not hired would have to bring a civil lawsuit claiming that they should have been hired?

JONATHAN HARRIS: Yes, sir. There's a private right of action.

REP. FISHBEIN (90TH): Okay. Thank you. Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Thank you. All right. At this time I'm gonna ask the Committee if there are any further questions from the administration on topics that have not been addressed? I think we've been fairly thorough in going through this.

Representative Porter.

REP. PORTER (94TH): This agency in particular, in general, because I know that we're pressed for time. I am looking at the clock. I have people --

REP. STAFSTROM (129TH): I'm -- I'm trying not to repeat areas we've already covered. So, if there's something we haven't covered or if there's a question on topic we haven't covered yet and you haven't had addressed, feel free. But --

REP. PORTER (94TH): Okay.

REP. STAFSTROM (129TH): -- but try not to rehash what we've done for the last two-and-a-half hours.

REP. PORTER (94TH): Okay. And I'll do my best because I have been out of the room. But I wanted to know, and this would be something that Mr. Pelka can answer. You had referenced a social cost. And I wanted to know what are the social costs that you referred to in your testimony around the legalization of cannabis. And I also wanted to know, if you know, what are the quantities for Mass, New York and other surrounding states when it comes to us writing in 1 1/2 ounce because with no more than 5 grams of concentrate. How do we compare with other states?

Through you, Mr. Chair.

UNDERSECRETARY MARC PELKA: Thank you, Mr. Chairman. And I can answer the second question about the levels in surrounding states like Massachusetts; 1 ounce is the limit for possession under the decriminalization -- the decriminalized statutes in those neighboring states. I don't have all of the 13 states -- all of the 11 states that have -- that have legalized adult use, but our neighboring states, including Mass.

REP. PORTER (94TH): Okay. And is that also the same or is it different for the concentrate where we say 5 grams?

UNDERSECRETARY MARC PELKA: Mr. Chairman, I'm not sure what the concentrate levels for those, but I'd be happy to pull together --

REP. PORTER (94TH): Yes, thank you. And you can do that for the sake of time. And then also, you refer to social costs, and I just wanted you to speak to

that in your testimony. What are the social costs the Governor's office was referring to when it comes to this?

UNDERSECRETARY MARC PELKA: May I ask, Mr. Chairman, is the question regarding the collateral consequences or social costs of -- of cannabis use? I don't -- I focus quite a bit on the -- kind of the consequences of a conviction, but I'd be happy to focus however --

REP. PORTER (94TH): That -- that would be around the cannabis.

UNDERSECRETARY MARC PELKA: Well, I think there are well documented social costs for -- for controlled substances and the challenge we have right now is a thriving black market. States neighboring us and states around the country that have legalized adult use of marijuana in Connecticut has not established the public health, public safety framework to prepare our state for those.

And I think the advantage to regulating cannabis is that we can fund public awareness campaigns. We can provide treatment and various interventions. It takes what has existed in solely a black market and move it into a well-regulated framework in our state. So, it feels to me to be much more controllable in that context.

REP. PORTER (94TH): Thank you for that. And I know earlier in the discussion it was brought up by one of my colleagues around concerns with victims of these crimes, addiction and et cetera. And what would erasing the cannabis charge from a record

really do if there were other criminal records? And if you could just speak to -- I mean, because in the permanent research that I've and I think, and I think many people notice that you can actually have a violent crime and go back to school and qualify for a Pell Grant. And the only way that you don't qualify for a Pell Grant is if you have a drug charge. So, I think that is one of the ways that this makes a tremendous difference with people that are looking to reintegrate and come home and actually go back to school and seek a higher education.

UNDERSECRETARY MARC PELKA: Thank you. Mr. Chairman, those are great points and the offense of conviction doesn't reflect your level of substance use and need or addiction. There are a large number of people in our state that have substance use disorders, but don't have a drug possession conviction on their record and -- and the other way around.

The problem is that when a criminal conviction is placed on your record, it remains there for the remainder of your life, unless you seek a petition for erasure by the Pardons Board or by the Court. And that creates a major impediment to people who have moved beyond stages in their lives.

And I think that a criminal record is not a precise capture of someone's risk of re-offense. It's with the digital age that we're living in, it's very easy for third-party background checks to be conducted and that can present -- people who conduct those checks with terms they never heard before. The

difference between probation or parole or conviction versus other -- other areas.
And so, I think, our state has not created a process for recognizing that people move and grow beyond the convictions that they have on their records. And a good example is research showing that seven years after a conviction, if that person remains arrest free, the risk of re-offense is equal to the general public. And -- you know, in the criminal justice system, your risk of re-offense is much higher soon after your release from prison and it declines over time.

So, the aim of the Sections 4 and 5 is to recognize that -- that criminal record checks are an unreliable predictor of someone's risk and there's much more to the story.

REP. PORTER (94TH): Thank you for that. And that's exactly where I was going. So, I do appreciate you landing there. And the other thing I wanted to ask you because we're talking about -- you know, violent crimes and violent incidences and victims of these crimes. You know, Uniform Crime Reporting Database, they report that for 2017, this was the most recent number I could find, 518,617 arrests for violent crimes in 2017. That included murder, non-negligent manslaughter, rape, robbery, aggravated assault, et cetera. The figure is lower than 599,282 arrests made for possession of marijuana.

So, my question to you, and I don't expect an answer now, can you get me the numbers of how that is reflected in the State of Connecticut? Because when we talk about -- and then the other thing I will note for the record is that it also states, and this

is part of it that if I'm arrested for a violent crime and a marijuana possession, it goes down as a violent crime. So, that's the other thing that we need to keep in mind. But if you could just get those numbers for me on how Connecticut compares to this -- this estimation and that -- that's it.

UNDERSECRETARY MARC PELKA: Mr. Chairman, that will not be a problem because the FBI UCR breaks it down by state for each of the arrest types. And the fact that the number of -- that -- that drug arrests drive a large proportion of the volume of arrests is a reason why I favor policies that decriminalize or reclassify or look to better prioritize law enforcement resources on the more serious, on the more complex cases. Because in states across the country, it's often drug arrests that drive the volume. And that can pull officers away from the cases that really require their intensive involvement.

REP. PORTER (94TH): Absolutely.

UNDERSECRETARY MARC PELKA: And I'll be happy to share that with you, ma'am.

REP. PORTER (94TH): Thank you. And thank you, Mr. Chair.

REP. STAFSTROM (129TH): Thank you, Representative. Further questions that have not been -- Representative Smith.

REP. SMITH (108TH): Thank you, Mr. Chairman. Just hopefully on subject that I think that we just briefly touched upon. But in terms of the -- the

ability of employers to deal with those who are coming to work either impaired or whatnot. I know we received some testimony -- some written testimony from some of the industries throughout Connecticut, especially the construction industries who are worried about folks being impaired and using machinery of whatever type, to be able to handle the discipline and -- and at times termination of employment based on what we would call inappropriate behavior at work. How does this bill deal with the employer's rights in terms of testing or either pretesting before hire or testing during the employment period.

Through you, Mr. Chairman.

JONATHAN HARRIS: Thank you, Mr. Chairman. Through you --

REP. STAFSTROM (129TH): You can answer.

JONATHAN HARRIS: -- Jonathan Harris, Senior Advisor to the Governor. As -- as currently written, it prevents preemployment screening tests to preclude someone from being hired or screening within the employment to you'd be used to fire someone. But employers are allowed to have drug free workplaces. Employers can terminate for instances like impairment that are jeopardizing that employee or other employees.

I mean, in our medical program, for instance, an employer cannot discriminate based on somebody's status as a patient. But if somebody is impaired at work, action can be taken against that employee. So, it's similar to that. But as I -- as I told

your colleague, Representative Fishbein, we've been talking to businesses, some of the larger businesses and -- you know, we're in discussions about whether to make some changes to that point where we preclude the results of a preemployment test, for example, to say, we're not gonna hire you. So, those are our active discussions we're happening now.

REP. SMITH (108TH): Well, I'm happy to hear that. I know based on, again, some of the written testimony that we received that there are a number of states that actually allow for the prescreening and testing. And Connecticut would be one of the few states that would not. So, I would hope we would lean in favor of keeping a safe and healthy work environment. It just -- it just doesn't make sense to me that we can jeopardize, especially -- you know, certain industries more so than others, but jeopardize other employees or other folks based on a -- you say somebody may be impaired, so. I'm happy to continue -- well, I'm happy to have those conversations further with you offsite and be part of that conversation.

REP. STAFSTROM (129TH): Representative Smith, let me jump in here, if I may. I know, obviously this Committee last year had a separate bill talking about employer protections and the like. And I know -- I think that language may have been a little bit stronger than the language is here in the bill before us. I know for myself; I'm committed to continuing that conversation as we move out of here today and making sure that -- you know, we are not unintentionally burdening the business community with respect to what we're trying to do here today. I think that there is certainly a way to provide for

legalization and also employer protections and I think both goals can be accomplished and we certainly -- committee leadership will continue to work with the Governor's office on refining and crafting up that language as we move out of here today.

REP. SMITH (108TH): Well, thank you, Mr. Chairman. I welcome that.

REP. STAFSTROM (129TH): Further questions or comments that Jonathan addressed here?

Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman. Just a comment because Pell Grants were brought up. I think it's important to make sure that we've got the correct information on the record.

Regarding Pell Grants specifically, a drug conviction will not stand in your way, if you want to go to school and need help paying for it, even when it comes to Pell Grants.

The issue regarding Pell Grants and/or many of the other financial affidavits is, if while a person is receiving that information, that they get convicted and again, that's just to make sure that these benefits that they're receiving is appropriately being issued. But a person's history of mistakes or any changes in our future laws of any convictions does not preclude someone from getting the Pell Grants or many of the other financial -- financial assistance.

Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Representative Palm.

REP. PALM (36TH): Thank you, Mr. Chair. My question concerns Section 27 about municipalities. Did you cover that when I was out of the room?

REP. STAFSTROM (129TH): We did not. Go ahead.

REP. PALM (36TH): So, quickly, I understand that this section allows towns to prohibit the establishment of cannabis facilities and regulates such things as signage and hours.

My question is, who is responsible for enforcing any violations that might occur? If, so, for example, a very small town with a resident state trooper, would it be on them? Is it DCP? Who is -- who is the enforcing agency in -- in such cases?

JONATHAN HARRIS: Thank you, Mr. Chairman. Through you, under Section 27, municipalities are allowed to use their zoning code or zoning ordinances to regulate cannabis. So, it would be the same type of zoning enforcement you would have in other situations.

REP. PALM (36TH): Okay. And then one more quick question. Is this -- I understand that in Section 34, DCP is -- can suspend licenses and has oversite. Is that the same kind of work you do with every other business, for example, a company that’s delivering food that’s spoiled. Is it -- is it similar to the kind of regulatory oversite that you

already have with virtually every other business that concerns the public good?

REP. STAFSTROM (129TH): Commissioner Seagull.

JONATHAN HARRIS: I was former Commissioner, but I'll let the current Commissioner --

REP. STAFSTROM (129TH): Current Commissioner Seagull.

COMMISSIONER MICHELLE SEAGULL: Michelle Seagull, Commissioner of the Department of Consumer Protection. It's our morning process. So, this works -- it works -- yes, similar to how other things work. Now, whether food delivery is a basis for us to revoke a license, we would need to look at. But in general, just across the base, revoking or suspending a license is a tool we use across industries and it's one that would be available here. To the extent one of the licensed businesses is not acting responsibly.

REP. PORTER (94TH): Great. Thank you very much.

COMMISSIONER MICHELLE SEAGULL: Thank you.

REP. STAFSTROM (129TH): Further questions from the administration? Seeing none, I want to thank all of you for your time this morning in providing the Committee with as much detail as -- as possible on what is a very comprehensive bill.

So, we're gonna give a moment for the administration folks to clear out.

We will now move on to alternating between members of the public and our elected official sign-up list. We'll begin with members of the public.

I will tell everyone, whether you be an elected official or a member of the public, you'll have three minutes. It will be timed. There will be a bell. We have a lot of folks who would like to testify this afternoon. And we'd like to try to get through this as expeditiously as is practical, so that everyone has a chance to testify who wants to.

Please, if you've submitted written testimony, we have that written testimony. There's no need to read it to us. You can simply summarize your testimony. You can pick up on points that were previously addressed and -- and comment on those. But we would -- we'd appreciate you -- appreciate brevity, certainly in the remarks to the extent stuff's already covered in your written testimony.

With that, we will begin with the public list. First I have up is Ernestine Holloway. And after that we will have Representative Raghib Allie-Brennan.

Ernestine Holloway. Excuse me, is -- is your microphone on?

REVEREND ERNESTINE HOLLOWAY: Good afternoon, Chairperson, Co-Chairperson, distinguished people on this panel. My name is Reverend Ernestine Holloway and I represent Refuse Temple Council of Churches. I listened to what everybody have to say. I give everything a grain of salt. But you didn't address the youth. And I thought about how come nobody

referenced that much of Colorado. Because Colorado started this mess.

My problem with this bill, and I'm on the fence. I have 29 years in recovery. And I'm the person that had more experience and more so than was up here. When you start using young, at 13 and 14 years old, I haven't seen you guys address those issues.

You talked about adults, adults, adults, adults, adults. My issue with the bill is decriminalization of marijuana and the selling of marijuana or weed, cannabis, whatever you're calling it these days, should be a separate issue. It shouldn't be all lumped together.

So, are you decriminalizing it because it was wrong to charge them with excessive time, ripping apart families under the Clinton, Three Strikes You're Out Law? Are you doing it because you want to legalize marijuana because tolls didn't pass, and you need the money?

Those are questions that I'm asking myself. This is gonna devastate our community. Our kids are using at 13 and 14 and 15 years old. Nobody's addressing those issues. I studied Colorado. Do you know that their illegal market increased 50 percent since they legalized it? 50 percent is a heck of a lot. And that's not tax revenue. Now, they got Mexico -- the border of Mexico and all these other groups along that border that are producing and it's trafficking inside the United States. Did anybody think of all this?

Colorado have new addicts now, 13 to 15 years old, where they didn't have problem before. Nobody looked at also the edibles. You could buy them on Groupon. You can buy them on Amazon. Nobody's asking anybody's age.

So, you need to take all this into consideration. Where's the education piece to this, to the kids? Nobody's looking at this. These kids in Colorado from 13 to 15 are getting suspension. They're not drinking alcohol anymore, they're smoking weed.

So, congratulations America, we got a new set of potheads. So, then there's a new fellowship because I'm -- I go to the fellowship called Marijuana Anonymous. And I look at those young people, they getting younger and younger.

If you over 25 and you make this decision, that's your business. That's between you and God. But our job is to monitor the minors, to make sure they don't fall into addiction.
I'm one of the blessed ones, 29 years. A lot of people don't get 29 years. So, what are we gonna do for the new generation that's coming along?

REP. STAFSTROM (129TH): Thank you, Reverend Holloway. Questions from the Committee? Seeing none, thank for being -- oh, oh, down at the end.

Representative Stafstrom.

REP. STAFSTROM (129TH): No, problem, a little late to raise my hand. But I just wanted to thank you for sharing your thoughts. I mean, I was sitting up here thinking the same thing. And I'm just gonna

address some of those questions that you raised about our youth because really that's -- you know, this committee has dealt with that issue on a number of different matters that come before us. You know, who is a -- who is an adult, who is not an adult, when does the brain actually develop for a youngster? We raised the criminal age on some of our laws because we're saying the brain doesn't develop until age 25.

Now, we're talking about legalizing marijuana at age 21. So, obviously, there's some inconsistencies here and I just wanted to thank you for bringing -- reminding the Committee that -- you know, there's a whole population out there that will not be protected by this if this goes into law.

So, thank you for your comments.

REVEREND ERNESTINE HOLLOWAY: So, what they also, and I agree with you. I listened to everything they said because I'm a good listener. They told me you got to listen and pay attention if you know what you want to speak about.
I listened to -- I can't even pronounce your name, but she's number 70. She asked some good questions. You know, the tax on this, how is it gonna affect the municipalities.

My question is, because I'm an advocate and I deal with kids, and I love Dennis Robin, but I look at him, he started using as young -- he -- he -- his mind is just not there. You see how young people when they smoke week they talk about skunk, they talk about rosebuds, they talk about white lily, blue lily, green this and all these things. And you

know it's chemicals on top of the THC. And you can't really -- did they smoke it yesterday or did they smoke it tomorrow or was it last week? You know, there are so many questions that we need to question on this before we legalize anything.

Because guess what, they are tomorrow's future. They are our future senators, they are our future doctors, they are our future lawyers. But if they all pot out, what good are they gonna be?

You know, I'm fortunate. I realized I had a problem and I went, and I got help early. But everybody don't have that -- that -- that adult to say, hey, listen, you out of control. You need some help. Where's the education piece on this? This is my concern. How do we tell kids, yes, it's legalized for adults, but it's not okay for you? So that makes us double minded as Americans.

You can do it, but because you're a kid, you can't. So, kids don't listen to what we say, they watch what we do. So, what's gonna happen to us because Colorado got -- people got od'g off the edibles? People, your son goes spend the night at my house and I got edibles in the refrigerator and they look like gummy bears and they eat it? These are things that we're not talking about.

REP. STAFSTROM (129TH): Thank you, Reverend Holloway.

Representative Smith, do you have any follow up questions or -- good.

REP. SMITH (108TH): No, I'm good. Thank you.

REP. STAFSTROM (129TH): Thank you. Further questions from the Committee? Seeing none, Reverend Holloway, thank you for being with us.

Next up with be Representative Raghib Allie-Brennan.

REP. RAGHIB ALLIE-BRENNAN (2ND): Good afternoon, committee. Thank you for having this hearing. I've submitted testimony myself. But for the sake of time, I'm going to yield my time to Mr. Michael Cutler, who is co-author of the Mass Initiative.

MICHAEL CUTLER: Thank you, Representative.

REP. STAFSTROM (129TH): Can you just make sure your microphone's on there for us?

MICHAEL CUTLER: Thank you, Representative.

REP. STAFSTROM (129TH): And give me your name and spell your last name for us, please?

MICHAEL CUTLER: Michael Cutler, C-u-t-l-e-r. I'm a lawyer from North Hampton, Massachusetts. I've practice law in Massachusetts for 40 years. I was a member of the Drafting Team that drafted question 4, which ultimately became Chapter 94G of our general laws that is the Adult Use Nonmedical Marijuana Regulation Law. And I just -- I've submitted written testimony and I just want to make a couple of points.

Four years ago, Massachusetts enacted legalization by adult use by a 54 percent margin. 75 percent of the cities and towns in Massachusetts supported that

law. And I can report that polling shows that we have a growing support beyond the electoral advantage, showing that the population is satisfied in Massachusetts with the way our laws have been administered.

Nearly 30 percent of the American population now exists in states that have learned the lessons of regulation. And I commend the Governor for taking the leadership in this -- in this area. And I just have a couple of suggestions, lessons that I might pass on.

I’ve submitted written testimony; it’s more comprehensively presented there. The first thing is, I commend you for not authorizing local bidding for licenses. We have a two-step process in Massachusetts, a local regulation as well as state regulation. We’ve had a big problem with some cities and towns actually -- we have a way of recouping so-called impact fees. Two-thirds of our cities and towns have gone for more fees. And we’ve had federal prosecutors now investigating that process. So, I commend you for keeping the licensing and the taxation primarily at the state level.

Zoning is certainly an appropriate consideration at the local level. I also commend you for your support for equity applicants. I would suggest that to avoid the Massachusetts problem with this, where we’ve had -- had to get your local qualification first and then your state qualification. People end up sitting on vacant buildings for a year or more and that locks the equity applicants out because they are by far generally the lower capitalized

applicants. So, by vetting these groups as applicants before they secure spaces, that's a way to get them to avoid some -- some unnecessary costs for lower capitalized people and also by licensing people on a -- on a -- not a -- a straight line basis but having two separate lines for equity applicants and non-equity applicants. The equity applicants can be moved up more quickly so that they can open up before all the other spaces are taken.

And I would reserve the rest of my comments for my written presentation and I invite any questions that you may have, Mr. Chairman.

REP. STAFSTROM (129TH): Questions from the Committee for Attorney Cutler or Representative Allie-Brennan?

Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman. That -- really questions I'm actually happy to hear someone that's being honest about a lot of the struggles and issues that Massachusetts is having because quite often we hear here, well, you know, all the other states are doing, we can learn from their mistakes and what they're doing right.

But quite frankly, Massachusetts still are working through their mistakes, as you have mentioned, because I'm well aware of the grand jury investigations that are occurring as to the locations of these facilities. The considerable less in fees or funds that they thought that it was going to be raised as a result of this. And then the biggest issue that I have is the -- and

literally I'll quote here from an article from the -- it looks like it's the Boston Globe, the benefit the communities of color are hardest hit by the War on Drugs. And I think -- you know, with all good intentions, they had a plan of action laid out. But there's various struggles in -- in reaching those goals. And I think that that's something we can learn from it.

So, as much as we're looking to our other states regarding all of the good things potentially that people are saying, we need to acknowledge the bad things and take the time slowly to address it. And I have had the great opportunity of speaking with a lot of my colleagues, legislative colleagues, in the State of Massachusetts. And so it's slightly a little different as you had said, this was actually a referendum. It was the people that voted for it, opposed to the legislative body.

And I've heard from many of them that as slow as they're going, they almost wish that they went a little slower in order to address all of these situations that are occurring. So, I'm -- you know, certainly confident that that's what they're doing now because it has already passed in Massachusetts.

So, I just wanted to thank you for taking the opportunity to highlight that as well.

MICHAEL CUTLER: I appreciate that, ma'am. We heard briefly in response. I would -- I would say that several of the points that I mentioned in my remarks are actions that are regulatory agency and the state legislature are taking to address. I would also say

that the revenue projections are a function of the slow rate at which licenses have been allowed.

There are only 47 retail facilities open right now. We have more than 300 applications pending. So, that's been depressing our revenues.

But I think that we're taking a substantial bite out of the illicit market. As a matter of safety, purity, dosing knowledge in terms of the potency of what you're getting, supply, and that we are taking a bite out of the illicit market. And the other thing is that there have been two or three license transfers. And the capital markets are highly valuing these licenses on transfer, so that they are expecting to continue to take a big bite out of the illicit crime -- illicit market through the legal regulated market. Thank you, Mr. Chairman.

REP. REBIMBAS (70TH): Just out of curiosity, based on your representation of a big bite out of the market is what I'm hearing is there's still a black market and it's too early in Massachusetts to even tell what that impact is.

When you say a big bite out of the -- of the market, what do you -- what is -- you're referencing what your statistics --

MICHAEL CUTLER: I'm referring primarily the rate of sales at the open retail facilities and the value of these licenses on their transfer, showing that they can continue to expect those rates of sales to continue.

REP. REBIMBAS (70TH): So, you're talking about the actual regulated market, you're not talking about the black market?

MICHAEL CUTLER: I am, but because of that and the growing volume of the regulated market, it stands to reason that the illicit market is shrinking. It has not been eliminated. I certainly can agree with that observation.

REP. REBIMBAS (70TH): And I understand that you wouldn't concede to the elimination, but when you say because of the sales are growing that it's taking a bite out of the black market, there may be a correlation, but the size of that correlation, you don't have any statistics of that, is that correct?

MICHAEL CUTLER: It's -- it's really impossible to measure an illicit market because it's illicit. By regulating an economy, which is here inactive, I think it's a better public policy to regulate it than to try to arrest your way out of it on the backs of poor and minority people, which is a way it's been enforced in Massachusetts as well as Connecticut.

REP. REBIMBAS (70TH): Sure. And I'm sure it's not the poor and minorities that are gonna be able to actually afford the regulated market, but I just wanted to give you an opportunity to address the big bite out of the black market. But thank you for obviously indicating that you don't have the statistics for that. Thank you.

MICHAEL CUTLER: Thank you, Representative.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman.

MICHAEL CUTLER: Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Further questions or comments from the Committee? Seeing none, thank you both for being with us. Appreciate it.

Next we'll go to Keri Hoehne, followed by Representative Hennessy.

And, sir, if you could identify yourself for the record.

RONNIE PETRONELLA: Yeah, I'm Ronnie Petronella, Secretary Treasurer of Local 371 --

REP. STAFSTROM (129TH): Okay. Sir, you're --

RONNIE PETRONELLA: -- of the United Food and Commercial Workers Union.

REP. STAFSTROM (129TH): All right. So, sir, you're -- you're signed up to testify later, so --

RONNIE PETRONELLA: Right. And I'm gonna --

REP. STAFSTROM (129TH): -- are you gonna consolidate here?

RONNIE PETRONELLA: Yeah.

REP. STAFSTROM (129TH): Perfect. Thank you. Please proceed.

KERI HOEHNE: Thank you, Senator Winfield and Representative Stafstrom and the members of the Judiciary Committee for the opportunity to speak on S.B. 16. You've already met Ronald Petronella, our Secretary Treasurer. My name's Keri Hoehne. I'm a resident of Torrington. And I'm the Executive Assistant to the President to the United Food and Commercial Workers, Local 371.

The UFCW supports the legalization of recreational cannabis in Connecticut, only with the addition of Labor Peace Agreements as a condition of cannabis licensure and renewal. UFCW Local 371 is headquartered in Westport, Connecticut and represents over 8,000 members in Connecticut, who work in retail food, food service, food processing and healthcare, primarily.

Nationally, the UFCW represents 1.3 million members. And they work in the highly -- many of them work in the highly regulated industries, including the legal cannabis industry.

Whenever cannabis is legalized, the UFCW is committed to building family-sustaining jobs and a strong diverse and skilled workforce. Our Labor Peace Agreement is an agreement between an agreement between an employer and a union that prohibits unions and their members from engaging in strikes and interfering in the employer's business. In return, the employer agrees not to interfere with efforts by the labor union to attempt to organize and represent the workers.

These negotiated Labor Peace Agreements create an orderly and fair process for workers to decide

whether they want union representation or not. Labor Peace Agreements are good for the health and safety of workers and the product.

Workers who have access to representation are more likely to receive safety and technical training that reduces workplace accidents and improves product quality.

Unionized cannabis in other states have led to safer preparation of cannabis products and proper use of pesticides.

As of 2018, 50 percent of workers reported that they had received formal training. And only 20 percent of workers specifically received medical cannabis training.

Multiple other states have chosen to include Labor Peace requirements for cannabis licensure. California, New Jersey and New York all require operators to sign Labor Peace Agreements. Pennsylvania and Illinois incentivize operators with a merit-based system that gives points for Labor Peace Agreements.

Each of these states face similar questions and arguments about Labor Peace in each of these states. Here legislature and legislative counsel agree that Labor Peace requirements were good and consistent with state and federal law.

One only needs to look north to Massachusetts to see the importance and the practical application of such an agreement. Mayflower Medicinals is a grower and a processer in Massachusetts. And they recently

received charges filed against them for disciplining workers who were seeking to organize. That same employer has contracts in New York and New Jersey with our Labor Peace Agreements. And they did not engage in such conduct when those workers were seeking to organize.

The Connecticut cannabis industry presents an unparalleled opportunity to build a new kind of industry for Connecticut. One that gives workers an opportunity to exercise workplace democracy, to improve both the industry and the Connecticut communities. One strong mechanism to do so is the Labor Peace Agreement.

Thank you for the opportunity to comment.

SENATOR WINFIELD (10TH): Thank you, are there comments or questions from members of the Committee?

Representative Porter.

REP. PORTER (94TH): Thank you, Mr. Chair. And I mean, you packed a whole lot in three minutes. So, what I'm gonna ask to do, just plain and simple for the layman, right. In layman's terms, why is it important in your -- in your view that there's the Labor Peace Agreement for -- for cannabis as we seek to legalize it in the State of Connecticut?

KERI HOEHNE: Thank you. Connecticut has the opportunity to create jobs here. And we all want there to be as many jobs as we can get in our state and as many opportunities for people to stay here and to work and to raise their families. But we don't need more low-wage jobs. We don't need more

jobs that are dependent on our social safety nets, where they have to rely on us for health insurance and rely on the taxpayers for other supplements to their income. We want these to be good family-sustaining jobs, opportunities for people to make a good living in one job and then go home and participate in their communities, in their PTO or their sporting -- you know, their kids sports. They want to be able to just have one good job. That should be enough, and they can go home, and they can take care of their families.

REP. PORTER (94TH): Thank you. Thank you, Mr. Chair.

SENATOR WINFIELD (10TH): Thank you. Comments or questions from other members of the Committee? If not, thank you very much for joining us.

Representative Hennessy is next.

REP. HENNESSY (127TH): Chairman Winfield, members of the Judiciary Committee, thanks for the opportunity for testifying in support of Senate Bill 16. I would like to yield my time to Nick, here.

NICHOLAS STEIN: Hi, thank you, Representative Hennessy. Thank you, members of this committee. My name is Nicholas Stein. I'm a resident of Pomfret, Connecticut. I'm before you today to testify in support of Senate Bill 16, AN ACT CONCERNING THE ADULT USE OF CANNABIS, while also sharing my personal experiences as they relate to a significant opportunity to improve the bill.

First, I'd like to quickly acknowledge that I've submitted written testimony referencing a petition of 655 Connecticut residents in favor of legalizing recreational marijuana for adult use.

Over the last 18 months, I hit the streets in multiple Connecticut cities to discuss the issue with as many people as possible. And this petition is the -- is the output of that effort.

The overall message from this group of Connecticut causes is that legalizing and regulating marijuana in our state is responsible, sensible and wildly popular for four primary reasons.

The first is that it's returning an important personal liberty to our citizens.

The second is that it improves public health and safety.

The third is that it improves Connecticut's economy.

And the fourth is that it will generate much needed tax revenue.

However, I'd like to use the remainder of my testimony to highlight a significant opportunity to improve this bill and in so doing, improve the lives of thousands of struggling marginalized Connecticut residents.

First, a bit of my personal background. I'm a 33-year old -- I'm a 33-year old graduate from Eastern Connecticut State University in in Willimantic, Connecticut. Since then, I've built a 13-year

career in aerospace manufacturing. I've married the love of my life. And in the last two years, we had a beautiful -- our first child, a beautiful -- a beautiful baby daughter who I love very much.

Unfortunately, as a younger man in age and maturity than the one who sits before you today, I made a series of grave mistakes resulting in two marijuana convictions. One was a possession. One was a felony intent to distribute charge.

For these crimes, myself and my family have paid a heavy price, including a 30-day jail sentence, over $15,000 in legal fees, years of probationary restrictions, delays and limits to the advancements of my career. And most notably, the stigma of a felony scarlet letter that haunts my criminal record to this day.

At this point, I'd like to express how grateful I am to have had the education, the strong support network and the resources to make it past these self-induced challenges to move forward with my life.

Today -- oh, sorry, there are thousands of others who committed less serious marijuana crimes than the one I had who face much harsher punishments because they do not have the resources with which I've been blessed.

Today I truly consider myself successfully reformed, having completed my court-ordered punishments and rehabilitation without having re-offended for more than eight years.

I've worked hard to address the deficient elements in my character that led to my criminal mistakes I the first place. And I know that I'll never return to a life of crime because I wouldn't want to jeopardize missing out on my -- my family's life in every way -- in any way.

Despite my many blessings in life, I was recently laid off from my career in aerospace manufacturing in November. And for the first time since those convictions, I'm looking for a job. I can't express how difficult it's been to find an opportunity with a felony in my field with a felony on my criminal record. Despite having 13 years of experience and despite being highly qualified for a variety of roles in the industry.
Given my struggles finding a job, I recently considered performing a civic duty as a census taker. But it appears that even our Federal Government discriminates against marijuana for employment -- marijuana felons as a -- for employment.

Finally, I'd like to briefly outline my recent experience with Connecticut's pardon process, as I'm handing in a pardon later this week or an application for absolute pardon later this week.

The process has been very difficult to navigate, requiring over 100 hours of my personal time, $3,000 in lawyer fees and an eight-month delay in the process due to a series of clerical errors that needed correcting before I could submit the documents, exactly the way that Connecticut needed them.

Once again, this is another process that's complicated, slow and unreasonable burden on people that haven't been blessed with the same resources and educations that I have.

So, simply put, the punishment of an eternal felony on one's criminal record is disproportionate to the impact of the marijuana crimes that may have been committed long ago. This disproportionate punishment -- this disproportionate punishment is needlessly limiting opportunity for thousands of reformed marijuana felons in our state, who just want to move on with their lives in a positive and constructive ways.

As such, I'm requesting that the Judiciary Committee improve --

SENATOR WINFIELD (10TH): Excuse me. Excuse me.

NICHOLAS STEIN: Yeah.

SENATOR WINFIELD (10TH): I'll give you a little bit of leeway after the bell. I'm gonna -- I'm gonna -- I'm gonna -- I'm gonna stop you there.

NICHOLAS STEIN: Yeah.

SENATOR WINFIELD (10TH): And we get it. And I'm gonna ask members of the Committee to ask you questions, which may allow you to say some more.

Rep. Porter.

REP. PORTER (94TH): Thank you, Mr. Chair. Could you please finish up what you were saying. I'm very

curious to hear how you were gonna end it with your suggestion. I'm curious to know what it is.

NICHOLAS STEIN: Thank you, Representative. As such, I'm requesting that the Judiciary Committee improve Senate Bill 16 by including automatic expungement of felon -- felony marijuana records in much the same way that you would expunge -- this bill proposes to expunge misdemeanor records.

In closing, Senate Bill makes many important sensible improvements to marijuana policy, which advances personal liberties, increased public safety, improved -- improves our state's economy and generates sorely needed tax revenue. As such, I earnestly support this bill and I encourage you guys to expunge -- I encourage this committee to pursue expungement of felony marijuana crimes. Thank you all for considering my testimony today.

REP. PORTER (94TH): Thank you for that. And thank you for those suggestions.

My question is, your convictions, were they any violent offenses or were they just strictly drug offenses that you were charged and convicted for?

NICHOLAS STEIN: No violence, both times that I was -- I was selling marijuana on a college campus.

REP. PORTER (94TH): And you have been crime free, I believe you said, for eight years?

NICHOLAS STEIN: Yes, that was -- my conviction was seven years ago and my last -- the date of my last arrest was more than eight years ago.

REP. PORTER (94TH): Okay. So, technically, according to research and data, you are now currently no more apt to commit a crime than I am or any other person in the public who has never committed a crime.

So, I thank you for your testimony. I thank you for putting those statements and your experience on the record because I think that is gonna be very critical to us moving forward on how to tweak this in a way that's gonna be beneficial for the ones that really need the help to level the playing field. We keep talking about the War on Drugs. I'm gonna call it the War using Drugs because, you know, the way we're using drug charges to -- to just emasculate people, especially when it's nonviolent offenses, it's totally -- I mean, it's just crazy to me.

So, thank you for taking the time to be here today. And thank you, Mr. Chair.
SENATOR WINFIELD (10TH): Thank you. Comments, questions from other members of the Committee?

Representative Smith.

REP. SMITH (108TH): Thank you, Mr. Chairman. Sir, how old were you at the time of your convictions?

NICHOLAS STEIN: The first one I was 20 -- sorry, 19. And the second one I was 26.

REP. SMITH (108TH): So, the first one, what was that conviction for?

NICHOLAS STEIN: That was misdemeanor possession.

REP. SMITH (108TH): And when you were 26, you were convicted for intent with -- possession with intent to sell?

NICHOLAS STEIN: Yes.

REP. SMITH (108TH): And -- and you stated you were just selling your marijuana on a college campus?

NICHOLAS STEIN: Sorry. The first time, the misdemeanor was, yes, for on college campus. The second time I received a package of marijuana from Colorado in the mail.

REP. SMITH (108TH): So, you -- you've been convicted twice for possession with intent to sell?

NICHOLAS STEIN: The first one, after three years in court, I was able to have it reduced from a felony charge, which they tried pushing in Rockville court system for more than two years. I was able through that -- hiring a lawyer and -- and going through some programs to reduce that over three years to a misdemeanor where I served 30 days in jail to teach me a lesson.

REP. SMITH (108TH): And then you got convicted after the lesson?

NICHOLAS STEIN: Yes.

REP. SMITH (108TH): Okay. And how much did you have on you for the intent -- with possession with intent to sell?

NICHOLAS STEIN: I received a package of approximately two pounds in the mail from Colorado.

REP. SMITH (108TH): And you were going to our universities and colleges here in Connecticut to sell that?

NICHOLAS STEIN: The second offense, I misrepresented, I was -- that -- that was not going to college. I was a long time removed from college and none of that actually ended up at college. That was me having gotten wrapped with a long-time old friend who moved to Colorado and was looking to just have an address he could send marijuana to so I could give it to one other person. I don't know what they would have done with it afterwards. And I made the mistake of having accepted that offer from that person and only one year after being released from probation for the first arrest.

REP. SMITH (108TH): I mean, how much did you sell on campus?

NICHOLAS STEIN: This is very long in the past. I don't feel comfortable answering that question.
REP. SMITH (108TH): Fair enough. All right. Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman. Good afternoon, gentlemen.

Sir, you were -- you were asked about convictions, but many times convictions can result after there's

been some sort of diversionary program. So, how many times have you been arrested for possession of marijuana?

NICHOLAS STEIN: Three times.

REP. FISHBEIN (90TH): And the first time how old were you?

NICHOLAS STEIN: The first time I was 19.

REP. FISHBEIN (90TH): Okay. And the second time, how old were you?

NICHOLAS STEIN: I was 19.

REP. FISHBEIN (90TH): Okay. So, on your first arrest, you were sent to the drug education course, is that --

NICHOLAS STEIN: I was at University of Connecticut at the time, the police smelled marijuana in my room. The very first one, they found a -- they entered my room because someone had smelled marijuana coming from it on my dorm on campus. They found a piece of paraphernalia and I was changed with possession for that piece of paraphernalia -- sorry, I wasn't changed. I was -- I was brought to court for that and I got what's called a nolle. So, your first -- your first one -- they -- if it's not a very serious crime, sometimes they'll -- they'll let it go for free, so.

REP. FISHBEIN (90TH): Okay. And within the year, I guess, you are arrested for -- is it essentially dealing?

NICHOLAS STEIN: Having sold marijuana, I was caught with just over 4 ounces on UConn campus, yes.

REP. FISHBEIN (90TH): Okay. And you were charged with possession with intent to sell?

NICHOLAS STEIN: At that time, yes.

REP. FISHBEIN (90TH): Okay. And then went through the process and had it reduced to a misdemeanor as your conviction?

NICHOLAS STEIN: I worked with a fantastic lawyer who -- who suggested a number of courses of action that looked good in the prosecutor's eyes, while he got a bunch of continuances and stays. So, a couple of things there. One, I could afford my bond while that all happened. Second, I could afford the lawyer. And he was able to get -- work a special deal with the prosecutor so that I would go to jail, but I would not be saddled with the felony on my record.

REP. FISHBEIN (90TH): Yeah, what were you convicted of?

NICHOLAS STEIN: Just misdemeanor possession.

REP. FISHBEIN (90TH): Okay. And then within the following seven years, you're engaging -- well, you -- you get the mail. You get the marijuana in the mail. Is that the first time that you did that?

NICHOLAS STEIN: That was the third time that I had done that, and I did not intend on doing it for

anymore than those couple of times. But it was a big mistake. And looking back, I can't -- I don't know what I was thinking at the time. However, I think I know where you're going with this. And I can tell you that during -- there was no oversight on my particular probation case. So, after I was released from jail and I met all the conditions of my parole, I was on probation for two years, but I never actually had to do a urinalysis during that time and I was free to engage in all of the activities that I could -- wanted to engage in that I had been engaged in before.

REP. FISHBEIN (90TH): And just understand, I'm balancing here -- you know, because I went to college. I smoked pot. I inhaled, exhaled, okay. It's out there. [Laughing]

But, you know, what I'm hearing is that these -- you know, bad acts and we should get rid of these things, but your story is not the story that we hear in the building -- you know, from my perspective. You know, the way I'm looking at this is -- you know, one should probably learn from the first time. And then it -- it appears to have escalated, which is of concern to me. Because as I hear -- you know, the story I hear around the hallways is -- you know, one off, it's a product of society and -- you know, single incident and we should get rid of this stuff.

So, I'm -- I'm -- I'm glad that you're here today. But I also wanted to ask you about the pardon process.

So, I have some familiarity with the pardon process and I've certainly represented people before the

Board of Pardons and Paroles. And you indicated that you've had a lot of trouble getting through that process, even though you have a lawyer representing you.

So, can you tell me what problems you're having with the process?

NICHOLAS STEIN: Yeah. So, quickly to address your first comment. You -- I -- I personally have preferred to look at it as one big mistake from the age of 16 to the age of 26, which was when I was not only engaging in beginning to use marijuana, but that also led to me selling marijuana, which led to my criminal mistakes.

Since the time I was 26, which is -- you know, eight years ago at this point, I have been crime free and I am a new person. So, while I may have escalated over the initial 10 years with my drug use, I have significantly deescalated -- completely deescalated and really focused on building my career and building my family since then.

So, the person who sits before you today is very much not that person over the 10 years of my life of crime, right? All of which crime had to do with marijuana.

So, to answer your question about the pardon process, specifically there was discrepancies between the -- first off, my police report. My first police report was lost at all three places it could be. And then second, the -- the exact -- I forget -- the codified crimes that were on the -- the court's records were different from probation or

different from the original police -- what the original police reports for my arrest.

So, we had to go back to each one of those and find out which one was accurate, and it ended up turning out that the court was accurate, but we had to align all the documents before I could submit and that's been an eight-month process. It's not like that for everyone. It just happened to be like that for me.

REP. FISHBEIN (90TH): So, the disparity was between what the court said you were charged with and what your criminal record reflected you were convicted of?

NICHOLAS STEIN: Yeah. What ended up happening is we found out -- I changed my name through the process of this. I took my maternal -- my maternal grandfather's last name and because I was arrested under two different names, everything got screwed up paperwork wise and they could never have both those -- the records put onto the same report that they needed to to submit, so.

REP. FISHBEIN (90TH): Other than that snafu with your name and that, any other problems with the -- the pardon process that you want to bring to our attention?

NICHOLAS STEIN: I don't have my inmate number and I have no way of getting my inmate number. I've written them a letter and many times and they're not getting back to me in email. So, I can't find the process.
REP. FISHBEIN (90TH): So, that's the Department of Corrections?

NICHOLAS STEIN: That's another one, yeah. So, in general, I had 100 to 150 hours of time that it took for me to -- to put together my -- my actual letter -- to put together all the documentation that I have for my pardon. And then also, like I said, I hired a lawyer. And then asking, believe it or not, one of the stranger barriers is asking -- you have to have three people go to bat for you, right. And they have to know your crimes. So, one of them was my employer who, believe it or not, didn't know my crime. So, I had to tell him that, first of all.

But then also you have to ask three people to -- to, not just go to bat for you, but write a letter. Depending on education levels for some -- for some of the people, not just the criminals themselves, bargaining unit the people around them who want to write them a letter, it can be very difficult to ask your friends to put 20 or 30 hours of their time into writing a letter that aligns with the message you're trying to get across on your application for a pardon.

So, it's not just the burden on the individual themselves, it's the burden on the three people they ask to bring in to -- to go to bat for you.

REP. FISHBEIN (90TH): So, I think the part that you were referring is it's a requirement that the letter from your references has to specifically say that that individual acknowledges that you were convicted of X, Y and Z, generally when that was, and that you've explained that to that individual. Was that what you were talking about?

NICHOLAS STEIN: Yes, that was a hard conversation for me to have with the employer at the time. And I can imagine for many other people who would want to have their employer go to bat for them in the same process, it might be a conversation they're not able to comfortably have for many reasons.

REP. FISHBEIN (90TH): Thank you. Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from other members of the Committee? If not, thank you very much for joining us.

NICHOLAS STEIN: Thank you very much. Thank you.

SENATOR WINFIELD (10TH): We'll hear next from Chief William White.

CHIEF WILLIAM WHITE: Good afternoon, Mr. Chairman, members of the Committee. I'm William White, the Police Chief in Wallingford, representing the Connecticut Police Association and the 8,000 members of law enforcement spread across more than 100 departments in our state.

I sit before you today in opposition of Senate Bill 16. The police chiefs are very concerned about a number of issues contained within the bill. And we've heard some fairly extensive testimony on the analysis of Drug Recognition Experts, those that are trained in the ARIDE concepts.

We share equal concerns with the failure or the lacking of some ignition antilock devices, which are common for those that have been arrested for

alcohol-based DUI. There is no such device in Connecticut that would measure marijuana after post-arrest.

There are currently 62 DREs in the State of Connecticut. I'm fortunate that I have two of those 62, but you can see across the vast cities and towns of our state how difficult it is to have so many DRE resources available when they're necessary.

The evaluation that was talked about extensively that are performed by DREs, it's actually an exam or evaluation that is done post-arrest in a very controlled environment such as this. It's not a roadside examination.

So, I sit before you today, for those reasons, we are truly responsible for the safety of our roadways across Connecticut and without some greater protections that would afford law enforcement some flexibility in -- in enforcing the laws of legalized marijuana, we're in opposition of this bill.

SENATOR WINFIELD (10TH): Thank you. Senator Kissel

SENATOR KISSEL (7TH): Chief, thank you for coming and testifying. You may or may not know the answer to this, but I have a -- I work with representatives of Mothers Against Drunk Driving. And one of the individuals I spoke with in the last couple of months said that in Massachusetts, and again we look to Massachusetts for lessons to be learned, the Drug Recognition Experts that some people are challenging what they are testifying to. And some judges and some matters are throwing out that testimony. Have you heard anything like that?

CHIEF WILLIAM WHITE: So, there's a very recent case out of Rhode Island. In fact, I think it's out of the Court in Warwick, where a subject was arrested for opioid or -- excuse me, cannabinoid-based DUI. And then thereafter the theories and the sciences and the testimony behind DREs was cause of concern for the judge.

I know that there were other expert testimony from the science of DREs. And I believe that that charge was put aside for those reasons.

SENATOR KISSEL (7TH): All right. So, what I had heard was Massachusetts, but you -- you -- you were specifically aware of a similar case in Rhode Island, and that causes me pause because one of the backstops that's supposed to be -- one of the protections is that, first of all, I think Senator Champagne pointed out, are these classes available, they are costly. You had indicated there's just 60-plus individuals that have these qualifications. And if courts are going to take pause and then throw this out, then individuals that may pose a severe threat to public safety may not get punished at all.

And so, your concerns are -- are well taken. Thank you, sir.

SENATOR WINFIELD (10TH): Thank you.

Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman. Good afternoon, Chief.

CHIEF WILLIAM WHITE: Good afternoon, sir.

REP. FISHBEIN (90TH): My Chief, we're used to question and answer, but not in this forum. What's presently the situation when your officers pull somebody over in Wallingford who has a medical marijuana card? Is there some sort of legal way to deal with that situation?

CHIEF WILLIAM WHITE: Yes. So, I think by regulation, they are required to present the card. And then any marijuana that they're carrying with them has to be in a very certain -- similar to a prescription bottle. Some of it is in a -- I've seen it in foil containers with certain medical information on it, name, a stamp that you referred to earlier. And then thereafter, the evaluation can go forward as it would with anyone else.

REP. FISHBEIN (90TH): So, the evaluation to determine whether or not they're impaired?

CHIEF WILLIAM WHITE: Yes.

REP. FISHBEIN (90TH): Now, in reviewing this, did you happen to have a chance to review the portion that has to do with suspension of a license?

CHIEF WILLIAM WHITE: Yes.

REP. FISHBEIN (90TH): And I -- there's a provision that has to do with blood being taken and THC being in excess of 1/2 nanogram or more. That DMV can suspend the license if that's the case. However, if they produce evidence that they are a medical

marijuana card holder, they can't suspend that license? Am I reading that correctly?

CHIEF WILLIAM WHITE: I am not exactly sure.

REP. FISHBEIN (90TH): Okay. All right. Well, that's -- that's all I wanted to ask about. That's the way I read this, but -- okay. Thank you. Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Thank you.

Representative Blumenthal.

REP. BLUMENTHAL (147TH): Thank you, Mr. Chair. And thank you, Chief, for being here today --

CHIEF WILLIAM WHITE: Good afternoon, sir.

REP. BLUMENTHAL (147TH): -- and the work that you and your members do every day to keep us safe, we really appreciate it. And we appreciate you here contributing your testimony.

I had a couple of questions. I was interested particularly in the interlock device that you mentioned. I was wondering what you do -- well, first of all, I'm assuming that you and your members deal with cannabis-based DUI currently, correct?

CHIEF WILLIAM WHITE: Yes, sir.

REP. BLUMENTHAL (147TH): And I was wondering what you do or what the process is for dealing with DUI-based or -- sorry cannabis-based DUI currently with

regard to what would normally be an interlock device for a drunk driving conviction?

CHIEF WILLIAM WHITE: So, there's -- presently it's not a device for marijuana-based DUI if I'm understanding your question correctly.

REP. BLUMENTHAL (147TH): Okay. Are there any other measures taken to keep people who have marijuana-based DUI off the roads after a conviction?
CHIEF WILLIAM WHITE: Not that I'm aware of, sir.

REP. BLUMENTHAL (147TH): Okay. And we were mentioning the DREs. I'm assuming that you deal with bringing cases right now against cannabis-based DUI, correct? And you obtain convictions, is that fair to say?

CHIEF WILLIAM WHITE: We bring cannabis-based arrests forward, but I couldn't comment on the conviction side of it.

REP. BLUMENTHAL (147TH): Okay. Well, I guess my question really is, it sounds like, and you can correct me if I'm wrong, it sounds like not that much besides perhaps having more DREs would change in terms of your enforcement practices? It sounds like the -- the fear that's motivating you and your members' opposition to the bill is based on, I guess, the anticipation or the fear that legalizing cannabis will lead to more people driving high, is that fair to say?

CHIEF WILLIAM WHITE: Fair to say.

REP. BLUMENTHAL (147TH): Okay. And would it be fair to say if it turned out that that's not the case, that that would mitigate some of your opposition and your organization's opposition? And I'm not -- and I'm not saying that it is or isn't. I'm just saying, if it -- if hypothetically if that weren't the case, would that mitigate some of your opposition?

CHIEF WILLIAM WHITE: I think that that would cause further in depth discussion, which I think would be valuable is a time to have.

REP. BLUMENTHAL (147TH): All right. Thank you for your testimony. I appreciate you being here today.

SENATOR WINFIELD (10TH): Thank you.

Representative Porter.

REP. PORTER (94TH): Thank you, Mr. Chair. Thank you for your testimony, Chief.

CHIEF WILLIAM WHITE: Good afternoon.

REP. PORTER (94TH): A question for you. I'm just wondering, with the decriminalization of marijuana, have you seen an uptick in marijuana stops?

CHIEF WILLIAM WHITE: For under the influence driving?

REP. PORTER (94TH): Yes.

CHIEF WILLIAM WHITE: Yes, I would say that we have.

REP. PORTER (94TH): Can you give me a rough estimate of what -- what it looks like versus what it was before decriminalization went into effect?

CHIEF WILLIAM WHITE: Yeah. No, I couldn't give you that percentage statewide. And we're very careful about percentages. You know, it's easy to say that prior to legalization in any other state -- you know, there were so many DUI arrests and now since it's been legalized, there's so many more because the contributing factors to all of that are significantly different.

So, I'm always very careful about statistics and where they come from. So, I don't, unfortunately, have that information for you.

REP. PORTER (94TH): Thank you. And I was just asking because the -- the National Academy of Sciences actually reported that there was little evidence to -- nationally, that's why I was wondering about Wallingford specifically. That there has been -- that there has been an increase in marijuana use behind decriminalization. So, that was the point of me maybe -- you know, maybe there was something going on in Wallingford.

So, can you speak to Wallingford specifically? You have seen an uptick in marijuana-involved stops since the State of Connecticut has decriminalized marijuana?

CHIEF WILLIAM WHITE: Yes.

REP. PORTER (94TH): Okay. Thank you. Thank you, Mr. Chair.

SENATOR WINFIELD (10TH): Thank you. Questions, comments from other members of the Committee? If not, we're gonna make some changes to the order here.

We're gonna -- thank you, Chief for testifying today.

So, next we're gonna hear from Jorge Cabrera and he will be followed by Representative Vincent Candelora.

JORGE CABRERA: Thank you, Senator Winfield. Thank you, Representative Stafstrom and members of the Judiciary Committee.

My name is Jorge Cabrera, and I'm an Organizing Director for the United Food and Commercial Workers Union, Local 919.

I'm here today in support of S.B. 16, AN ACT CONCERNING THE ADULT USE OF CANNABIS. The United Food and Commercial Workers Local 919 supports the legalization of recreational cannabis in Connecticut, if only with the addition of a Labor Peace Agreement as a condition of cannabis licensure and renewal.

My colleagues were up there earlier from Local 371. I won't belabor the points that they made. I would only add that I believe we're -- have a unique opportunity in Connecticut to create a record for the framework where the very impacted communities from the War on Drugs will be able to have good working conditions. And I can tell you, in our

union, which represents over 1.3 million members across the country and over 14 -- 14,000 here in Connecticut. In California where there's been a Labor Peace Agreement in place, the workers there are benefiting from really good working conditions and living wages and good healthcare as well as representation.

So, I believe that we have a unique opportunity and I would, again, would really impress upon the Committee to consider the workers that maybe working in this new industry. I've been an organizer and a director for over 20 years, and I can tell you that the battles that we have every single day, making sure that workers have good working conditions, living wages, is an ongoing battle. And without some type of protection for these workers, it makes it much more difficult for them to make a living in this industry that's about to be created.

So, again, I would take any questions. But thank you so much and we really would implore you to consider a Labor Peace Agreement.

SENATOR WINFIELD (10TH): Thank you. Questions, comments from members of the Committee?

Representative Porter.

REP. PORTER (94TH): Thank you, Mr. Chair. I'm not sure if you can answer this question, but can you speak to other workers who are currently working in the states that have legalized cannabis and what those working conditions are, compared to what a Peace Agreement would do for workers in the State of Connecticut?

JORGE CABRERA: We -- we do know that in -- in -- in Massachusetts, there are several operators that are resisting workers ability to organize. And, I think, Keri -- I wanted to mention that earlier. I know, in California we seem to have the most robust regulatory framework in terms of the wages and benefits.

REP. PORTER (94TH): Okay. Thank you, Mr. Chair. Thank you, Mr. Cabrera for being here today.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from other members?

Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you.

SENATOR WINFIELD (10TH): Sorry.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman. Just a quick question, just out of curiosity. Do you know how many workers in the State of Connecticut are union workers versus non-union workers?

JORGE CABRERA: In total?

REP. REBIMBAS (70TH): In total.

JORGE CABRERA: I do not. I know our union, United Food and Commercial Workers, we have about 8,000 members in Connecticut.

REP. REBIMBAS (70TH): Okay. But you don't have the statistics for the State of Connecticut?

JORGE CABRERA: Not off the top of my head. I can get it to you if you like.

REP. REBIMBAS (70TH): If you can.

JORGE CABRERA: Sure.

REP. REBIMBAS (70TH): All right. Thank you very much. Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Thank you. Other members? Seeing none, thank you for joining us today.

Next is Representative Vin Candelora.

REP. CANDELORA (86TH): Thank you, Chairman Winfield and Ranking Members Kissel and Rebimbas. I think you all know my position on this issue, and I will be happy to have conversations with you in the hallway, rather than taking up time. But with me today, I have Dr. D'Souza from Yale, and he can introduce himself and share his thoughts.

DR. DEEPAK CYRIL D'SOUZA: I'm Dr. Deepak Cyril D'Souza, I'm a Professor of Psychiatry at Yale University School of Medicine and also a Psychiatrist at the VA Medical Center. I'm representing myself, not either of these institutions.

I would like to share some of my concerns as a psychiatrist, as a father of an 18-year old and as someone who has done research on cannabis for the

last, almost 30 years. There is a concern that we now know that there's fairly compelling evidence that exposure to cannabis in adolescents and young adults is associated with a number of negative outcomes. While we define an adult who is 21 years of age, at least as brain scientists, we actually know very well that the brain only -- only continues to mature and is complete maturation by the age of 26. And animal studies have convincingly shown that exposure to cannabis in young adulthood and adolescence is associated with negative outcomes.

The second important piece of information is that we now know from a number of epidemiological studies that exposure to cannabis in adolescence is also associated with a number of seizures, mental illnesses such as schizophrenia and other psychotic disorders, depression and bipolar disorder.

At the time when the State of Connecticut is actually reducing mental health services and cutting the budget for mental health, one of the questions that concerns me is how are we going to pay and how are we going to serve people who are going to develop new mental illness?

As a psychiatrist who's working with people with serious mental illness for almost 30 years, I know that some of my patients with established serious mental illness like schizophrenia, when they use cannabis, they often have very negative outcomes such as being hospitalized, ending up in the emergency room, ending up homeless, ending up with legal problems. And -- and -- and that comes at a cost that we really need to take into account in this equation.

And finally, as many of you have already heard, we have concerns about driving. One of the lesser studied areas that I've been working on in my life is that while we know the effects of alcohol and driving and we know a little less about the effects of cannabis on driving, we don't know very much about the combination of the use of alcohol and cannabis, which is something that we are studying in our lab. That is to say that one could have had just one drink of alcohol and a very small amount of marijuana, but the combination of the two might impair one's driving to an extent that -- that a much larger dose of alcohol or a larger dose of cannabis would be associated with.

And as you've heard, we don't have the tools necessary to actually evaluate people carefully.

SENATOR WINFIELD (10TH): Thank you, Doctor. Thank you, Representative. Questions, comments from members of the Committee?

Representative Rebimbas.
REP. REBIMBAS (70TH): Thank you, Mr. Chairman, and good afternoon, Doctor. I just wanted to thank you very much, obviously, for being here today. And I know that we've had the pleasure of having you before us previously when these types of proposals have come up.

And you certainly do provide a lot of information and food for thought, especially, I'm gonna mention your last comment regarding that we really don't know the impact that cannabis and alcohol has in combination because someone can actually think that

-- you know, a small dose of cannabis, it's legal, no issues, no problems, and then socially go out for a drink. And then all of a sudden and the impact of both of those things that separately, it would be under the legal limit, technically. The combination can certainly be dire in that regard.

Is there anything else that you wanted to add as part of your testimony?

DR. DEEPAK CYRIL D'SOUZA: Well, I think that in our -- in our preliminary data, we find that the combination of fairly low doses of alcohol and low doses of THC can have additive and sometimes synergistic effects in impairing many of the cognitive processes that are critical to driving. And also driving itself, we have a driving simulator in our lab, which allows us to actually test how well a person can stay within their lane. That is usually the primary outcome measure in driving studies. And we find that there's -- that is compromised with the combination of the two drugs. Whereas, either drug alone at those low doses may not have a significant -- a significantly significant effect.

REP. REBIMBAS (70TH): And is this currently a study that's still ongoing? And if so, is there an end -- a projected end date to it?

DR. DEEPAK CYRIL D'SOUZA: It's still ongoing. However, there is a study that has -- a similar study that was -- it's already been published in the last year-and-a-half, which came to the same kind of conclusions that the combination of the two drugs

have additive or sometimes synergistic effects on driving.

REP. REBIMBAS (70TH): Thank you for your testimony. Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Thank you.

Representative Smith.

REP. SMITH (108TH): Thank you, Mr. Chairman, and thank you, Doctor, for coming up. I do recall your testimony from a few years ago. And I'll just continue along those lines with Representative Rebimbas in terms of the simulation that you have at Yale. The -- how do you actually measure -- is that the way you measure, it's just a simulator in terms of being impaired because -- you know, you -- you sat here today and heard the questions about how the police will actually measure roadside and then having to go back to the station to have these DREs do their -- you know, with their training, do some type of additional testing. How is it that you're testing at Yale?

DR. DEEPAK CYRIL D'SOUZA: So, we use a driving simulator. And the driving simulator has several different scenarios. There's a city drive where you have to go through a typical city kind of scenario where there traffic lights, pedestrians crossing the street. Then there's a -- what I would call a merit folkway kind of drive, where you're going through driving on the highway, on a windy highway, where there may not be much cross traffic.

So, there are many different scenarios that we can -- that we can create. And a person watches that on a screen and has a steering wheel, an accelerator, brake, and we look at many different kinds of outcomes. One is, how well the person stays within their lane, that's one. Second is, how close or far a person is from the next car in front of them. Are they keeping a safe distance. These are not things that have developed by me. These are accepted standards in simulated driving tests. We also look at other outcome measures that we think are really important for driving, such as how well can you pay attention to what's going on. How -- how good your spatial navigation is and so on and so forth.

So, we look at a variety of measure in the simulator experience. And our studies are double-blind placebo-controlled studies, which means to say that we have the capacity to infiltrate these data in a much better way because it's double blind and it's placebo controlled.

REP. SMITH (108TH): And how long have you been doing this testing?

DR. DEEPAK CYRIL D'SOUZA: This is a study funded by the National Institute of Alcoholism and Alcohol Abuse. The study was funded about four years ago. We're still doing -- currently doing it. Looking at combinations of oral cannabis and -- and/or alcohol, smoked cannabis and different scenarios to try to recreate what people may actually be doing in real life.

REP. SMITH (108TH): And have you issued any results yet in terms of your papers?

DR. DEEPAK CYRIL D'SOUZA: Not yet, but the preliminary data are supportive of our hypothesis, which was that combinations of the two drugs would have greater affects than either drug alone. And I think that a person to the extent where -- that their driving would be significantly impaired.

REP. SMITH (108TH): So, we heard some testimony earlier today by some of the commissioners who indicated that -- you know, with cannabis, there's no -- there's no certain amount that you have to have in your system for it to be -- to impair somebody. And it affects different folks differently, based on my guess, and different factors could be weight, could be how much they've eaten, a number of different things. Have you looked into that as well when -- as part of your testing?

DR. DEEPAK CYRIL D'SOUZA: Yes, so -- so, it's very clear and I think someone else previously mentioned this, the relationship between blood levels of the drug and its effects are not reliable. So, someone could have a very low blood level, but could be impaired.

At the end of the day, what's really most important is the performance of a person or their impairment. And the blood level is never really going to dictate how impaired they are. And as you rightly said, people metabolize the drug differently. Their brain has a different response to the drug. And so one can't rely with any degree of certainty on blood levels as a way of showing that someone's impaired. And also, as someone mentioned earlier, if you may

have used cannabis three days ago and still gonna be in our system. And so the test too, it will be positive, but that doesn't really speak to how impaired you are at the time that you were apprehended or pulled over by the police.

REP. SMITH (108TH): Now, you mentioned when you first testified about the -- the brain not developing until about age 26. And I mentioned previously this committee has dealt with that issue in a number of different means in terms of criminal records and convictions and -- you know, trying to protect our younger folks who are supposedly their brains are not developed to age 26 and why -- why burden them with a conviction when they're not full there yet. So, we try to do some things here on this committee to protect them.

And I find it ironic at the same time that we've been very protective of our youth over the years. And now, we're here saying at age 21, you'd be considered an adult and you can engage in these types of activities. Now, I'm certainly no scientist, I have no knowledge in this area in terms of -- you know, when a brain develops, when it doesn't develop, but tell me as part of your studies, have you looked at someone who's age 21 versus age 26 and the impacts of smoking a joint and driving for a 21-year old versus a 26-year old, have you done those types of studies?

DR. DEEPAK CYRIL D'SOUZA: I haven't done those studies. But the studies that would really inform your question are the -- cannot be done really reliably in humans. And that's why we have to rely on studies in animals. So, the basic idea is you

take animals of different ages and different stages of development and expose them to cannabis or its principal constituents. And then you look at outcomes when the animals turn into adults.

And animal studies have convincingly shown that if animals are exposed to cannabis at specific stages of development, it have long-lasting consequences. And trying to extrapolate those animal studies to humans, it would suggest that the areas of functioning that might be most compromised would be cognitive function such as attention, memory and those kinds of processes.

REP. SMITH (108TH): Now, to just make sure I understand your testimony. So, you're suggesting to the Committee that those who intake marijuana at a younger age have a more likely outcome of having some type of cognitive impairment later on in their lives?

DR. DEEPAK CYRIL D'SOUZA: Yes. So, the human studies are -- are all observational studies. And with observational studies come certain limitations. And -- but the epidemiological studies in humans have shown that kids who are exposed to cannabis are more likely to have negative outcomes than adults who are exposed to cannabis. Meaning to say that, depending on where your brain development is at -- at the moment you're exposed to cannabis, that might impact, influence the long-term outcomes. Obviously, we can't take -- we can't do a study like this in humans and take a hundred humans and give them cannabis and a hundred humans and not give them cannabis and follow them over years. That's where the animal studies really become important.

REP. SMITH (108TH): I was wondering what was going on at Yale down there. [Laughing]

Is cannabis addictive?

DR. DEEPAK CYRIL D'SOUZA: There's absolutely no question that cannabis is addictive, to the extent that we -- we define addiction in psychiatry as when a person has trouble -- or a person spends a lot of time, money, effort either procuring the drug, staying high on the drug, recovering from the drug or trying to quit the drug. At the expense of either their inability to perform their duties as a family member, as a productive citizen in -- in society or as an employee, to that -- that's what we define addiction. And that definition of addiction applies to all drugs, whether it's opioids, whether it's nicotine, it's cannabis, it's alcohol.

And to that extent, yes, cannabis is addictive. Previous data from the 1990s suggested that only about 1 in 10 persons became addicted to cannabis. More recent data from the -- from 2015 with a much larger study and much more sophisticated analyses, suggests that about 1 in 3 persons could become addicted to cannabis.

And it's important for us to keep that in mind because we don't have any treatments for cannabis addiction. There's no FDA approved treatment for cannabis addiction.

So the question I pose to you all is, if we are -- if it's reasonable for us to expect that there are gonna be more people addicted to cannabis, what do

we have to offer them? We don't have anything at this present time. We have no treatments for cannabis addiction in the State of Connecticut or for that matter, in the world.

REP. SMITH (108TH): So, it's interesting because -- you know, hear folks who get addicted on opioids and other drugs and there seems to be a way -- there's at least attempts to get them off of drugs through various treatment programs. What you're saying, that's not available for cannabis?

DR. DEEPAK CYRIL D'SOUZA: So, we have some very good treatments for opioid addiction. We also have some FDA approved treatments for nicotine addiction. We don't have any FDA approved treatments for cannabis addiction. There are no drugs out there that we can use to help people quit or stay quit.

REP. SMITH (108TH): So, we often hear comments in talking to folks about today's marijuana is not like the marijuana that perhaps I grew up with. You know, folks used to just grow their own and do what they wanted. And it was -- it was what it was. And we hear today that today's cannabis is much stronger or much more potent, much more effective, I guess. I don't know. Can you talk about that a little bit, whether it is, or it isn't?

DR. DEEPAK CYRIL D'SOUZA: Sure. The principal active psychoactive constituent of cannabis is Delta 9 THC or tetrahydrocannabinol. And so, the addictive potential of cannabis is driven by the THC content of cannabis. So, cannabis from the 1960s, which was about 3 to 4 percent THC, is very

different from the cannabis that's available these days.

The typical cannabis available these days on the street is -- had an average THC content of about 15 to 16 percent, which is four times what it was in the 1960s. But as you've heard earlier, there are an array -- a dazzling array of products that have up to 85 percent THC content. A different vaping solutions, gummy bears, et cetera.

So, I would -- I would imagine then -- not imagine. I think it's very clear that these higher -- these products that have a higher content of THC are indeed going to be much more addictive.

REP. SMITH (108TH): And then just lastly, through you, Mr. Chairman. And again, thank you, Doctor, for coming up to testify today. I know you've been here a number of years in the past. You testified earlier about -- on about mental illness and the effect of marijuana on mental illness. And some of the literature I've read about some of the studies coming out of Colorado and some of our other states are -- that there has been a dramatic impact on the psychosis and the affect of those who have mental illness or even those who haven't had it, but now have it because of the cannabis. Could you talk to that just a little bit?

DR. DEEPAK CYRIL D'SOUZA: Sure. So, I think that it's fair to say that if you look at experts who've -- who watched other disease models, they say that it's going to take us at least 15 years to full understand the impact of some of these policy

changes. And we are not yet -- obviously, we are not 15 years down the line.

And when you think back to the tobacco epidemic, it took almost 70 years to recognize that there was a clear link between tobacco and lung cancer. And that was despite fairly compelling medical evidence because it was a systematic effect to discredit some of the information and to fight that information.

I think we are beginning to see some signals, some places like Colorado where there are higher rates, seem to be like there are higher rates of emergency room visits for psychosis related to cannabis. This is an area that I study very closely. And I think there's fairly compelling evidence, if you ask my colleagues in the mental health field, there's a fairly compelling association, a link between the use of cannabis and the development of schizophrenia. As you know, schizophrenia is perhaps one of the most devastating of mental disorders. We don't have any cure for it. Often people who develop schizophrenia end up leaving semi-productive lives and not being able to work at all or not being able to have families. They cost a significant amount to their families and to society in general.

And at a time, when in the State of Connecticut, we are actually pulling back on services, mental health services for people with serious mental illness, I have concerns about what are we gonna do with the anticipated new cases of psychosis-related cannabis? Do we have a surveillance program to detect new cases of psychosis in the State of Connecticut?

What are we gonna do with them if we do discover them?

There are studies that -- that are being published in this last year, a very important study that was published, a multi-national study, that showed that the population attributable faction, that is the number of cases -- new cases of psychosis that you could attribute to cannabis would be around 15 percent.
So, this is a lifelong severe illness. And if we know one of the risk factors for that, we really need to take this into account as we change our public health policy.

The second issue related to that is in people who already have schizophrenia or bipolar disorder. And those people, when they use cannabis, we are generally seeing very negative outcomes, such as hospitalizations. Often hospitalizations, for extended periods of time. Emergency room visits. Problems with the law. Homelessness. All these cost a lot of money and we really need to take those costs into the equation as we -- as perhaps one of the driving forces, my understanding is to -- for the state to fill it's coffer as we also need to think about how are we gonna pay for these expenses, these mental health care expenses that -- that might arise.

REP. SMITH (108TH): Yeah, I think that's a fair comment. I know Colorado is dealing with that issue now is the additional costs that they experienced as a state having to deal with these new-founded mental health issues that I don't think they were expecting when it first went into effect.

Just out of curiosity, did you have anything to do with our Medical Marijuana Program, do you -- are you involved with it at all?

DR. DEEPAK CYRIL D'SOUZA: Yes, I serve on the Physicians Advisory Board and I've been on that committee since its inception. And -- you know, I -- I heard earlier about how we can regulate -- we might be able to regulate recreational marijuana the same way that we've regulated the Medical Marijuana Program.
I have to confess that working at the VA, I've had a number of clients who have been able to go out and get medical marijuana cards. These are people with very severe mental illness, and they ended up in the hospital and we had to take care of them for six weeks.

So, there isn't a surefire way of making sure that people who shouldn't be getting marijuana are going to get marijuana and suffer the consequences of thereof. And by extension I would say, there's going to be a trickle-down effect, that even if we don't intend for children to use marijuana, there's going to be a trickle-down effect.

My son is 18-years old. He tells me that all the kids in his school are using marijuana. And the message that they're getting is a very confusing message. That on the one hand, we are saying it's medical, it's something that's approved for a medical purpose. It must be okay if it's approved for a medical purpose. And this is a very confusing message for kids.

But it's trickling down and the age of initiation of cannabis use has been slowly increasing over time. And the reason I'm concerned about that is because the developing brain is much more sensitive and vulnerable to the effects of marijuana.

REP. SMITH (108TH): And I think this is one of the concerns that some of us share here as well in terms of -- you know, we're saying if this were to pass, marijuana is okay, it's legal and you can use it. And based on testimony that at least you're stating that the brains not developed from 21 to 26. Perhaps we should take a look at age and maybe saying it's not okay. I don't know what -- if -- if you feel -- if there -- if we moved this to 26 and I don't know if this committee would do that, but if we moved it to some other level of age, where the brain has developed, how that would play out.

DR. DEEPAK CYRIL D'SOUZA: So, I -- I think you -- you should be aware that the Canadian Medical Association, which is the equivalent of the American Medical Association strongly recommended that they raise the age of cannabis in Canada from -- in some states where it's 18 to 26. I know the Province of Quebec, last year, raised the age from 18 to 21, based in part on some of the advice from the Canadian Medical Association.

I can tell you what I do at home, because I tell my son, if you can avoid using marijuana until you're 26, that's what I would prefer.

REP. SMITH (108TH): Well, Doctor, thank you for your testimony and for -- and Representative Candelora to bring you up here and share your --

your expertise with us, it's very helpful. And thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Thank you. I have Representative Porter followed by Representative Dubitsky.

REP. PORTER (94TH): Thank you, Mr. Chair. And thank you for your testimony today. I was just looking up some stuff because you were talking about no studies around treatment for marijuana. And I thought I had seen it and I was actually to land on the National Institute on Drug Abuse website. And they talk about how marijuana disorders appear to be very similar to other substance use disorders. And although the long term clinical outcomes may be less severe, they said that on average adults that are suffering and seeking treatment from marijuana use disorders are usually folks that have been on it for more than 10 years and have attempted to quit for at least six times. So, that's just how they're defining it.

But then they go on to state that there are available studies that indicate that effectively treating the mental health disorder with standard treatments involving medications and behavioral, therapies may help reduce marijuana use. And then they go on to talk about particularly among those involved with heavy use and those with more chronic mental disorders. And they give a list of behavioral treatments that have shown promise. So, cognitive behavioral therapy, contingency management, motivational enhancement therapy.

So, are you not -- are you familiar with this is, I guess, my question?

DR. DEEPAK CYRIL D'SOUZA: Sure. So, one of the other areas of research that I do is actually the treatment of cannabis dependence. And so, I'm very, very familiar with the literature. There are no approved treatments, drug treatments for cannabis dependence. Nothing is available. Every known class of drug has been tried and none of those have succeeded. But there's some -- there's some potential options.

So, we've completed a study last year where we used a drug that increased the brain's own cannabis-like substance. And in that study, yeah, endocannabinoids. And that study showed that we were able to reduce cannabis withdrawal in people who are seeking -- who were struggling with cannabis withdrawal. And that actually did translate into their use -- less use of cannabis. But that is a very early study that was published last year. We received a large grant from the National Institute of Drug Abuse to replicate that study that we are now doing at the Yale, Columbia, Johns Hopkins and Medical University of South Carolina, but it's still many years before which that promising treatment is going to reach the clinic.

And until that happens, we really don't have anything. All the behavioral treatments that you rightly mentioned, like CBT and contingency management, those are not specific for marijuana. Those were derived from other studies, for tobacco dependence. And unfortunately, the efficacy of those approaches is -- is very, very minimal.

REP. PORTER (94TH): Would you agree though that the marijuana or use disorders are similar to the treatment -- to the disorders that you're referring to that these treatments are used for?

DR. DEEPAK CYRIL D'SOUZA: They are similar, but I would say that these treatments that you're -- that you referred to were not designed specifically for marijuana. They were just taken from tobacco -- the tobacco literature and the opioid literature and applied to marijuana. So, the likelihood that they actually work, and work well is somewhat limited because they're not -- they weren't designed specifically for -- for marijuana.

REP. PORTER (94TH): Okay. I'm -- I'm -- I'll have a conversation with you offline because I think that's something that we could delve into a lot deeper.

The other thing that I wanted to comment is -- you know, we've been hearing a lot since -- well, I've been hearing a lot since I've been sitting here about the fact that -- and I totally agree that the -- the frontal cortex is not fully developed until 25 to 27. And I think it really depends on if you're male or female, but that's my opinion.

But I find it really ironic that we -- we hone in on that around cannabis use, when I sit on committees where we're trying to raise the floor in the state from 7 to 12-year old's, where we're arresting kids and putting them -- you know, away in detention, 7, 8, 9. So, we're talking about the difference between 18 and 21 for this. And this is just my

comment because this is what's been so frustrating here today. How are we justifying -- and this is not a question for you to answer, this is just food for thought for everyone that is listening.

How do we justify arrests of 7, 8, 9, 10, 11, if they don't have the brain capacity to make good decisions, right? Because this is the hang up that not just you, many, many people have around legalization and not being 25 or 26. Just had a conversation with my colleague to my left. This is on the issues she has. You know, she wishes that it was 25, 26. I think many of us could say that. And I think from what you responded to my colleague earlier, if your son can wait until 26, you'd be okay with that because it is a concern around what it does to the brain. And I just wanted to put that statement out there because there are other things that I deal with in this committee and with several of my colleagues that sit on other committees with me. I want us to remember this argument around a brain not being fully developed, when we talk about incarcerating kids.
Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Thank you, Representative, and point certainly well taken. I think we could -- we could spend a lot of time today talking about the effect on children and the like. But obviously, the bill before us is one that looks at adult use of cannabis and -- and much as how we've done with tobacco recently in this legislature and as we've long done with alcohol -- you know, starting at a starting point of 21 because that's -- that's the age that seems generally been used in these types of context.

Doctor, just before I turn it over to Representative Dubitsky, while I've got you, just one quick question. You've talked about the addictiveness. And I believe we've had this conversation in previous sessions as well. But is cannabis less addictive than alcohol?

DR. DEEPAK CYRIL D'SOUZA: Probably.

REP. STAFSTROM (129TH): Is cannabis less addictive than tobacco?

DR. DEEPAK CYRIL D'SOUZA: Probably.

REP. STAFSTROM (129TH): Is cannabis less addictive than prescription opioids?

DR. DEEPAK CYRIL D'SOUZA: Yes, for sure.

REP. STAFSTROM (129TH): Okay. And you talked about the cannabis that's available on our streets and the THC level being higher now. Have you had a chance to review the sections of Senate Bill 16 before us that addressed where the state will actually be able to limit the THC content of certain products that are sold commercially in the state, should this become law?

DR. DEEPAK CYRIL D'SOUZA: I haven't. I haven't reviewed that.

REP. STAFSTROM (129TH): Okay. Because I think that's an important point. I think one of the issues here is -- you know, I don't think anybody is advocating for -- you know, child use of cannabis.

I don't think anybody here is advocating for people to be using cannabis -- you know and getting behind the wheel of a car. I think what we're trying to do is recognize that cannabis is here, it's on our doorsteps. It's in Massachusetts and other places. And how do we properly regulate that, in much like we do other substances, which you acknowledge are more addictive. But that society has -- has decided to legalize as well, so.

Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you, Mr. Chairman --

DR. DEEPAK CYRIL D'SOUZA: If I may just respond to --

REP. STAFSTROM (129TH): Yes, absolutely, sorry.

DR. DEEPAK CYRIL D'SOUZA: I just did want to add that -- you know, I had mentioned I have an 18-year old son. And while we regulate alcohol and tobacco, we do an awful job at that. My son can get alcohol and tobacco whenever he chooses. So, I think we have to really keep in mind and not being deluded that we are gonna be able to regulate our kids from getting their hands on these drugs. And that's -- so, when we talk about the impact on brain development and we are clearly passing a law that would only people above the age of 21. We know very well that that trickles down and -- and that's something that we really don't have much control over, sir.

REP. STAFSTROM (129TH): No, I -- I certainly understand that. But I guess -- you know, we --

we'll just have to agree to disagree on this one, I think, as we have in years past. But -- you know, I always appreciate you coming up here. I always appreciate your testimony. I always appreciate the scholarship you bring with it. I just -- from my -- from my part, I just want to make sure we're clear sort of in terms of we've decided as a society that there are certain drugs, there are certain bad behavior that we're gonna allow -- you know, eating too many cheeseburgers is bad for you, too. But we don't limit the number of cheeseburgers you can eat in a day.

And I think it's -- it's important that we keep that macro perspective in mind kind of as we go through the rest of this conversation. Just in terms of where we as a society decide to draw that line or not. And we have -- whether we liked it or not, we have an artificial line kind of in our -- in our statutes as it is. And that's the starting place of this conversation as we sit here, we can't -- we can't have it in a vacuum.

Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you, Mr. Chairman. And thank you for coming in. As always, your testimony is very enlightening. A couple of quick questions. You had mentioned a linkage in some way between schizophrenia and marijuana use. And I've heard that from other people as well. And I guess my question is, do we know if -- you know, there's a chicken and egg problem in my mind. Does -- it is more likely that somebody who uses marijuana will be schizophrenic or is there more of a higher likelihood that somebody's who's schizophrenic will

reach out for marijuana? Have any studies been done on which causes which, if either?

DR. DEEPAK CYRIL D'SOUZA: Yeah. You ask a brilliant question. This is a --

REP. DUBITSKY (47TH): As always.

DR. DEEPAK CYRIL D'SOUZA: As always.

REP. DUBITSKY (47TH): That's right. [Laughing]

DR. DEEPAK CYRIL D'SOUZA: So, I think it's a little of both. I think there's some evidence suggest that people with schizophrenia and related disorders have, in general, a higher rate of substance use. And one of the substances includes cannabis. Okay. So, the one story is people with schizophrenia have higher rates of -- of cannabis use. And the other story is that cannabis use may be leading to schizophrenia. These are not mutually exclusive stories. They can coexist. And there are some approaches that -- that one can use to try and piece out this question. One such approach, and I'm not going to go into details, but if you'd like you can read about it, it's called Mendelian Randomization Studies.

And in these studies that I think three or four studies that have been done, there were two studies that showed that cannabis use led to schizophrenia and two studies showed that schizophrenia led to cannabis use.

So, the chicken and the egg story is still very much a story that is unresolved. But I would say, based

on some laboratory studies, based on studies in animals, and based on an overwhelming amount of epidemiological data, I think most of my colleagues in the mental health field would agree with me that there is a distinct risk between cannabis use and schizophrenia.

So, another way of putting it is that many people with schizophrenia also smoke cigarettes. And they often can smoke cigarettes like fiends. They don't smoke one packet a day, they smoke three packets a day.

But we clearly don't say that tobacco use causes schizophrenia. There's something peculiar about cannabis and its relationship to -- so this is something that was -- has been recognized now for almost 150 to 200 years. We'll never actually be able to get experimental evidence. But based on the limited evidence that we have, I think that -- I think we need to recognize it. And why do -- why do I say that? Because we don't know what the causes of schizophrenia is. But if we know that there are some risk factors and one risk factor being cannabis.

And if you believe some of the studies that are being published that suggest that about 15 percent of the cases -- new case of schizophrenia might be attributable to cannabis in areas of the world where cannabis is consumed, then I think we would be saving -- we would be doing humanity a great cause by preventing those 15 percent of cases. They cost a lot of money. They cost families a lot. They cost the individual a lot and so on and so forth.

REP. DUBITSKY (47TH): Now, with -- with a number of states around the country having legalized for recreational purposes, marijuana, are these studies being conducted because -- you know, previously it was very difficult or impossible to do studies with people. Well, now, obviously it's -- the -- the -- the circumstances for collecting that evidence seems to be around. Is anybody doing them?

DR. DEEPAK CYRIL D'SOUZA: So, to my knowledge, I'm unaware of any -- anyone who's doing it in a systematic way or if they're doing it, it's probably ongoing.

The challenge in the U.S. in doing these -- it's much more challenging to do these studies in the U.S. It's much easier to do these studies in countries like the Scandinavian countries that have registries where, number one, those countries have a national health system. So, you can actually track the number of new cases of -- of schizophrenia in the entire country.

It would be very challenging to do that in this country. But that said, that's one of the things that we need to do. We need to set up a surveillance program. Let's say, this will pass, I think some money should be set aside for us to monitor the number of new cases of psychosis and the number of new cases that can be attributed to cannabis. The number of -- the demand for cannabis dependence also needs to be tracked so that we can -- we can provide the resources to meet that need. So, yes.

REP. DUBITSKY (47TH): Okay. Well, a state like Colorado had had cannabis legal for recreational purposes for a number of years now. Do you know if -- you know, in that discreet area in -- just in -- in Colorado there -- there's anybody who is trying to determine whether or not legalization has increased the number of people with schizophrenia?

DR. DEEPAK CYRIL D'SOUZA: I -- I -- I don't know of any specific study. What do I -- what I do know of is published data on the number of emergency room visits of psychosis in the context of cannabis use. And that's been published and received quite a bit of media attention. But whether there are actual ongoing studies, I'm not aware of that.

REP. DUBITSKY (47TH): Okay. But an emergency room visit for psychosis related to cannabis doesn't necessarily mean schizophrenia, does it?

DR. DEEPAK CYRIL D'SOUZA: Well, actually it may. And -- and I'll just spend a minute addressing that. So, they've done studies in Scandinavia and Denmark and Finland, where they looked at people who were hospitalized in the emergency room for psychosis. So, people who went -- who were evaluated in the emergency room for cannabis-related psychosis. And they looked at what happened to those people in the ensuing, I believe, 15 years, in the one of the studies that was done. And they found that in those 15 years, depending on what definition used, between 50 and 75 percent of those people were re-diagnosed with what we currently call schizophrenia. Suggesting that if you have an event of psychosis related to cannabis, that was a harbinger for much

more serious long-term chronic illness that we currently call schizophrenia.

REP. DUBITSKY (47TH): Okay. Well, I -- I thank you for that. On a slightly different note, there are -- with alcohol, we generally have a blood level that we say above this you're drunk. We apparently don't or can't set a number with regard to marijuana use because it's different in every person. We also have a general idea of how much alcohol somebody needs to consume, based on their body weight, before they will have -- well, they'll essentially die from alcohol poisoning. Is there any way or any studies to find a way to determine those levels, based on an individual's body weight or other factors --

DR. DEEPAK CYRIL D'SOUZA: So, just --

REP. DUBITSKY (47TH): -- with marijuana?

DR. DEEPAK CYRIL D'SOUZA: Yeah, just to be clear and to be fair that in contrast to alcohol, where a person can actually die from alcohol poisoning, that's -- that's almost impossible to happen with cannabis. Okay. They're just two different drugs and they don't produce those kind of effects. So, we don't have to be worried about that.

The problem with trying to relate blood levels of -- of THC to effects, is one that's -- it's almost impossible to really answer. I don't think we'll ever get to that point where we'd have a blood level that's going to be able to tell us how intoxicated someone is.

To me, the bottom line is how intoxicated is this person and how intoxicated a person is not defined by what their blood level is but based -- but defined by how they're performing on certain behavioral and psychomotor tests.

REP. DUBITSKY (47TH): Okay. So, is it your feeling that there never will be a field sobriety test that measures either blood, THC level or some other THC level in the body, that it will always be a -- you know, walk the line, touch your nose type of thing?

DR. DEEPAK CYRIL D'SOUZA: So, let me try and explain that. I think that getting blood tests, there being attempts to actually do pharmacological or pharmacokinetic models, where based on your blood level, you can try and predict when the person last used. The challenges separating out new use from old use. So, if someone's using every day, their blood is gonna be positive for THC. How do you test -- how do you separate out new use, like someone who used just before they got into a car and before -- and they were apprehended by the police? There are some sophisticated models that are being used to try and predict that. That might happen. But, I guess, at the end of the day whether it stands a test of law or a challenge in a court is going to be the real issue.

REP. DUBITSKY (47TH): Okay. All right. Well, thank you very much for your -- your input, it's very interesting. Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Thank you.

Representative O'Neill, followed by Representative Porter.

REP. O'NEILL (69TH): Yes, thank you. Actually, I want to go back to a conversation that you actually had with Representative Porter a few minutes ago. And it -- it touches on this issue of the developmental -- the stage of the human brain. In that, what I get you're -- that you're talking about is that a brain that's under 26 years of age -- excuse me -- not having fully developed, is more susceptible to some sort of an impairment as a result of the use of marijuana, is that what you were talking about, when you were referencing the brain development and that sort of thing?

DR. DEEPAK CYRIL D'SOUZA: Yes. So, let me, if I may explain. So, all of us, whether we smoke cannabis, or you have ever used cannabis have a brain -- have an endocannabinoid system. Okay. The brain, just like regardless of whether a person has used opioids, we know that there are endorphins in each of us. And endorphins are releases when the -- you know, let's say, go on a long run or something like that.

So, we have a brain endocannabinoid system. This brain endocannabinoid system serves a very important -- serves several important functions. And one of the functions that the endocannabinoid system may serve is in telling neurons when to connect with each other and telling which neurons should be removed and which should be kept.

Now, when that endocannabinoid system is -- is bombarded by cannabis, it can have far reaching

effects. So, it can result in -- it can result in many, many far-reaching implications. So, there are studies that are showing that adolescent rats, for example, exposed to cannabis will have alterations in the wiring of the prefrontal cortex. The prefrontal cortex is that part of the brain that's really important in planning and execution. And so that's one possible implication.

Another possible implication is that we know that the developing brain is much more vulnerable to addition. So, across the board, kids who are exposed to any substance of abuse are much more likely to abuse a substance than if that same person was exposed to the substance in adulthood.

Am I -- am I making sense?

REP. O'NEILL (69TH): Yeah. I -- I -- I think you're basically agreeing with me, which is that the problem isn't that they're gonna make bad decisions about using marijuana because their brain isn't fully developed at age 23 or 21 or 19, but rather that if you take marijuana -- use marijuana or have cannabinoids in your system, however it gets there, that it could have an adverse effect on the development of that brain up to age 26. And then the chances of -- because the brain's fully developed in most people, it's not likely to have much of an impact, if any, on the development of the brain and its rewiring function that you just described.

And I guess I would draw a distinction between that issue and the issue that when we talk about raising the age of criminal liability or other things, which

really refers to the -- the degree to which we as a society should hold people responsible for the decisions that they make because until at some point their brain reaches a level -- a certain level development, we think that it's inappropriate to hold someone who is incapable of making rational decisions or properly evaluating risks or appreciating the consequences of their action and all those other things that flow from that undeveloped brain, trying to make a decision at age 19 or 20 or 23 or 26.

So, I bet that's really, I think, what you're talking about is the physical condition of the brain. And what we frequently are talking about when we're talking about age of majority or the degree to which we will hold people liable for things is the -- you know, in fact, social evaluation that we make that you're capable of being held responsible for making decisions. What we have a minimum standard of behavior and you've reached that point where you should be able to make decisions that we consider binding on you that you've got enough development that you're gonna be held liable for what you -- decisions that you do make.

And that's -- that's really, I think, those are -- it's sort of like they both relate to age 26, but what you're talking about is physical brain development and consequences of taking marijuana versus the way we as a society evaluate what you are gonna be held liable for as a society.

So, and that's my point. I'm assuming that you would agree that that's a distinction that you were drawing.

DR. DEEPAK CYRIL D'SOUZA: Yeah, I -- I think I'm -- I'm in the best position to speak about brain development and the effects of drugs and that. I'm really not the person to -- I'm not an expert on the moral -- you know, implications of whether someone at 21 is -- is in a better place to make decisions. But your -- but I -- I agree with your general point that, yes, the brain is impacted by the -- by exposure to cannabis when it's developing.

REP. O'NEILL (69TH): Okay. And just one last point, is that -- and I agree that eating five cheeseburgers is probably not good for you at a single sitting. But I'm not aware of any evidence that it's likely to cause you to go out and have an automobile accident because you had a fifth cheeseburger, so.

REP. STAFSTROM (129TH): Representative Porter.

REP. PORTER (94TH): Thank you, Mr. Chair. Hi, again. I want to go back to the conversation that you all were having around schizophrenia. I wanted to know if you could speak to the percentage of -- the impact of other drugs outside of cannabis and how they correlate with schizophrenia?

DR. DEEPAK CYRIL D'SOUZA: So, again, going back to some of the best work that's been done, which is really done in Scandinavia, small countries, national health system, very good registries. I think those studies clearly show that the risk of

schizophrenia or psychosis is greatest with cannabis and all the other drugs are much, much lower than that.

REP. PORTER (94TH): And -- and you did say that these were studies, but there was no scientific evidence, I just want to -- for a point of clarity for the record, is there scientific evidence to support what you're saying around the correlation with cannabis and schizophrenia?

DR. DEEPAK CYRIL D'SOUZA: So, I'm not sure what -- what you mean by scientific evidence in terms of, I think these were studies that were epidemiological studies as opposed to experimental studies. So, we would obviously never be able to do experimental studies where we take -- you know, one group of humans an another group of humans and give them cannabis and -- we'd never be able to do that.

So, we have to rely on the best available evidence, which is -- and these studies have tried to control, to the extent possible, for many of the confounders that are typically present in epidemiological studies. And these studies would suggest that the risk of conversion to psychosis seems to be highest with cannabis as opposed to stimulants like, like cocaine.

REP. PORTER (94TH): Cocaine.

DR. DEEPAK CYRIL D'SOUZA: Amphetamines, methamphetamines and so on and so forth.

REP. PORTER (94TH): Okay. And my last question, through you, Mr. Chair. In these studies, has it

been taken into consideration the fact that folks that are -- we're talking about the correlation of schizophrenia with how street drugs and street cannabis is being laced with all kind of things these days, right? Has that been taken into consideration because what we're talking about legalizing is something totally different than what I believe most people have access to on the streets unless they're growing it?

DR. DEEPAK CYRIL D'SOUZA: So, that's a very good question. And these studies though, they actually accounted for the other drugs that would often be -- cannabis could be spiked with. So, as you know, cannabis can be spiked with PCP and a whole lot of other drugs.

But I think these epidemiological studies that were done in -- in -- in Scandinavia, I don't know whether they actually tested the cannabis itself or what it contained. But they went on word of mouth and asked people what they were smoking.

REP. PORTER (94TH): And thank you for that response. Thank you for all of your responses and thank you for being here today. Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Thank you, Doctor. Seeing no further questions. Appreciate both [Inaudible - 04:38:31].

Next up will be Steven Hernandez, followed by Reverend Abraham Hernandez.

STEVEN HERNANDEZ: Thank you, and good afternoon. Chairman Stafstrom, ranking and other distinguished members of the Judiciary Committee. My name is Steven Hernandez, I'm the Executive Director of the Legislatures Nonpartisan Commission on Women, Children, Seniors, Equity and Opportunity. You'll see from our testimony that we have focused on the equity components of our support for this bill.

But in my oral testimony, I really want to focus on children, and I want to focus on communities. And the two opportunities that I think this bill is -- is missing on those two fronts.

Firstly, on children, in the State of Connecticut, there is a really robust movement to expand its preventions efforts when it comes to a school, family and community-based approach to prevention.

In different parts of the state, what we're seeing is that prevention is critical and building the social and emotional skills that children need to know in order to build resilience, in order to reach out when they need help, in order to reach out when they feel despair or alone. These are the protective factors that help children from experimenting or engaging in other risky behaviors that could lead them down the road to addiction.

Secondly, opportunity for communities. The history is clear, the outcomes are clear. Communities are disproportionately impacted by the drug war. And the drug was a two-prong effort. It was an effort to use drugs as a pretext to attack communities on the one side. And on the other side, it was the

ravaging impact of drugs on the very communities that were being disproportionately targeted.

Drugs were everywhere, we know that in the '80s. But it was the urban centers that were targeted for enforcement. And we know now because of what we're learning from opioids that this is really drug use that sort of needs to be attacked as a drug use disorder. And we need to attribute more resources to that.

I just want to say that legalization is really a way to bring the illegal market of marijuana -- this particular drug, which we've heard is less addictive than some of the other legal -- legal substances that we have access to and be able to regulate it in a way that is responsible. Regulate it in a way that keeps it out of the hands of children.

For this purpose, I am -- I am defining children up to the age of 25, 26. And really end what I think is -- has been part of the problem in that very people who are holding the marijuana on the one hand are also holding other drugs on the other hand that are much more dangerous and could lead to a lifelong -- to lifelong peril.

That is -- that is the bulk of my testimony and I'm open to your questions.

REP. STAFSTROM (129TH): Thank you. Appreciate it. Questions from -- Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman. Good afternoon, Steven.

STEVEN HERNANDEZ: Good afternoon, sir.

REP. FISHBEIN (90TH): So, with children of broken families are an issue with -- with children. And am I to understand that if we pass this law, this activity would still be illegal under federal law?

STEVEN HERNANDEZ: Well, I'll tell you, the issue for us is that in the State of Connecticut, the enforcement of the law is -- is disparate. And there's very little attention to prevention on the whole scale level. So, our argument is, bring this out of the shadows, regulate so that parents act as responsibly as we expect them to act whether it comes to firearms or other responsibly held instruments or prescription drugs or anything else that children might run into. It's important that families work together in order to prevent.

I think you're right, that under federal law this would still be illegal, and I know that there are efforts for legalization in -- on the federal level. But, yes, it would still be illegal on the federal system.

REP. FISHBEIN (90TH): So, in -- in the context of your employment, have you sent a letter to our federal delegation asking them to champion this cause? Because I don't hear them championing this in Washington. Have you -- have you --

STEVEN HERNANDEZ: We've heard some efforts. But I really try to -- with our meager resources, I really try to focus our effort in the State of Connecticut.

REP. FISHBEIN (90TH): Well, how -- I mean, because one of the things that the -- the major thing that I'm struggling with here is I took an oath.

STEVEN HERNANDEZ: Yes, sir.

REP. FISHBEIN (90TH): I took an oath to uphold the State and the Federal Constitution. And the Federal Constitution says, it's a Supremacy Clause that if the feds pass a law, the states can't just -- I mean, that's what -- we fought the Civil War over this issue. You know, whether or not states are gonna follow federal law or they were gonna come up with their own -- their own thing.

So, you know, the Federal Department of Justice could say, well -- you know, Connecticut you've become a marijuana sanctuary state and we're just gonna arrest all of those people. We're gonna enforce the law, which is gonna impact kids because we're gonna have more broken up families.

STEVEN HERNANDEZ: It is possible, sir. But I do know that there was some initial movement to increase enforcement under this current administration at the beginning of the administration. I also know that that energy was pulled back by the administration so that there hasn't been a -- an uptick in enforcement at the state level by federal officials for -- you know, such as Colorado and California for the recreational use of marijuana. I do believe, however, that the crux of the issue -- the crux of the peril is that marijuana that's available today in the State of Connecticut, there is no regulations. We have no idea what's in this marijuana.

You've seen some of the things that have happened in some of our towns and cities where people who thought they were buying marijuana actually ended up buying Fentanyl. And it's very risk and very perilous. And it's important that -- you know, education has to be a critical component of this. And what brining marijuana to the light does is it allows us all to have an honest conversation about a substance that is already available, just like alcohol is. The -- the gentleman, the doctor before, mentioned how easy it was for his 18-year old to get alcohol. That doesn't mean we should ban alcohol. It means we're not doing a good job regulating and educating.

And I would move the age up to 25 because I don't believe that these substances should be available on college campuses, where you do have 18-year old's, sometimes all the way up to 21, 22 year old's. And because I do believe that it is -- it could potentially cause an impairment to human development and the brain development.

I also don't separate between the questions of brain development and the abilities. Because it's actually the very -- the very same part of the brain that is developing is the part of the brain that determines whether or not we can understand the consequences of our actions, three, four, five steps down the road. But -- so, whether it's the fact that that part of the brain isn't developed and we're not making responsible decisions or that marijuana might have an impact on that, on the proper development on that part of the brain, I

don't see too much of a distinction, except to say, raise the age to 25.

REP. FISHBEIN (90TH): But in this law -- you know, certainly one can -- they call them contact highs, right?

STEVEN HERNANDEZ: Yes, sir.

REP. FISHBEIN (90TH): You're in the room, four people, I'm not smoking, but the other three are and I get stoned, right? What's in this law, once again, children, to protect children from contact highs? I mean, is there -- there's no provision in here that says -- you know, that it's automatic referral to DCF or something like that. What protections would you be looking for because it's totally silent?

STEVEN HERNANDEZ: I think it shouldn't be silent because there are some protections, as we've heard in previous testimony, in terms of the periphery around businesses where you or public -- places of public accommodation. We also have to ensure that if you're in your home, a parent shouldn't have the right -- I think, just the way you shouldn't have the right to smoke nicotine in your house with children in the house.

As you know, we had a -- we had an initiative a few years ago where we tried to ban smoking in vehicles, where there were baby seats. I served on that task force and we were very strong proponents of that law as well.

A contact high is a contact high and it's just as bad as -- and it's just as bad as nicotine exposure for the little ones. They just shouldn't be in the room when it happens.

REP. FISHBEIN (90TH): Well, is it -- I mean, I thought from the doctor's testimony before you that potentially a contact high was of more harm to a child -- to a baby, than being exposed to tobacco. Did I hear something different?

STEVEN HERNANDEZ: I'm -- I'm not sure that that's what I heard in the testimony. I don't differentiate between the two. I think the contact high with the potentially dangerous mind-altering and brain development-altering substance, whether it's nicotine or artificial cannabinoids to -- in the position of this commission is the same.

REP. FISHBEIN (90TH): Yeah, because certainly putting alcohol and God forbid, putting alcohol in a baby's bottle is bad.

STEVEN HERNANDEZ: Right.

REP. FISHBEIN (90TH): You know, tobacco, bad. But here we have a -- what we've heard is an addictive substance in the air. And I see no protections in -- in this law for children. But so -- I thank you. Thank you for your testimony.

STEVEN HERNANDEZ: Thank you, sir.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Thank you.

Representative Palmer.

REP. PALM (36TH): Hello, sir, how are you?

STEVEN HERNANDEZ: Hi, how are you?

REP. PALM (36TH): Since you have expertise in both children and seniors, how do you feel about edibles, which some seniors are -- it's easier for them to use and yet we're worried about use by kids?

STEVEN HERNANDEZ: Well, there is -- I know that there's some language in this bill about -- about disallowing the creation of some of these edibles that are attractive -- especially attractive to children, not -- ensuring that they don't look like candy or other attractive nuisances. I know it's the incorrect use of the term, but attractiveness, for lack of a better term.

In terms of seniors, again, this is a matter of proper regulation. And, you know, there is -- there is the fine balance, I think sometimes, as Representative Fishbein was saying, of individual liberty versus the -- the desire to protect vulnerable populates. I think, in so far as -- as adults want to have access, they should have access to a legal substance in a way that is responsible and doesn't harm others.

You know, one of the things about the edibles is that they reduce the risk of exposure to others as well. And -- and I would recommend that we think very -- just continue to think very carefully about how it is that we promote and these products. Our

industry should work responsibly so that we're not creating products that are attractive to children.

As you know, there -- when I was growing up there were cigarettes that you could buy, or bubblegum shaped like cigarettes where you just blew, and a little bubblegum smoke would come out and you'd chew the cigarette. You know, and I thought just as glamorous as any 21-year old who was smoking on the street.

REP. PALM (36TH): Thank you. Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Thank you. Further questions from the Committee? Seeing none. Thank you for being with us. Steve, appreciate it.

STEVEN HERNANDEZ: Thank you very much.

REP. STAFSTROM (129TH): Next up will be Reverend Hernandez. Reverend Abraham Hernandez.

REVEREND ABRAHAM HERNANDEZ: Thank you, Chairman. I want to field in members of the Judiciary Committee. I am Reverend Abraham Hernandez, Executive Director of the National Hispanic Christian Leadership Conferences Connecticut Chapter, which represents over 200 Hispanic, Evangelical Clergy and churches in the state.

Today I don't want to get too much into details. I know that there is testimony of a colleague, Dr. D'Souza, provided regarding studies and psychosis and so on. But I've have -- I had the opportunity to visit other states. Before I do that -- speak on that, I want to testify in opposition to S.B. 16,

which is, AN ACT CONCERNING THE ADULT USE OF CANNABIS. In the 33 states I've had the blessing of visiting these last five years, I've managed to visit some of the states, which have legalized recreational marijuana. And have heard of the calamity that it has caused in our urban centers. The states especially in the black and brown communities.

And to hear our Governor and other proponents say that S.B. 16, once legalized, will put a stop to the black market, it is significantly concerning. Why? Because there's pure evidence and convincing data that reveals that an increase of criminal activity is taking place in these states.

In Colorado, a recent respected legislators in Colorado indicated that narcotics officers indicate that there's been a 50 percent increase in black market sales. And in Colorado -- I mean, in Oregon, since it was legalized, we're talking about 70 percent of the marijuana sales are sold in the black market.

When we hear that we want to take a chunk out of the black market, I think that this is basically becoming -- it's gonna become something in which we're gonna want to take a chunk out of the new pie that will be created by fostering a new industry.

It's interesting that I was looking at a recent data that stated that in Vermont, yes, folks were able to -- to do the homegrown marijuana, but that -- and a recent study stated that 68 to 70 percent of the state residents didn't want it to be legalized for recreational sales.

We're talking about folks who possibly said we want it to be legalized and now, I believe, that they're having bars, remorse and recognizing the devastating impact that this is causing their states.

I also want to speak to the black market and the social adjuster's argument. I have always found it interesting that this has been an argument by the proponents. But in recent conversations with -- with clergy, we're not looking at it that way. And -- and I -- and I speak about meeting with blacks and Latino clergy. Speaking about over 400 clergy that we've spoken to in the last couple of years who state that it's not a black -- a black and brown issue because since it was decriminalized in 2017, OPM has stated that only 27 people were arrested in that year, in 2017 because of marijuana-related incidents.

So, we recognize that this is not a black and brown issue. It's not a social justice issue. It's a money issue and that's what we're seeing to vote, no.

REP. STAFSTROM (129TH): Thank you. Questions from the Committee? Seeing none. Oh, hold on.

Senator Winfield.

SENATOR WINFIELD (10TH): Thank you, Mr. Chair. Reverend Hernandez, how are you? Good to see.

REVEREND ABRAHAM HERNANDEZ: Good morning, sir.

SENATOR WINFIELD (10TH): Just a -- just a question. You talked about the black market in Colorado and other places.

In your efforts to research this, did you look into why that took place at all and how what we're doing does or doesn't line up with what happened in Colorado and other states?

REVEREND ABRAHAM HERNANDEZ: Well, what I see is a couple of days ago I just saw an article from Massachusetts where there was someone that was driving by and they saw smoke coming out of the chimney. They called the fire department, 911. When they came, they didn't find no one. Knocked on the -- knocked on the door and they found over 900 plants with a sophisticated operation with lights and sprinkler systems. They couldn't find who the owner of the -- those who started this operation were because they provided the owner of the property a false phone number. And this is just something next to our doorsteps, right across the border.

So, seeing this goes to show that this is gonna perpetuate the black market increase in finding creative ways for them to try and buck the system.

SENATOR WINFIELD (10TH): And I guess the reason I ask you that question is my understanding is that in several of the states where it's been referenced that the black market has increased that regard wasn't initially given to how you allow people to grow on their own and that had a lot to do with that black market looked like.

And I know in this bill it's an interim bill so that we don't initially just roll out the allowance for people to grow, however they would feel like growing. And that we're trying to be a little more thoughtful about that, particularly given the things that we've seen in other states.

So, I just wanted to find out if, what you were talking about was what I had come to understand had been the issue or not. But thank you for your testimony.

REP. STAFSTROM (129TH): Further questions? Seeing none. Thank you for being with us.

Christine Rapillo.

CHRISTINE RAPILLO: Thank you, members of the Judiciary Committee. I'm Christine Rapillo, I'm the Chief Public Defender, and I'm happy to be here today to testify in support of Senate Bill 16.

We believe that this bill that legalizes the use of cannabis for adults will have a positive impact on the criminal justice system. It will eliminate prosecution of low-level cannabis offenses, which should lead to fewer overall cases coming into the court system, which will be helpful in an area where myself and the other criminal justice partners are continuing to struggle with staffing levels.

It should also have a positive effect on racial disparity that has plagued our criminal justice systems, since the data has shown over the years, the communities of color and poor people have been

more likely to be impacted and to be arrested for these offenses.

We are hopeful this will also lessen the stigma and the impact of collateral consequences that folks have suffered over the years of being arrested for low-level drug offenses and having legal consequences, legal collateral consequences relating to housing, employment and education, but also community-based stigma that comes with these type of convictions.

We do have two issues with the language in the bill, this starts at around line 277. The legislation legislates the admissibility of a drug recognition expert evidence. And we believe that that impacts on people's due process rights to be able to challenge evidence coming into court. This is expert testimony and our position is that that evidence ought to be evaluated by a judge and by the court system just as any other evidence is. It's expert testimony. There is case law out there that talks about how courts need to evaluate expert testimony. These are examinations that get done by officers and individuals who are charged ought to be able to question whether the procedures were followed correctly, whether the observations of the officers were correct.

Our other concern has to do with the requirement that an ignition interlock device would be required -- continues to be required for individuals who are only convicted for operating under the influence of a controlled substance. As we've heard from other witnesses this afternoon and this morning. The I -- idea does not do anything to test for whether

somebody uses a controlled substance, wouldn't help deter or determine if somebody had used marijuana.

We've had legislation that our agency has proposed, I think we've spoken to just about everybody on this committee about it, that indicates that when somebody is poor and doesn't have a car or can't afford to install that device, it results in a lifetime suspension because you can't get your license back unless you have a car where you can put that device on it.

So, our concern is that this will perpetuate that for a group of people where you're not really getting any kind of a public safety or deterrent effect.

Overall, however, we think this is a positive proposal that promotes fairness and efficiency in the criminal justice system. I also submitted written testimony and I will stop here and take any questions that members of the Committee may have.

REP. STAFSTROM (129TH): Just real quick, on admissibility under line 279. So, what you're proposing is that we -- we use something more like the standard Daberg reporter type of analysis --

CHRISTINE RAPILLO: That's exactly.

REP. STAFSTROM (129TH): -- and maybe the indication from the legislature that -- you know, we considered Drug Recognition Experts were properly certified and trained to be -- you know, a way to determine if impairment and then let the judge evaluate that

particular expert under the Dahlberg Reporter standard?

CHRISTINE RAPILLO: That would be what we're looking for, much like any expert or scientific testimony would be admissible in court.

REP. STAFSTROM (129TH): Further questions or comments from the Committee?

Representative Blumenthal.

REP. BLUMENTHAL (147TH): Thank you, Mr. Chair. And thanks for being here. I just had a follow up on the Chair's question.

Do you have a position on whether DRE evidence should be subject to Porter, or would you be fine with a provision that said that DRE evidence would be admissible to the same extent as any other expert evidence?

CHRISTINE RAPILLO: I think it should be subject to a Porter or a Dahlberg analysis just like anything else. It's relatively new. I think it's been preliminarily tested in a few other states. It's certainly not something that's gone very far to be tested. So, you know, our concern is that people have our due process right to challenge evidence.

So, I -- I would prefer that it be tested -- that the courts be allowed to test it the way they test other experts and that it not be legislatively mandated.

REP. STAFSTROM (129TH): Thank you. Further questions from the Committee? Seeing none. thank you very much.

CHRISTINE RAPILLO: Thank you.

REP. STAFSTROM (129TH): Next up with be Matt Simon followed by Mayor Bronin if he's around still.

MATT SIMON: Thank you, Senator Winfield, Representative Stafstrom, Honorable Members of the Judiciary Committee. My name is Matt Simon, I live in Manchester, New Hampshire and I work for the Marijuana Policy Project. We're a national nonprofit organization dedicated to making cannabis legal for adults and regulating it similarly to alcohol.

For more than a decade, I've had the privilege of working on cannabis policy issues in my own state of New Hampshire as well as several other states, most notably Massachusetts, where I served as a member of the Drafting Committee for Question 4. And Vermont, which in 2018, became the first state to legalize cannabis for adult's use, through the legislative process rather than by voter initiative.

I applaud the Governor for bringing this bill forward, the Committee for holding this important hearing. I do support the bill. I have submitted written testimony.

My written testimony mostly is an update on what's happening in other Northeastern States. So, I believe I'll leave that for you to read, unless you ask specific questions.

I'll just mention a couple of notes. One, we heard that Vermonter's have buyer's remorse. I was just in Montpelier last week where the House voted 90 to 45 to pass a bill to regulate and tax cannabis sales.

The previous week, a poll came out, it was conducted by an independent polling firm called Public Policy Polling. It found that 76 percent of Vermonters support their current law allowing home cultivation -- or I'm sorry possession. 74 percent allowed the current law allowing home cultivation. And 76 percent support adding a regulated and taxed component. So, I would suggest that that poll, which is a very comprehensive poll, and I included the link in my written testimony, shows the opposite. Vermonters like their current law, allowing possession and cultivation and they want to see a regulated sales component added.
I'll spend the rest of my time, whatever's left, talking about the marketplace. You've heard that the illicit market simply can't be eliminated and hasn't been in other states. And I thinks that generally false that it -- while you can't illuminate an illicit market overnight or in a year or two, as markets do mature, as supply is able to meet demand, the trend is very favorable in that regard.

To illustrate the current market in Connecticut, I saw a story last week that said there was a 62-year old resident of Milford, Connecticut, who's a pilot, and he was sentenced to two-and-a-half years in prison for moving two tons of cannabis from

California to Connecticut over the space of two years.

They caught him with 400 pounds. So he made several trips of 400 pounds. He was flying to California and he was flying back with 400 pounds of cannabis, none of which, of course, was tested. I would assume that whoever's selling it wasn't checking ID and not what we would call a regulated market.

I heard a lot of uhs and ahs when the gentleman mentioned his two pounds that he received in an envelope. This is, I believe, 200 times that amount. And what I would suggest we're able to do, by creating a regulated cannabis -- cannabis market is to change the incentives that exist. The incentives that are telling this pilot that the best way he can make money is fly to California and back with cannabis. The best way for somebody else to make money is have it sent to them in the mail.

This was not the kind of marketplace that -- that is going to protect public safety or public health. And the only way to compete with it -- we've been trying to stamp it out through -- through the criminal justice system for decades. The only way to compete with this market is through economics, by licensing stores and having them compete, which they have.

REP. STAFSTROM (129TH): Okay. Thank you. Questions from the Committee? Seeing none. Thank you for being with us. I appreciate you making the trip down.

MATT SIMON: Thank you.

REP. STAFSTROM (129TH): Mayor Bronin. I think he -- I think he was here earlier, he had to take off.

Megan Krementoweski.

MEGAN KREMENTOWESKI: Is it okay if we combine our time?

REP. STAFSTROM (129TH): Yeah, I just need names for the record.

MEGAN KREMENTOWESKI: I'm Megan.

REP. STAFSTROM (129TH): You're Megan?

MEGAN KREMENTOWESKI:

KRYSTINA JACKSON: I'm Krystina Jackson. K-r-y.

REP. STAFSTROM (129TH): Okay. Absolutely. Go ahead. Please proceed.

MEGAN KREMENTOWESKI: Thank you. Senator Winfield, Representative Stafstrom, Ranking Member Kissel and distinguished members of the Judiciary Committee. My name is Megan Krementoweski. I'm an MSW policy student at the UConn School of Social Work. And I'm testifying in support Senate Bill 16, AN ACT CONCERNING THE ADULT USE OF -- USE OF CANNABIS.

This bill presents a chance for Connecticut to further honor individual privacy rights, prevent discrimination, criminal economic development and work to right the wrongs that marijuana prohibition

has placed on communities of color, use and for communities throughout our state.

The criminalization of marijuana has been selectively enforced and its enforcement has relied on illegal searches and other methods that violate civil liberties. These laws criminalizing cannabis impose the hardships of an arrest, an arrest record, and often prison terms on people who are disproportionately young, poor, black and brown.

There is no reason that Connecticut should not be the next state to legalization marijuana. A poll by peer research centers says that two-thirds of Americans favor marijuana legislation and 74 percent of millennials are also for this legislation.

This is a demographic we need to attract to the state to grow our population and fill Connecticut's significant workforce shortages.

Although I am supporting this bill, I recommend adding language that provides automatic expungement for anyone convicted of possessing cannabis. As the bill is currently written, as we've noted, anyone convicted of possessing cannabis prior to this legislation would have to file a court position -- petition -- excuse me -- to erase the related records.

Connecticut's history of disproportionately arresting people for cannabis possession overall and a track record of racial disparities in this enforcement mean that communities of color continue to suffer from decades of prior marijuana criminalization.

I therefore encourage this committee to strengthen this bill with prohibitions on discrimination against people with cannabis-related convictions. The war on marijuana, like the War on Drugs, overall has torn apart families and devastated communities acting as a vehicle for racial injustice.

I urge you to support this bill to mitigate these past injustices and prevent them in the future. Thank you for your time and for the opportunity to testify.

REP. STAFSTROM (129TH): Thank you. And we'll now hear from Krystina Jackson, who is number 73 on our list. Go ahead.

KRYSTINA JACKSON: Senator Winfield, Representative Stafstrom and all distinguished members of the Judiciary Committee. My name is Krystina Jackson. I'm a resident of Hartford and currently earning my master's in social work at the University of Connecticut with a focus in policy practice, international issues and human rights.

I'm testifying today in support of Senate Bill No. 16, AN ACT CONCERNING THE ADULT USE OF CANNABIS. According to the Office of Legislative Research, 11 states have legalized the possession of specified qualities of cannabis for recreational use by adults aged 21 and older.

A large majority of these states, however, have legalized in a way that did not seize this moment to ratify the damage that has been done to black and brown communities during this still ongoing War on

Drugs. Overpoliced communities, lack of access to opportunities and unfair sentencing have only exacerbated the school to prison pipeline and have fragmented families in a way that will be damaging for generations to come. Here and now, we have an opportunity to not just bring a multi-billion dollar industry to Connecticut but ensure that the people at the center of prohibitions shortcomings are at the heart of the solution and allocating a large majority of the revenue to community restoration in areas that desperately need it.

Based on the data, it is the health of our urban communities that is most at risk. If there is a concern about youth prevention, it should be centered on the young people who are now institutionalized because of the possession and distribution of this drug.

Now, that the state plans to collect tax revenue using the same method, there’s a debt to be paid and reconciliation to be made in our communities.

Right now, Connecticut has a chance to embrace equity and further its lead in criminal justice reform.

We must of dismantling the ways in which cannabis has enabled the school to prison pipeline and stop using fearmongering with parents.

As extensive research done by the marijuana policy project shows, teen use of cannabis declines in states that have legalized. Similarly, when we think of addiction, we should look to studies that confirm marijuana use as an effective source of

treatment for opioid abuse. Not to mention, a large amount of Connecticut residents that have found relief from chronic pain, cancer and certain mental illness with access to medical marijuana treatment.

As someone who formerly held a medical marijuana card in this state but could not renew it due to high costs. Legalizing this drug would send a message that access to any realm of healthcare should not be based on wealth.

Lastly, I ask you to cautiously consider the effects of overregulation of cannabis and how this could continue to negatively affect our communities. Data from the National Drug Policy Alliance shows trends in arrest rates of people of color as still significantly higher than that of their white counterparts, even in states that have legalized the retail market.

I urge you to support this bill, by ensuring that is not just a steppingstone towards racial equity and economic prosperities, but an act of true reparative justice at work. Citizens who once felt they must turn to the black market to support themselves and their families, should be granted automatic expungement indefinitely and not face further persecution or wait in line for their freedom.

REP. STAFSTROM (129TH): Thank you. Questions from the Committee? Seeing none, I want to thank you both for your testimony and for being with us today. The first time you've both testified before the legislature?

KRYSTINA JACKSON: Yes.

REP. STAFSTROM (129TH): Well done.

KRYSTINA JACKSON: Thank you.

REP. STAFSTROM (129TH): All right. Next up we will have Representative Holly Cheeseman.

REP. CHEESEMAN (37TH): Good afternoon. Thank you, Chairman Winfield, Chairman Stafstrom, Ranking Member Kissel and distinguished members of the Committee.

I'm State Representative Holly Cheeseman, and I would like to yield my time to Melissa Robinson of Smart Approaches to Marijuana National. Thank you.

MELISSA ROBINSON: Thank you, very much, Representative. And thank you for the Judiciary Body for being here today to listen. I actually wrote a statement, but after sitting in here and listening to a series of comments, I just have some commentary myself.

My name's Melissa Robinson, I'm the Regional Director for SAM, which stands for Smart Approaches to Marijuana. I'm also a mother and I'm also a Veteran of the United States Army. And I do find it necessary that people should have access to medicinal -- medicinal marijuana. I have a lot of friends and family members who do suffer from PTSD, and they should have they right.

You know, I worked at Fitzsimons Army Medical Center and some of our oncology patients needed the THC, you know, to help them.

As I sat here today and listened, I was so offended by -- I kept hearing these talking points, communities of color, black and brown, black and brown. To decriminalize marijuana is one thing, to commercialize and legalization is another.

There is no way that big tobacco and big pharm and the wealthiest Americans who have access to capital to open up dispensaries, to cultivate, to distribute to pharm. These are the people who are going to make the money in this industry. But to use black and brown as talking points to make money during the great green rush is absolutely appalling.

America has continuously painted a picture of what a drug dealer looks like in this society. And I think everyone in this room would agree that that person is a young black male, America's drug dealer. My three sons, the 20-year old, the 22-year old and the 31-year old, no matter where they are. They have on a pair of jeans or a hoodie, they are a drug dealer. On the corner, you're a drug dealer.

I sit here today; I hear person after person come here and tell you all why we should legalize marijuana because communities of colors have been hurt and criminalized. If you decriminalize it, then they're not getting arrested. What happens when you legalize it, they're glazed and they're dazed, they're unproductive. They're not gonna be able to plan and execute anything because the communities that I see, they're standing around smoking all day, every day. They're not filling out cause applications, they're not applying for scholarships. The new drug dealers of America will

not be young black men on corners. The new legal drug dealers of America will be white men in suits.

All the people coming up, testifying in front of you. How many people in this room today were bought and paid for who stand to gain money? What's gonna -- what -- what are our communities gonna look like? Where are the dispensaries gonna be located? In the most affluent neighborhoods or next to the alcohol and the cigarette and the unhealthy food? They will be in our communities. Our children will see more advertisements like alcohol, beer, liquor. And then we're gonna have gummies. Now we're gonna have candies and sweet drinks.

At the end of the day, with all of the questions that we heard today, there is no reason to rush. The only reason to rush the legalization of marijuana are those people who will gain billions of dollars.

REP. STAFSTROM (129TH): Thank you.

MELISSA ROBINSON: Well, let me by saying this, please, I know a couple of other people --

REP. STAFSTROM (129TH): Please wrap up.

MELISSA ROBINSON: -- had a minute. But the Safe Banking Act is being pushed really hard on Capitol Hill by multi-millionaires and billionaires so that when that legalization is passed, it's secure to open the flood gates. And once marijuana is commercialized, it will be addictive because these millionaires need to get --

REP. STAFSTROM (129TH): Thank you.
MELISSA ROBINSON: -- the return on their investment at the expense of black and brown people yet again.

REP. STAFSTROM (129TH): I think there's questions. Senator Winfield.

SENATOR WINFIELD (10TH): Thank you. Thank you for coming today. I hear your passion. I just want to make sure I understand how you -- how you see certain things. So, you talked about decriminalization versus legalization and how with legalization more people would be, particularly in the communities you're talking about, would be -- I think you -- I try to remember what you said, glazed --

MELISSA ROBINSON: Glazed, dazed and confused.

SENATOR WINFIELD (10TH): Glazed, dazed and confused. And why do you think that happens in that way with the legalization? I didn't hear that. What -- what was -- what was the reason that happens if it's legalized versus decriminalized?

MELISSA ROBINSON: Great question. Our tobacco industry reform will not give you lung cancer. Once it was commercialized, we saw what happened to millions of Americans. So, as we look at who's actually running big marijuana, we see big tobacco Philip Morris who has changed their name from Philip Morris to Altria. And we see one of the highest ranking CEOs in big pharm who is widely responsible for the oxycontin and we're seeing a heroin epidemic, opioid epidemic. These two people along with John Boehner, who is vehemently against drugs

throughout his tenure. We see these three people who are leading in the marijuana industry.

So, why should American families trust big tobacco and big pharm to commercialize marijuana? How do millionaires and billionaires get the return on their investments? These are not irresponsible people. Once it's commercialized what will American's be smoking to make sure that they continue to smoke to get the money?

SENATOR WINFIELD (10TH): So, and I take your point, but I think this conversation is not -- people could argue whatever they want to argue. But I think this conversation is generated from several different directions.

And I think that's a question of what we choose to do in terms of regulation. But, I guess -- I guess, have you been through the bill that we have in front of us, Senate Bill 16?

MELISSA ROBINSON: I have looked through it. I've also worked in New York and I've been looking at their bill, Colorado and California, we see uptick in arrests in young black men in Colorado for public usage. So, legalizing -- someone made the comment that we've seen a decrease. No, we've seen an increase in the usage in young people in Colorado as well as an uptick in the arrests of young black and brown men, ages 18 to 25 for public usage.

So, legalizing that did not decriminalize --

SENATOR WINFIELD (10TH): Yeah, but that wasn't my -- I appreciate that. That wasn't my question. I

was just trying to figure out because I wanted to ask you a question about your perspective on the bill if you had read the -- been through the bill.

MELISSA ROBINSON: Was there any specific portion of the bill?

SENATOR WINFIELD (10TH): The first question was, had you been through it? That way --

MELISSA ROBINSON: I combed through it. I did comb through it.

SENATOR WINFIELD (10TH): Okay. Because you suggested that -- and I don't want to put words in your mouth, but you suggested that there was a rush to legalize. And so to my mind, the way that this bill unfolds, it seems to happen over time. Pieces happen at a time. Do you disagree with that?

MELISSA ROBINSON: I'll tell you, I disagree with it and the main reason, because I listened earlier today. The Governor gave us a two-year date before it's actually fully implemented. And some of the people who testified, testified that the mistake had been made in Massachusetts. Apparently there were 300 applications and a very small amount that had been approved. And we see who has access to the industry. It's not the black and brown people. The talking points that we hear -- we hear. If you look around all the other states that have legalized, the people that have the market, the people that have the market, the people that have the access to capital and have the infrastructure are white people, white men.

So, when I keep hearing black, brown people of color, these are not the people who have access or will get the access to capital to start a dispensary, to cultivate, to distribute and -- and the data's there, the facts are there. And Massachusetts shows you that people who it was intended to help or some kind of form of equity, it's not happening, and it has not been happening.

SENATOR WINFIELD (10TH): And so you think what -- what is happening in other states indicates that this bill moves too quickly? I -- it -- it -- because of --

MELISSA ROBINSON: I don't think that the bill is moving too quickly. I just don't think that at this point in time, in American society, while we're watching generation -- a whole generation be wiped out by the opioid, I -- it just makes absolutely no sense to legalize marijuana.

Someone made a comment earlier about -- you know, it's time to legalize it and save people and keep people safe. People have been smoking marijuana since the beginning of time. This isn't about saving lives or life preservation; this is about making money. And I think it's important that we're honest and we talk about -- this is a rush for people to make money. This is a multi-billion-dollar industry. And I think it's sad that when you're given the job to protect Americans, instead of protecting Americans, we move forward with keeping Americans addicted and profiting from it. that is the tragedy that I'm hearing today.

SENATOR WINFIELD (10TH): So, and one more question. Would it make a difference to you if there were something that actually dealt with the issue of access to capital as a part of what was happening here?

MELISSA ROBINSON: No, sir, and I'll tell you why and then I'll -- I'll -- I'll end my -- my testimony. In the '80s, we watched black America decimated by crack cocaine. We saw communities completely destroyed. Those babies that were born in the '80s, they're now in their 30s, starting their families out of college, beginning their careers. It is their children now that we as Americans are contemplating, unleashing medical marijuana which will be commercialized in every form that you can name, with THC levels as we heard, up to 85 percent. In the middle of an opioid crises and God knows whatever disease is going on. Why would we do that? Why would we do that now, when we saw that drugs has done to American families and communities? It makes no sense. If revenue is what we want, then we elect smart lawmakers to find out ways to generate revenue.

I know everyone in this room is capable of doing that. But to say the only way that we can generate tax revenue is by legalizing this. We know what it's gonna do to the black community as opposed to the white community. We can't afford recovery services. We can't afford -- you know, prevention. We just can't. We just don't recover. You see it. So, I think it's wrong to do this right now, when most of our young people are recovering from seeing their moms and dads and aunts die and go to prison for a long time for crack cocaine. Why now? This

is wrong. And this will hurt us in the long run. You'll make money today, but 20 years from now, 25, we will live to regret legalizing marijuana in the state, will hurt a lot of people.

SENATOR WINFIELD (10TH): Well, I appreciate your testimony. I'm not sure about most of our young people, but I do take your point. Thank you.

MELISSA ROBINSON: Thank you very much.

REP. STAFSTROM (129TH): Further questions or comment from -- okay.

Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman. Good afternoon. I must admit I find your testimony to be quite refreshing. It's an aspect that nobody has presented to me before. And I -- I -- I appreciate it a lot --

MELISSA ROBINSON: Thank you.

REP. FISHBEIN (90TH): -- because I agree. You know that it is all about money. Because quite frankly -- you know, because there is no home grow in here. I mean, if policy wise it was the purpose of this state to say, this product is safe, and that somebody 21 years or older is going to be, let's say better as a result of legalizing it, then you'd allow me to grow it in my closet and sell it to Senator Kissel, right? [Laughing] But that's not what's happening here.

The only way that it's becoming legal is if the state gets a cut. And you're totally right. I mean, there's provisions in here that say that -- you know, there's got to be warnings and all of this stuff about all the bad stuff. We -- we put it right in this law.

But Senator Winfield was asking you about the financing aspect. And -- and I think where he was going, and I just wanted to bring to your attention, there's a -- there's a portion of this, and I don't know if you're aware of it, that those that are going to be the purveyor of this product in this state on the basis of equity, those that had been previously charged with or convicted of a drug crime, may -- because it's undisclosed, get a leg up in that process.

Is that something that you would be supportive? It's a reparations thing.

MELISSA ROBINSON: Well, I find that insulting to say -- you know, hey, you sold drugs back in the day. You were convicted. Now, you have a record that needs to be expunged. We're gonna legalize it. We'll give you a cut. Do you want to sell? Do you want to open up a dispensary and sell back to your community? Hey, that's a good idea.

Who comes home and says, hey, kids, alcohol is legal, let's drink up? Who says, hey kids, tobacco is legal, fire up your cigarettes? We're supposed to say, hey, kids, let's smoke marijuana. What sense does this make? The only thing that's going -- the only -- the only people who will actually benefit are people who have money to invest. Let's

stop playing around in this room. This is about making money.

And someone also made the comment that 60 percent -- there's a 60 percent decline in the cost, right? The black market is gonna go through the roof. Would you go to the dispensary or would you go to Danny boy on the corner, who you've been going to? Because Danny boy has someone inside the dispensary that's gonna sell it to you anyway. That's happening on the streets already.

What I'm saying today, folks, is this, I've listened to testimony after testimony after testimony. I have an 18-year old, a 20-year old, a 22-year old and 31-year old. What I didn't tell you is my 31-year old smokes and he told me, mom, I hear voices. This is my son, who has been quite normal for a long time. He smokes regularly. He now hears voices. My family does not have a history of any kind of mental illness or mental health problems. So, the psychosis part is real.

I just want to know, how long we're gonna go and push this before we have regret, until it happens to your child or your niece or your nephew? How much money is enough? How much money -- this is a capitalistic society, profit over people, who's gonna have the heart and wears a moral compass in this room? Where is it? I'd like to hear it because it sounds like a lot of people in here are already sold.

REP. FISHBEIN (90TH): Well, I -- I hope that your voice is heard throughout the building and -- you

know, maybe that's the reason why it's still illegal federally. But thank you for your testimony.

MELISSA ROBINSON: Thank you.

REP. STAFSTROM (129TH): Ma'am, just before you go. I -- I agree with my Co-Chairman, I hear your passion. It sounds like you have some personal family history with this and the like, as you've just testified. But I -- I have to correct you. I mean, there are -- there are certainly those of us who support this legislation for reasons wholly unrelated to money that has been said time and time again here today.

And I certainly hope that in your introductory comment about people being bought and sold for the -- you're not referring to the Governor's office or the various commissioners who spent three hours here today talking about this bill and spent many months prior to this doing research, drafting language and putting forward a bill for this committee to consider.

We can have a policy disagreement on whether this bill should pass or not. That's a fair conversation and argument to have. But to question the motives of the folks who support this bill or who came forward to testify without -- or to present this bill this morning without presenting any evidence but just making unsubstantiated claims, I just can't allow to let stand on the record as currently stated.

So, with that, I thank you for being here today. I appreciate your passion on this. But I had to make

those concluding remarks based on your testimony that we've heard here today.

MELISSA ROBINSON: Might I respond to what you just said?

REP. STAFSTROM (129TH): Please.

MELISSA ROBINSON: Well, the person shall remain nameless, but a man that came in here today, grows, he's a hemp farmer, was paid $150,000 by the industry not only to come and testify today, but he also works for them. Okay. Two, you said you wanted to correct me. I do a lot of research. So, on any given day, I look at campaign finance reports and it's not too hard to find out where donations come from.

As far as you insinuating that I'm saying the Governor or any of the other people who testified in this room today, I don't recall ever saying that.
REP. STAFSTROM (129TH): Okay. Thank you.

MELISSA ROBINSON: And I just want to say --

REP. STAFSTROM (129TH): I just wanted to make sure we were clear on it.

MELISSA ROBINSON: But I just wanted to say to you, you made a joke that wasn't taken so well because if somebody eats five cheeseburgers, it's unhealthy, but they're not gonna go out and crash their car and they're not gonna end up in the hospital with psychosis. This episode with my son, that just recently happened. But I lived long enough, I've seen my communities on their -- on the ground every

day. And I see a lot of people who look like me who can't gain access to jobs because they've been criminalized, who don't have access to upward mobility or matriculation -- cognitive matriculation and what do they do, they smoke. Why? Because it's there. And it's not benefiting them, it's not benefiting their family, and it's not benefiting the American society.

So, legalizing is the wrong way to go just for the love of money.

REP. STAFSTROM (129TH): Okay. Thank you, ma'am. Next up will be Norman Plude.

NORMAN PLUDE: Good afternoon, Senator Winfield and members of the Judicial Committee. Thank you for having me here today. My name's Norman Plude. I'm also a hemp farmer here in Connecticut and I'm also a medical marijuana patient.

I'm today to speak about the Governor's bill, No. 16, as a medical cannabis patient. As you know, our state doesn't have any grow rights in it at this point.

And I'm -- I'm gonna put my paper away, I'm just gonna speak. And I -- I know we don't have any grow right provisions in this bill itself. But along with that, there is provisions for a study program. Patients have been waiting since 2012 for cultivation rights. And there's been a number of patients that have been arrested and tried. I know all too well of the consequences.

What I'm asking is that if this bill allows for that provision, the State of Connecticut, DCP already has information on patients, they know where we live. They know that we're patients. Currently, as I said, I'm also a hemp grower in Connecticut. I just completed my first crop inside my house. So, as far as worrying about the cultivation of cannabis, which it is, whether it's hemp or marijuana, it's all the same. I -- I've grown over 300 plants in my house. The sky didn't fall, my neighbors didn't complain. I wasn't broken into. And again, it's all legal.

I paid my permit fees. My location fees have been paid. And it's doable. Like I said, I'm the patient. In the past, I've had issues with cultivation. I spent time out in Oregon also growing because I couldn't grow here. Although CBD, which I do grow isn't perfect for patients. Right now it appears that's the only option we have. It's not a good option. It's -- it's not perfect. It's something, but it's not what we're looking for.

I think our patients here are responsible enough to handle this. We've been waiting long enough. And God knows, we've been asking here since day one.

I -- I know we have a number of committees that are involved that would have to follow through on this, but I'm sure I'm not the only person here that is a patient. And I know I'm certainly not the first patient that stood up in front of you's, not just this year, but in previous years.

And I know our voices -- you know, sometimes we're louder than others. Sometimes we don't have the -- the people to back us up on a day. But I -- I think

I speak for a lot of the patients in this state. And I think we're -- we're due this.

If we're talking about legalization within the state for adult use cannabis, I think you're looking at probably the most responsible group of people. The sickest people in this state, which are our patients. And we're -- we're a minority here. And we're being left out.

REP. STAFSTROM (129TH): Thank -- thank you for your -- thank you for that. Questions from the Committee? Seeing none, thank you so much for being on and taking the time today.

NORMAN PLUDE: Thank you.

REP. STAFSTROM (129TH): Representative Rosario or Representative Candelora. Kelly Moore.

KELLY MOORE: Senator Winfield, Representative Stafstrom, Ranking Member Kissel, distinguished members of this committee. My name's Kelly Moore, I'm Policy Counsel for the ACLU of Connecticut.

I'm here to testify in support of Senate Bill 16, with proposed amendments. At the ACLU, we believe in the complete legalization of cannabis. We also believe that it's critical to include equitable reinvestment into communities hit hardest by the War on Drugs and any legalization bill.

Just as important is erasing the criminal records of people who have been convicted of marijuana offenses. We generally support this bill, which addresses both of these aspects, although they could

both be strengthened, first by the Cannabis Equity Commission having more input on licensing standards and revocations; and second, by decriminalizing possession of cannabis in all amounts.

The DUI sections of this bill though give us serious pause. And we urge this committee to pass amendments to address these due process concerns.

While people should not operate vehicles while intoxicated, the procedures outlined in Senate Bill 16 are troubling. First, Sections 11(b)(2) and 16 (b)(2) of the bill allow police employees to immediately revoke a person's driver's license if they suspect the person is under the influence of drugs or alcohol, even if that person has passed a blood, breath or urine test.

Imposing this penalty in these circumstances violates the due process rights of the person, who's license is revoked.

S.B. 16 also allows for Drug Recognition Experts to assess a person without speaking to them and to determine conclusively that person is intoxicated. that opinion is then permitted as expert evidence in court under the bill. This raises at least two concerns. First, it's not clear from S.B. 16 whether such experts are trained in the ways that disabilities, neuro divergences, medical conditions, cultural difference and other characteristics can impact the assessment of intoxication.

In addition, by prequalifying such people as experts, this bill strips courts of their discretion

to evaluate a person's expertise on a case-by-case basis.

S.B. 16 also seems to provide that a person can be made to use an ignition interlock device, based on the report of a police employee rather than an adjudication. I'm not sure if that was the intent.

It also imposes this penalty on people who are under the influence of THC, despite the interlock device being unable to measure THC, as you've heard multiple times today.

In addition, at a hearing for a person accused of DUI, the government does not have to satisfy a beyond a reasonable doubt standard when presenting evidence of intoxication, according to this bill. Instead, the government need only show substantial evidence that a person was operating the vehicle while intoxicated. The standard does not provide true due process.

Finally, the bill provides that roadside tests that show THC in the blood or urine could be conclusive, non-rebuttable proof of intoxication in Sections 11(g)(2) and 16(g)(2). THC thought is known to persist in blood or urine for days or sometimes even weeks, meaning that a positive test does not actually demonstrate intoxication.

Under this bill, a person could be presumptively found guilty of driving while intoxicated, even if they were wholly sober. This is particularly alarming and requires immediate amendment.

While we support the bill for it's overall benefits. The lack of due process in the DUI section that S.B. 16 present grave concerns. If the bill moves forward out of this committee, we will continue to view these amendments as necessary to the passage of this bill.

Because of this, the ACLU of Connecticut strongly urges this committee to adopt amendments described by us. Thank you.

REP. STAFSTROM (129TH): Thank you. Questions or comments from the Committee? Seeing none. Thank you so much for being with us.

Carl Tirella.

CARL TIRELLA: Good afternoon, Chairman Winfield and Stafstrom, Ranking Member Kissel and members of the Judiciary Committee.

My name is Carl Tirella and I'm the General Manager of Acreage Holdings, which operates three medical cannabis dispensaries here in Connecticut. Prime Wellness, Thames Valley Relief and Compassionate Care Center -- Compassionate Care Center. I'm here with our Chief Pharmacist, Al Domeika, to testify on S.B. 16.

Connecticut should be proud of its Medical cannabis program, which has seen demonstrable improvement in growth since enactment in 2012. At Acreage, it is our number one priority to advocate for policies that increase patients accessibility and affordability.

To that end we support any measures that expand qualifying conditions, encourage medical professionals to participate in the program, education and research initiatives and efforts to reduce costs.

We also support ending prohibition and legalizing adult use cannabis. Acreage is encouraged by Connecticut's efforts and leadership towards creating an adult use cannabis market that is inclusive, diverse and competitive.

As the Connecticut legislature works to enact S.B. 16, we also urge you to keep the medical cannabis program and its patients in mind.

We believe it is critical to protect, if not expand and improve medical cannabis programs when a state is contemplating the legalization and regulation of adult use cannabis. The most important policy to protect medical programs, when implementing an adult use market is to permit medical cannabis operators in the state to co-locate adult use and medical product at their dispensaries.

Indeed every state that has implemented adult use programs with an existing medical program has allowed co-location in an effort to protect patients' access.

Connecticut should be weary of limiting or prohibiting co-location as it will drive patients to seek product from the most accessible location, which will often be a purely adult use dispensary without appropriately trained staff or pharmacist on site.

Another benefit of co-location is that many adult use consumers are actually self-medicating with cannabis use and will also have access to trained staff and pharmacists in the co-located dispensaries, which often encourages increased patient registration and participation and more appropriate product use.

Notably, Section 21 of S.B. 16 would grandfather the current cannabis producers into adult use program, allowing them to operate in both medical and adult use space.

We respectfully request the legislature consider similar language to apply for the existing medical dispensaries.

While the current bill contemplates a modified license process for existing dispensaries and a future determination regarding co-location. We strongly urge the legislature to consider more prescriptive language ensuring medical dispensaries participation in the adult use market and the co-location of cannabis products.

By allowing the current medical dispensaries to participate in the adult use program, the state can preserve and protect patients' access, utilize entities that are vetted and regulated to ensure public health and safety, realize tax revenues right away and encourage customers to utilize the regulated markets.

With these changes we strongly support S.B. 16. Thank you for your consideration. And I'm happy to answer any questions.

REP. STAFSTROM (129TH): Thank you. Questions or comments from the Committee members? Seeing -- oh, Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Mr. Chairman. Just the content of co-location, I -- you know, stupid question. It just means being able to dispense medical marijuana as well as being able to sell this other product?

CARL TIRELLA: Yeah, so co-location will basically have medical and recreational patients onsite in the same dispensary, rather than having recreational sites that are in the state that are only selling recreational marijuana versus medical marijuana.

REP. FISHBEIN (90TH): And then you mentioned a certain class of individual is self-medicating. Can you just flush that out? What were you referring to?

CARL TIRELLA: Yeah, so, I mean, the recreational user might be self-medicating in -- in terms of the recreational sale. So, if they come into the store where we have pharmacists onsite, which we currently do in our medical program, we can actually guide them to the right products that might actually help them medicate with the -- the recreational marijuana.

REP. FISHBEIN (90TH): So, over time, utilization of that process through attrition would get rid of the medical marijuana?

CARL TIRELLA: No, so you would actually steer them towards the medical program, because the pharmacist on site would have intakes and certain regulation process that would enlighten them on what the different uses would be. So, we actually think that it would increase the medical program going forward because of the education and -- and people within the dispensaries.

REP. FISHBEIN (90TH): That's my understanding that one cannot prescribe marijuana --

CARL TIRELLA: Correct.

REP. FISHBEIN (90TH): -- in Connecticut. So, when they talk about medicinal marijuana, it isn't through a prescription, it's a recommendation?

CARL TIRELLA: Correct, but I'll -- I'll let Al speak to the --

AL DOMEIKA: Yeah, that's correct. So --

REP. STAFSTROM (129TH): Just, sir, if you could just spell your last name?

AL DOMEIKA: Oh, sure, D-o-m-e-i-k-a.

REP. STAFSTROM (129TH): Okay. Thank you.

AL DOMEIKA: Yeah, so -- so when a patient is qualified for the medical program, they come in to

one of the -- our medical dispensaries and speak to a registered pharmacist, where we go over everything from health conditions, diagnosis symptoms, drug interactions and modes of delivery. And we choose what's best for that patient, dependent upon the information that's given to us by that patient.

So, when we talk about co-location, just think of it as a -- or a traditional retail pharmacy, where certain patients do get OTC products by themselves and don't -- don't ask the pharmacist for any recommendations. However, there are plenty of patients that would come to a pharmacist and ask if that would be appropriate. And I think that would be something that the pharmacist can also utilize their expertise in even helping the recreational market as well as the medical patients.

REP. FISHBEIN (90TH): And these are licensed pharmacists --

AL DOMEIKA: Correct.

REP. FISHBEIN (90TH): -- at your facility? So, how does that licensed pharmacist now what the individual has already been prescribed by their treating physician?

AL DOMEIKA: Well, we ask for a medication list before -- before they even come into our facility?

REP. FISHBEIN (90TH): We ask for a what?

AL DOMEIKA: A medication list.

REP. FISHBEIN (90TH): Oh, okay. And who -- and that's provided by the primary care physician or by the individual?

AL DOMEIKA: Provided by the patient, but if they don't have -- they don't know what they're taking, we would call their -- their local pharmacy and get a full med list.

REP. FISHBEIN (90TH): Okay. So, this process is not -- I go to my primary care physician, I'm having PTSD issues --

AL DOMEIKA: Uh-huh.

REP. FISHBEIN (90TH): -- report that to my primary and they could make a recommendation for the use of medical marijuana?

AL DOMEIKA: Correct. They'll go through the normal process of getting a medical card.

REP. FISHBEIN (90TH): Or they could prescribe some other psychotropic drug?

AL DOMEIKA: Absolutely.

REP. FISHBEIN (90TH): And the individual ends up at your facility and self-reports, I take aspirin once a day?

AL DOMEIKA: Uh-huh.

REP. FISHBEIN (90TH): You would be authorized to recommend to that individual, who you've never met before, medical marijuana and what they would take?

AL DOMEIKA: Well, again, the patient would come in based on the qualification of their physician first. So, they just can't walk into my dispensary without that qualification first. So, we are under the assumption that the medical marijuana is already -- it -- it has been approved by their -- their primary or by their physician, so.

REP. FISHBEIN (90TH): But I heard from the other gentleman that people may come into your facility, who is perceived to be self-medicating. We have pharmacists right there, where's the primary care physician in that process?

AL DOMEIKA: Well, no, if we're talking about adult use, there is no physician qualification at that point.

REP. FISHBEIN (90TH): So, the point was, so you don't know except for self-reporting what other medications those -- that individual has been prescribed?

AL DOMEIKA: As far as adult use, correct. And if they -- they seek our expertise, we would have a conversation with that patient or that -- or that consumer, I should say.

REP. FISHBEIN (90TH): All right. Thank you. Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Further questions or comments from the Committee? Seeing none, thank you both for being with us.

AL DOMEIKA: Thank you.

REP. STAFSTROM (129TH): Appreciate it. Representative Rosario, Representative Felipe.

REP. ROSARIO (128TH): Good afternoon. Good afternoon, members the Judiciary Committee, Chairman Winfield, Chairman Stafstrom, ranking members and members of the Committee. My name is State Representative Christopher Rosario of the 128th District of Bridgeport.

REP. FELIPE (130TH): And my name is Representative Antonio Felipe from the 130th District in Bridgeport.

REP. ROSARIO (128TH): As representatives of Connecticut's largest city, Bridgeport, we write you to urge you to support the Governor's Bill No. 16, to legalize cannabis. Our neighborhoods and constituents have been some of the hardest hit by the War on Drugs and the harm brought on by our state's failed policy of prohibition.

The Governor's bill to end cannabis prohibition would replace the unregulated illicit market with a tax and a regulated system with licensed cultivators, retails and manufacturers, microbusinesses and testing laboratories. And it has a strong focus on public health, public safety and social equity.

REP. FELIPE (130TH): The change is important because our constituents of Bridgeport and families across our state have been torn apart by disproportionate enforcement and arrest. And they

currently have no meaningful public health or public safety regulations.

The Governor's bill contains strong equity provisions and tax revenue would be allocated to communities that have been negatively impacted by our current failed policies.

It's only fair that that those that have been most adversely affected by the enforcement of this current -- of these current laws should be afforded the opportunity to benefit from legalization. So, far the states that have legalized cannabis have fallen short in this regard. But this bill makes it clear that we are serious about ensuring that there will be equity in the cannabis industry here in Connecticut.

REP. ROSARIO (128TH): We have provided written testimony to the Committee. But I -- I just want to be straight and to the point. I -- I think this is a step in the right direction. Many people in our community have been targeted by this prohibition. And it's really given people a scarlet letter. And this -- this bill would start the conversation of creating an industry where people of all colors, while black and brown, can start a business and make a good living and provide for their communities. So, Representative Felipe, I'm not sure if you want to add to that?

REP. FELIPE (130TH): Absolutely. I think that this provides a lot of opportunity. I think, when we -- we sit here before the Judiciary Committee and we're talking about things like Clean Slate legislation, this is something that we can look at and say, hey,

we are starting to do some of the work to put the -- ease the burden on our communities and what has gone on for especially young people who get in trouble and -- you know, you're 18 years old and you get caught with marijuana possession, you get a disproportionate sentence compared to some of your suburban neighbors. And, you know, it puts a halt on your life and a long halt on your life. And I think that we need to have people get their lives back.

REP. ROSARIO (128TH): One last thing -- one last thing I want to add. Thank you, Representative Felipe. Is that we also want to learn from some of the mistakes that other states have made when they legalize cannabis. We want to make sure that black and brown communities have access to get licenses and to create those businesses in those communities that are literally impacted by this bill. Thank you.

REP. STAFSTROM (129TH): Thank you, both. Questions from the Committee?

Representative Fishbein.

REP. FISHBEIN (90TH): Good afternoon gentlemen. So, you understand that just because this law passes that this activity would be illegal under federal law, correct?

REP. ROSARIO (128TH): Correct.

REP. FISHBEIN (90TH): So, and I've been to your districts. You know, I -- there's a lot of shopkeepers and -- you know, they are black and

brown and -- you know, I try not to throw that out there. But I'm just concerned that people are potentially being trapped into breaking federal law. And I don't know how I sit here and advocate because the feds can walk in after somebody has spent their hard-earned money investing in opening a business like this and arrest them. And creating those -- those hardships that you're talking against -- you know, those arrests because it is illegal under federal law.

The other thing -- I don't know if you know that the transactions in this are done in cash because they can't put the money in the bank because of federal law, which potentially impacts people as well. And I just -- if you had any -- I don't know if you knew those things, if you had any comment about that? I understand -- you know, the disparity issue. But it's illegal under federal law.

REP. ROSARIO (128TH): If I can -- through, if I could just respond to that. You know, there are a lot of things that are illegal right now that they break laws every day. Right now they're illegally selling cigarettes on the black market. They say alcohol to minors on the black market. There are a lot of things happening. And we need to work with law enforcement to make sure that those things don't happen. And I hope that -- you know, should we go down this path of legally selling cannabis that we work with law enforcement to make sure that we -- we take care of those people that do break the law.

REP. FISHBEIN (90TH): So, you mentioned a failure of the State of Connecticut on the prohibition. I think that's almost a direct quote. And where is

the failure, is it lack of funding? Is it lack of attention? Where do you identify the failure that we have to go to this -- this length as a state?

REP. FELIPE (130TH): I think that would be a quote from me. And I think the failure is falling behind and continuing to fall behind while states around us do the same things that we are trying to do today.

REP. ROSARIO (128TH): And if I could just add to that. At some point, whether it's four years from now, tomorrow, it could be 20 years from now. At some point, I believe marijuana will not be a Schedule 1 Federal crime. And we need to be forward thinking when it comes to that.

So, we need to be ahead of the curve. New York State's gonna do this at some point. Massachusetts is doing it. We need to have -- be on the forefront.

REP. FISHBEIN (90TH): And I totally agree with that. But understand that that's my -- that's my major problem here. You know, if this law said, if the feds take it off of Schedule 1, and they'd have to move it off, it couldn't be on Schedule 2, then we have the discussion.

But I, we, took an oath to uphold the Federal Constitution. The Federal Constitution says, under the Supremacy Clause, that if the feds pass a law, it is subservient to the states. Because we are the United States of America. We come together and we are subservient to the Federal Constitution.

So, how do I deal with that issue, when I took an oath, but I -- and my -- my position is to vote in favor of this, which is in direct contravention to the federal law, I'm violating my oath. How do I deal with that?

REP. FELIPE (130TH): I think that we need to, as legislators as in leaders of our community, understand that not all laws are created equal and not all laws are supposed to -- are -- are not -- all laws are necessary. Sometimes we need to work to change federal law as well as change state law.

And I think if we can get in front of the ball on this one and get the ball rolling, then we can talk about that federally on a federal level.

REP. FISHBEIN (90TH): And I would agree. Let's take a business, we'll go to D.C., and we'll lobby Congress to change the law. But that's not what we're talking about. We're talking about something totally different, so. Thank you. Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Thank you. Further questions from the Committee?

Representative Porter.

REP. PORTER (94TH): I wasn't have a question or a comment, but this keeps coming up. And we're talking about federal law. And as legislators, what are our responsibilities are when we take an oath.

I think the question should be to the Federal Government, what is -- what -- how do they justify

what they've done? And I've said this before. Since 1968, we've been growing this stuff in the University of Mississippi. And the Federal Government has been shipping this around the United States of America for medicinal and pharmaceutical purposes.

So, how is it a Schedule 1 drug, which means that it has no medicinal or pharmaceutical purposes, yet the Federal Government has put this through our Federal United States Postal Service, shipped it to a cohort of what was 12 -- I think they're down to two because the rest of them have died. But I mean, that's the real question, if you want to keep talking about federally what our responsibility is as state legislators.

The Federal Government is committing a crime, in my -- my eyes. It's a Schedule 1 drug. No medicinal, no pharmaceutical purposes. But they have been growing it for over 50 years with the purpose of contributing it to patients for medical and pharmaceutical purposes.

No question, just wanted to put that on the record right here. Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Further questions or comments from the Committee? Seeing none, thank you both for being with us today.

REP. ROSARIO (128TH): Thank you.

REP. FELIPE (130TH): Thank you.

REP. STAFSTROM (129TH): Next up will be Jason Ortiz, followed by Representative Juan Candelaria.

JASON ORTIZ: Hello, and thank you Chairs of the Judiciary for having me. My name is Jason Ortiz, and I'm the President of the Minority Cannabis Business Association. I'm also the Political Director for Cure-CT, which is Connecticut United for Reform and Equity. I am also someone that was arrested for cannabis at the age of 16. Got to see firsthand how our criminal justice system is violating the 4th Amendment in our Equal Protection Clause to make sure all communities are treated equally.

I learned very clearly that some communities are overpoliced, some laws are selectively enforced communities. We get to figure out how we are gonna undo the damage created by our racist War on Drugs. And one of the ways we needed to do that was to start to draft our own policies that could create equity programs in the now legal cannabis industry.

And so, while there's a lot of topics I would like to cover. I want to get very specific as to this bill and the changes that I would like to see as well as some information of things that are coming out of other states.

So, when it comes to S.B. 16, we are in support of this bill. We're very supportive of the fact that we're creating a specific Equity Commission. There will be some changes I would like to see specifically, the criminal penalties that are being reduced, to include sales and cultivation, that includes home grow. But specifically addressing the

contribution of cannabis because it is an economic crime that is something that gets left out when we talk about simple possession.

I would also like to see the Equity Commission specifically given authority to make recommendations on addressing the criminal justice reforms as well, it's not currently part of the picture, but I think the Equity Commission is exactly the space to start to have those conversations of what is a just and fair penalty for somebody after legalization, were it to happen.

And then lastly, there's specifically page 100 of the bill that talks about pretty ridiculous taxes that we want to put on folks that are found in possession that it would be in addition to criminal penalties. It seems like the numbers are a bit arbitrary there and they're gonna create a host of problems. And I would actually like to see that page replaced with an interstate commerce agreement with other legal states so that we can start to explore what interstate commerce looks like. Because one of the problems with trying to address the illegal, the illicit market in the way we're doing it here is illicit market is not a state specific market.

And so earlier somebody asked if there was a state that actually did see the legal market have a lower price than the illicit market and that state was Oregon. In Oregon, they overproduce cannabis significantly than was possible to consume in their state. And thus, prices dropped dramatically.

Of course, because there's no interstate commerce, Oregon is able to produce far more cannabis than they could ever consume as a state and it creates another host of issues.

So, unless we start to address interstate commerce in this broader picture, it will continue to be an illicit market as long as prohibition exists anywhere.

Now, some of the cool things that are coming out of New York is in their bill, they're gonna also work on creating an equity applicant's bill of rights. This bill of rights would allow for an applicant to have some protections as far as contracts and investment concerns, what kind of educational opportunities can they have, what kind of support can they have to navigate municipal governments and a number of other pieces that we think are gonna be very important for anyone entering this industry that doesn't come from a place of business or wealth.

We also want to make sure that the existing medical infrastructure may be first to market, but that we start to issue new licenses exclusively to equity applicants until we hit a one-to-one parity.

Some other pieces are home-delivery. That's something that's specific to New York, but it's something that I think we should also include.

And lastly, just not requiring equity applicants to have a brick and mortar location before they're able to get their application approved. We would like to see provisional licenses given to equity applicants

that do qualify for these programs so that they can get started and find investment without being shut out of -- of local zoning and other issues when it comes to have their brick and mortar locations. And with that, I'll be happy to answer any questions on the issue.

REP. STAFSTROM (129TH): Thank you, Mr. Ortiz. Questions from the Committee? Thank you very much.

JASON ORTIZ: Absolutely.

REP. STAFSTROM (129TH): And I assume this is all in your written testimony as well?

JASON ORTIZ: Yeah, and there's plenty more in the written testimony as well.

REP. STAFSTROM (129TH): Great. Thank you.

JASON ORTIZ: Thank you.

REP. STAFSTROM (129TH): Next up will be Representative Candelaria.

REP. CANDELARIA (95TH): Good afternoon, everyone. My name is Representative is Juan Candelaria from the 96th District. Chairman Stafstrom, Chairman Winfield, ranking members of the Committee and members of the Committee.

Thank you for the opportunity to come and testify before you.

I have submitted written testimony, so I'm not gonna go through my testimony. But I just want to touch

upon a couple of points that I think are very important.

During the whole hearing today, I've been hearing a lot because I've been watching from my office. Been hearing a lot of different arguments in regards to the correlation between marijuana and schizophrenia. As you can see, a lot of that has been done, not in the US -- these studies. These studies have been done in Scandinavia. So, the legitimacy of these studies can be questioned as to the validity and the test subjects that have been utilized for these studies.

So, that's one thing that comes to my concern. And when I hear this correlation, I think that as states utilize and you see them do more studies, in the future we'll be able to gather the data that we need to really come to concrete studies that can correlate. There is an issue with schizophrenia and marijuana.

One of the other things that I did hear from one of the -- someone that provided testimony earlier today was, how the addiction occurs. And what I heard from that addiction is the level of chemicals are added to the marijuana. That is the correlation to the addiction.

The other thing that I think was very important to -- to talk about that within addiction, the question was asked, is marijuana as addictive as tobacco, alcohol, opioids? And the answer was, no. Yet, when we the conversation about medicinal purpose for marijuana, we don't have an issue. We don't even talk about the federal issue. It is okay at that

particular moment because his studies have been determined that certain strains of marijuana can help individuals.

So, I just want to point that out. And the other thing I think this bill has to go further is, we need to provide real dollars. I think at the end of the day, my -- my goal is to protect children as well. And I think that’s very important. We need to ensure that we invest in prevention dollars, substance abuse dollars to really tackle the issue at hand. We need to put resources in our schools, so that there’s resource officers helping our children with drug addiction.

It's no secret that children have access in our school systems today and that’s a fact. The black market today is approximately $350 million. Yet those revenues -- our children, our state, nobody’s benefiting from that but the drug dealers. And I think we need to utilize those dollars to really invest in our communities.

And in regards to equity applicants, if we really want to help equity applicants, we have to put some dollars behind it. One of the issues that other states have determined is that equity applicants have not had the opportunity to really open up their businesses because there’s not enough equity to help them achieve that. There’s no dollars to do that.

And I think as we move forward, we should assign a specific set of dollars to help those individuals. And I’ll conclude by saying that once the revenue is generated from legalizing cannabis, we can pay back the state for those dollars utilized to help these

individuals open up their businesses. Thank you so much for the opportunity to speak.

REP. STAFSTROM (129TH): Thank you, Representative. Questions from the Committee? Seeing none. Thanks for being with us and obviously, I know this is an issue you've been working on for a number of years, Representative, so.

REP. CANDELARIA (95TH): Thank you so much for the opportunity.

REP. STAFSTROM (129TH): Next up will be Carson Tosta. Carson Tosta? No. Then we will go on to John Butts.

JOHN BUTTS: Good afternoon, Representative Stafstrom, ranking members and members of the Judiciary Committee. My name is John Butts, I'm the Executive Director of the Associated General Contractors of Connecticut. We are a Division of the Connecticut Construction Industries Association.

CCIA is opposed to -- I believe -- I believe you have a copy of our -- of our testimony. CCIA is opposed to Senate Bill 16 because the risk associated with permitting the adult use of cannabis far outweigh any intended benefits of this bill.

The adult use of cannabis in Connecticut will undermine the construction industries effort to ensure a safe and productive jobsite for all workers and will render the -- render construction firms safety programs untenable. Whether it's the operation of heavy machinery, transporting materials or performing skilled trade work, safety must be a

priority. Occupations and classifications are designated as safety sensitive due to the potential risk associated with working on a construction site.

If cannabis is made legal, everyone on or near a construction site or in a production facility will be working at the risk that by any of their fellow workers who maybe under the influence of cannabis, may not be able to understand and maintain the control of their ability to safely perform their tasks.

The construction industry is full of hazardous work, where individuals and everyone working near them at any one time are at risk of serious injury or even death. Any significant risk of substantial harm to the health and safety of an employee or others, constitutes a direct threat to everyone, near or passing by a jobsite.

Currently construction companies have policies in place to address impairment. These policies -- these policies limit the use of medications and other substances that alter perception to any degree. Zero tolerance policies are in place for many substances because any impairment from any type of intoxicant is unacceptable. Committing adult use of cannabis, when there is no way to test for or accurately measure the mental level of impairment undercuts these policies.

CCIA recognizes the exemptions for employers in certain situations in this bill. However, not one of these exemptions can guarantee that no employee, intentional or not, will walk under a construction project impaired due to the use of -- use of

cannabis. Your duties exemptions provide an employer an accurate and reliable -- reliable mean or method to detect -- detect or measure the level of impairment under the use of cannabis. These exceptions do little to offset the proliferation of availability of cannabis and the vast expansion of the population using cannabis in Connecticut.

Introducing the affects from the use cannabis to the construction workplace exacerbates existing jobsite hazards and puts everyone on, near or the construction site in jeopardy. People's lives, safety and wellbeing are of the utmost importance. We do not believe that legalization of cannabis is worth risk of compromising workplace safety.

For these reasons and more, CCIA opposes this bill. Thank you for the opportunity to present our perspective and I'd be glad to answer any questions

REP. STAFSTROM (129TH): Sir, let me ask you, you talked a little bit about some of the exemptions currently in this bill. And I know we -- we heard representations of the Governor's office earlier that they're working on a -- sort of a revised version that I think would provide some greater protection for employers than is currently envisioned in this bill. Probably will look a little bit more like the bill this committee passed out last year.

You know, you -- you said, and I'm paraphrasing, that there's no -- no exemptions that would guarantee that someone doesn't walk on to a jobsite under the influence of cannabis. But even with the substance being illegal now, what guarantee do you

have that nobody walks on to a jobsite under the -- under the influence of cannabis?

JOHN BUTTS: You don't.

REP. STAFSTROM (129TH): Right.

JOHN BUTTS: And but we're seeing is that with the legalization of marijuana, our members firmly believe that that population will dramatically grow, which increases the -- it increases the problem that you already have.

REP. STAFSTROM (129TH): Well, alcohol is legal now in Connecticut. How many folks do you have walking around your jobsite that are under the influence of alcohol?

JOHN BUTTS: We can test for that. We can -- we can know whether somebody is impaired. Safety professionals will know that, and they can take them off the job. They can test them and determine objectively whether or not they are actually impaired. There's no way to do that with marijuana.

REP. STAFSTROM (129TH): Are -- is that currently happening, people are testing folks coming back from a lunchbreak with a breathalyzer?

JOHN BUTTS: No, but they can pull them off the -- the -- they can pull them off the job if they -- if they determine whether they are impaired. So, when you're a drunk, it's probably more apparent than when you're high. Some levels of impairment are different and construction companies will not know that.

REP. STAFSTROM (129TH): So, even if the Governor's office works on revised employer protections to this bill, no matter what they do, you're gonna be opposed to it?

JOHN BUTTS: One thing that we are very concerned about, I will say, is taking away the ability to test preemployment.

REP. STAFSTROM (129TH): Let me -- my question was a specific one. Is -- is there changes that the Governor's office can make to this bill that would make you not oppose it, or you're just opposed no matter what?

JOHN BUTTS: We would be happy to have the conversation.

REP. STAFSTROM (129TH): Okay. All right. That -- that's what I'm asking.

JOHN BUTTS: Yes.

REP. STAFSTROM (129TH): Okay. What I would suggest then is you take a look specifically at the language in this bill and try to provide to committee leadership a markup of it because, as I indicated earlier, and I know there are some other folks who are probably gonna testify along a similar band, and we generally are interested in working with the business community to alleviate some of these concerns because I firmly believe there's a middle ground between providing for a well-regulated cannabis -- legal cannabis market in the State of Connecticut and providing sufficient employer

protections. Other states have done this and are continuing to work towards that.

And so I would -- I would appreciate sort of specific language changes or ideas you have as opposed to just -- you know, we think there's unintended consequences here. Thank you.

Further questions or comments from the Committee?

Representative Porter.
REP. PORTER (94TH): Thank you, Mr. Chair, and thank you for your testimony.

Question, do you -- I just want to pick up on what you were saying just now around preemployment testing.

JOHN BUTTS: Correct.

REP. PORTER (94TH): You -- you had started, but you hadn't finished.

JOHN BUTTS: The bill, as we read it right now, would make preemployment testing for THC, marijuana, a discriminatory practice. A lot of our members currently do that as well as some of the union apprenticeship programs test preemployment. It's an indication whether someone is going to be safe or not.

And taking that away could potentially put somebody on a jobsite who is unsafe.

REP. PORTER (94TH): Okay. And I do hear your concern, I do. But I would have to agree that it is

discriminatory if we move to legalize this to say that you are allowed to test for it and then not hire.

And I say that because where -- if it's legal, you can consume it. And if you're consuming it, you're gonna test positive. It doesn't mean you're gonna come to work intoxicated. It doesn't mean you're gonna come to work high. You could. It doesn't mean you would. I would hope that a responsible person who would legally consume cannabis would not show up to work.

JOHN BUTTS: There are current policies that construction companies have that would do that even with alcohol.

REP. PORTER (94TH): Okay. Now, so how would you -- so, you would test for alcohol preemployment?

JOHN BUTTS: You could.

REP. PORTER (94TH): But how would that -- what kind of --

JOHN BUTTS: It depends on the company.

REP. PORTER (94TH): Okay. All right. Well, I just wanted to clarify that because I do think that if we legalize this to allow you to do that kind of testing would be discriminatory because you would be making assumptions based on I don't know what. So, I just wanted to put that out there. Thank you. Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Thank you, Representative. Further questions or comments from the Committee? Seeing none, thank you for being with us.

JOHN BUTTS: Thank you.

REP. STAFSTROM (129TH): Next up will be Nicole Leja and David Lipton.

NICOLE LEJA: Representative Stafstrom and members of the Committee. I am Nicole Leja, President of the Connecticut Medical Cannabis Council, CMCC. With me is David Lipton, one of our board members.

We not only produce the medical marijuana that patients purchase from dispensaries. We also formulate specific extracted ratios from the many medical properties of the cannabis plant. Our products are validated by independent third-party testing and our pharmaceutical grade medicines have helped Connecticut patients to treat a variety of serious and debilitating ailments.

The Connecticut Medical Cannabis Council would like to offer brief comments on Senate Bill 16. We appreciate Governor Lamont's leadership on this issue.

The bill contains two distinct propositions. One, is enhancements to the Medical Marijuana Program and two -- second is, development of an Adult Use Cannabis Program.

Regarding the first issue, we want to thank this committee, the General Assembly, the Department of Consumer Protection and Governor Lamont for their

fine work on the Medical Marijuana Program. Your efforts have made sure that we have the very best program in the nation.

Senate Bill 16 contains three enhancements to the Medical Marijuana Program we believe makes sense. First, the DCP Commissioner will review the possibility of eliminating fees on patients and caregivers. Second, the Commissioner will accrue ways to maintain and prioritize access to the Medical Marijuana Program and view of competition that would come from the Adult Use Cannabis Act. Third, the bill makes it clear that Medical Marijuana products are exempt from the 6.35 percent sales tax.

We look forward to seeing Commission Seagull's recommendations on the first two issues, when she reports to the General Assembly next January.

Turning to the -- the issue of adult use cannabis, we would like to offer a few comments. First, whatever program is designed to parallel to the maximum possible extent the Medical Marijuana Program because it is well regulated and streamlined.

Second, before current licensed medical marijuana producers have the capacity and expertise to start this program and help make it a success.

Our association can work with and mentor equity applicants, product manufacturers who enter the market and participate in workforce development efforts and training programs.

Third, an excessive level of taxation on the adult use product can make it very costly, driving consumers to the black market. The CMCC suggests a single tax at retail of 20 to 25 percent, so that the levy is transparent and competitive with Massachusetts.

Finally, on July 1st, 2020, the possession of 1.5 ounces of cannabis by a person 21 or older becomes legal with no fines. However, two full years elapse before retail sales begin on July 1st, 2022. During that time, purchasers will get cannabis from a neighboring state or the black market.

We would welcome the opportunity to discuss this gap issue with you and possible suggestions in the near future.

Thank you again for considering our view.

REP. STAFSTROM (129TH): Thank you. I'm interested on this gap period you mentioned, so why don't you go ahead and explain on that?

DAVID LIPTON: Sure. Before I just talk about the gap period, if I could just make a few comments that came up earlier, just to clarify some comments that were made.

It was mentioned by someone that only cash is accepted at dispensaries in Connecticut, that's not true. There's debit card processing at dispensaries. Just a few quick ones.

Earlier there was a big discussion about taxes in Massachusetts. It was mentioned that there was an

excise tax. And actually, that excise tax is not on production, but there is -- it is a tax like the retail.

And then also there was some discussion about Massachusetts program not getting the revenue the state had looked for at the beginning. And I just want to say that the Massachusetts program started very slowly. There was a lot of legal disputes, once the program started. They were not-for-profit, that converted to for profit, when rec was voted in. So, there was a delay in that program starting. It was not the well-run program that Connecticut has.

Now, to answer your question -- sorry -- about the gap period. All right. We think two years is too long. A period like that, problems could result in that. It will solidify the black market in Connecticut. It can ruin our current medical marijuana program and the future adult use program. It will invite untested and tainted products into Connecticut that can be harmful to our people in our population. And it will also encourage our population to go to other states and pay tax dollars to those other states.

A solution could be to speed up the implementation. In Illinois, they voted for it, an Adult Use Bill in May of 2019 and they began their implementation of the program in January 1 of 2020. They rolled it out incredibly fast.

We have the best run medical program in the state right now. The DCP does a phenomenal job regulating the program for producers, dispensary, and for all the patients. Should lean on this great program

that we have now, so we can roll it out sooner, utilizing producers and dispensaries. It will help tax dollars come sooner and we could also get a head star in the equity applicants process, so.

REP. STAFSTROM (129TH): And then I know you touched briefly on the tax implications here and that's something I know we spent a lot of time on this morning with the commissioner, but we really haven't revisited. It sounds like you all aren't as optimistic as the commissioner was about how our -- how the tax structure proposed in this bill compares with that in Massachusetts, which -- you know, whether we like it or not, is a relevant inquiry here, considering we're a small state and folks like Senator Kissel live right there on the border. So, we do have to -- we do have to look to what our northern neighbor is doing and -- and like potentially to what -- what New York may end up doing for folks down in the Vice Chairman's neck of the woods.

But if you could just comment specifically and maybe address some of the comments you've heard this morning from DRS on the tax structure here as opposed to Massachusetts?

NICOLE LEJA: We're not anti-tax. We think it should be on the sales end, the retail tax that way it is transparent. If there's a tax on -- there are a few issue with it. So, if you tax the producer and you're taxing your flower versus your trim, that's confusing to us as producers. Right now we do not wholesale to each other. Other states do. So, you may sell trim to a different producer who will then process it into a vape or a different

product. That's not allowed right now in Connecticut. So, why would you tax us on our trim, when we're not sure where that would go. It would probably only stay within the medical program.

And then another big point is if we're taxing based on weight, if we grow several strains and we have these batches of different strains, we're not sure at the weight moment what part of that will go to the medical program and what part will go to the adult use program. So, we could be unfairly burdening one of those programs or another. It's a -- it's a production logistics question right now for us on how that would actually be implemented and be fair and then how would that tax get passed on as well.

REP. STAFSTROM (129TH): So, you -- you'd propose and prefer to see the 20 percent point of sale that Massachusetts is currently charging?

NICOLE LEJA: Correct.

DAVID LIPTON: If I could just add, it is -- when you tax the register, it is transparent. And we have the infrastructure to handle that versus doing an excise tax on a -- on a new market. We're -- we're not alcohol or tobacco at this stage and I just think that in the register is the best way to do it.

REP. STAFSTROM (129TH): Okay. Further questions or comments from the Committee?

Representative Porter.

REP. PORTER (94TH): Thank you, Mr. Chair. And thank you both for your testimony. Talking about taxes and your desire to see the 20 percent tax just raises a red flag for me. And it's been -- it's been raising higher and higher. And I think that is kind of like -- hold, on wait a minute, because what we've seen with medicinal is that patients can't afford it.

And now we're talking about legalizing and the hopes and the goals of putting the black market -- decreasing the black market, I don't think you ever get rid of the black market, I don't care what it is. And then to have -- you know, a comment made during this -- this hearing that -- you know, well, the poor people and the minority people still ain't gonna be able to afford it, even those are the folks you're trying to help in this effort.

So, my concern is, how do we make sure that no matter what we do and how we do it, that poor people and the disproportionately impacted communities are able to afford this. Because if that's not the case, then it is a moot point for me.

DAVID LIPTON: That's an excellent question. We can -- for the record, provide inviting some of analysis on -- on affordability if there's an excise tax at the retail end. It is much more affordable for patients if you register a tax at the register.

Also, just a quick comment about for medical patients in Connecticut, we've been involved in the program since the beginning in the first group of producers and the only producers that were licensed. And prices have come down 50 percent in the market

now that it's a more mature market. We're able to produce to scale and the affordability is passed down to patients. So, we're very concerned about affordability for patients and for non-patients in adult use program.

REP. PORTER (94TH): And I'm glad to hear that. Thank you for sharing that information. I would love to see the data that you're talking about, to not only put me at ease but to also put -- you know, my constituents and other people in our disproportionately impacted communities at ease because that's the fear, we're doing this to shut down or diminish the black market, when we may not be accomplishing that in the end. And I don't want this to be all about what the state is making in revenues and taxes, without making sure that that equity is a real tangible piece of this legislation. So, thank you, and thank you, Mr. Chair.

REP. STAFSTROM (129TH): Representative Blumenthal.

REP. BLUMENTHAL (147TH): Thank you, Mr. Chair. And thank you both for being here today and for your testimony. I just had a quick question for my own clarification.

The 20 percent tax that you're proposing at the point of sale would be just a 20 percent tax on the sale price of whatever cannabis product is sold?

NICOLE LEJA: We would propose something more along those lines. But regardless of the bracket, if you're -- I know there was language of maybe taxing different potencies at different rates, but whatever

that tax may be on the sale's retail end, so again, it's transparent.

REP. BLUMENTHAL (147TH): Okay. Thank you very much.

REP. STAFSTROM (129TH): Further questions or comments? Seeing none, thank you both for being with us.

DAVID LIPTON: Thank you.

REP. STAFSTROM (129TH): Brian Corvo.

BRIAN CORVO: Good afternoon, my name is Brian Corvo, I'm Assistant Counsel at CBIA, the Connecticut Business and Industry Association. Well, CBIA is concerned about the broad impacts of legalization of cannabis, my testimony today is gonna be limited on how this bill directly affects employers' rights. Because employers of all sizes and across all industries are validly concerned about how the legalization of cannabis will affect them.

It's a big decision you guys have in front of you to decide whether or not to legalize the adult use of cannabis. As we've heard today, there's a lot of very complex issues.

What we ask is that you balance that decision by maintaining the existing reasonable protections employers now have to make and enforce policies regarding cannabis use in their hiring and employment practices, so that they have the

confidence that they need to -- to basically help build the economy back.

This bill does not achieve that balance, it doesn't give employers confidence. What this bill does is it basically protects people who choose to consume cannabis, and it is a lifestyle choice, while restricting employers' rights to decide whether or not the affects of cannabis use by employees is conducive to their workplace safety, liability and risk concerns and business contracts. And that's not a balanced approach.

But specifically we're concerned about how the bill takes away employers' rights to require employees refrain from cannabis use. It prohibits employers from testing and taking actions with regard to an employee's compensation terms, conditions of and privileges of employment because of cannabis use. And it prohibits employers from refusing to hire candidates whose preemployment screening test indicates the presence of THC.

This opens employers up to a lot of legal liabilities, including those from not hiring them. Employers are best positioned to decide what the role of cannabis should or should not be inside of their workplace. They know their safety concerns. They know their liabilities. They know where they want to take their business.

Employers' rights to make and enforce reasonable and nondiscriminatory policies with regard to cannabis and other drugs is already well regulated under Connecticut law.

Preserving and protecting employers' rights is not a novel concept. Other jurisdictions that have legalized recreational cannabis have preserved employers' rights to do this, including Colorado, Oregon, Illinois, Michigan, California and Washington. New York City and Nevada are outliers in this area.

The confidence of Connecticut employers and businesses is essential to job growth and job creation. They need to be confident that they have control over their businesses. They need to know that they can navigate a changing world. And this is gonna be a big change to that world. They can really -- they're in the best position to assess how this fits into their workplace.

With that I'll -- I'll take any questions you have.

REP. STAFSTROM (129TH): Questions from the Committee? Seeing, none -- no -- Representative Porter.

REP. PORTER (94TH): Thank you. And thank you for your testimony. A question around your concerns with -- because I was just taking a quick look over your testimony. And the off-duty piece, can you explain that to me. Are you actually saying that businesses should be able to ban people from consuming cannabis when they're not at work?

BRIAN CORVO: Correct. And that would be -- that's the current state of the law. That's currently what other jurisdictions have. Meaning, if you -- the concern is -- and I think one thing we can agree on today is there's a lot of data out there that's

contradictory. But cannabis has an affect on people. And unlike alcohol, I know everyone makes the analogy that, well, it's like alcohol. It's like -- well, if it was like alcohol, we wouldn't necessarily be having this breath of a discussion about it because it's not exactly like alcohol. The effects are different, and the effects are different over time.

So, you can use cannabis a lot outside of work or maybe once, come in. I have no way of knowing, and an accident happens, if that happened with alcohol, you could easily be tested. Same thing they want to do with cannabis, and it's a right they have. If people -- if there's a -- I -- I forget the exact standard, if it's a reasonable suspicion, you can be -- you can be tested by your employer now.

We're just looking to preserve the law that's already in place that protects employers.

REP. PORTER (94TH): But if we legalize it and then we allow you to tell people that in their free time, when they're not on duty and they're not at work, they can't consume. I just don't understand.

BRIAN CORVO: Right. Well, it's -- it's -- they can consume, it's just -- it's a lifestyle choice. I mean, the employer has a choice here also, which is -- I don't even want to say it's a choice. They're -- they're gonna be stuck with the liability of an employee who may be under the influence of cannabis from chronic use that's outside of the workplace. If you pardon the analogy.

So, it's -- something happens, the employers gonna get sued. It doesn't negate workplace safety or any of the employers concerns or liabilities because the employee did something within the law.

If an accident happens, it doesn't matter whether the impairment was because of a legal activity or not a legal activity, someone's gonna come after the employer for -- for negligence in having an employee there that may have been under the influence. And I think like just all the testimony we've had today, there's a lot of questions about testing, about what behaviors exhibited, whether someone's under the influence, how long someone's understand the influence. How do we test somebody under the influence?

Employers have a stable rubric they're working under now. And I don't really -- I -- I understand your concern, it's a legal activity. But it's also a lifestyle choice. It's a choice. Whether or not you -- you choose to consume cannabis. But it's also, with that choice, you're gonna make the employer take on the liability of your choice.

So, and -- and that's not a balanced approach. That's a one-sided approach. It protects cannabis users and potentially punishes the employer.

REP. PORTER (94TH): So, with alcohol, is there a ban on alcohol when people are not on duty?

BRIAN CORVO: I don't believe so, but --

REP. PORTER (94TH): Okay.

BRIAN CORVO: -- I'm not testifying on legalizing alcohol.

REP. PORTER (94TH): No, you're not. But you made a lot of references to alcohol back and forth. With cannabis, this is why I'm making a reference now because it's making me wonder -- you know, this is cannabis, but there's other life choices that people make that are legal. And I'm just wondering, as a business, do they prohibit people that drink alcohol from not consuming alcohol when they are off duty? And your answer was no.

BRIAN CORVO: I can't think of an example.

REP. PORTER (94TH): Okay.

BRIAN CORVO: But I don't think that -- again, we're talking about something and I don't want to make the analogy too close because as people have testified here today, the effects are different. The testing is different. The long-term affects are gonna be different. And, you know, frankly, it's just I think with the -- the wide range of testimony you've had here today from doctors and social workers, scientists across the board, there's -- we can't agree on a lot of this stuff.

REP. PORTER (94TH): That's true.

BRIAN CORVO: So, and what you're -- it's actually asking an employer to do is, you know what, you're gonna take on the liability on -- you know, as my colleague was saying, it's either gonna be in your workplace or -- you know, let's say you have a workplace with chemicals. You have a -- you have a

workplace where it's not maybe necessarily dangerous, but you have work that requires a -- a -- a high degree of detail. I feel like the employers in the best position to decide, do I want to have an employee in here who may -- who -- who chose to use this drug and may start exhibiting symptoms of it in -- in my -- in my workplace, in my business and --

REP. PORTER (94TH): And I agree.

BRIAN CORVO: -- and I'm gonna -- and -- and -- and that's concern.

REP. PORTER (94TH): As long as they're at work. As long as they are working for --

BRIAN CORVO: Right.

REP. PORTER (94TH): -- an employer --

BRIAN CORVO: But if the --

REP. PORTER (94TH): -- and on the clock.

BRIAN CORVO: -- if the -- if the affects --

REP. STAFSTROM (129TH): Folks.

BRIAN CORVO: -- are --

REP. STAFSTROM (129TH): Folks, folks --

BRIAN CORVO: -- from stuff that happened --

REP. STAFSTROM (129TH): -- folks, guys, guys --

BRIAN CORVO: I'm sorry.

REP. STAFSTROM (129TH): Both -- both -- both -- both of you. I need you not to talk over each other. So, you're gonna agree to disagree.

REP. PORTER (94TH): I think that we've kind of reached an impasse. I'll just say that the facts may be different, but impairment is impairment. And I'll leave it there. Thank you, Mr. Chair. And thank you for your testimony.

BRIAN CORVO: Absolutely.

REP. STAFSTROM (129TH): Senator Winfield.

SENATOR WINFIELD (10TH): I'm not sure I'm 100 percent clear on what your testimony is saying. So, are you saying that if -- if, in your mind, there were a test that more clearly indicated that someone was intoxicated or not with cannabis, then it would be fine to operate as alcohol does?

BRIAN CORVO: No. I --

SENATOR WINFIELD (10TH): What -- what are you saying?

BRIAN CORVO: I mean, I -- I -- I don't want to deal too much in hypotheticals right now that don't exist. I'm just -- with the -- the narrow issue before us.

You know, basically we want -- employers would feel more confident keeping the existing rights they have to test perspective employees and current employees

for cannabis use to be able to enforce the policies that -- that they're able to enforce now. You know, if there was a test, maybe that would be acceptable, but would it still -- would it negate any of the long-term -- you know, possible long-term affects of cannabis on employees, I don't know. That's not -- that's way outside of my -- my -- my field who that would be acceptable.
SENATOR WINFIELD (10TH): But I guess that's why I'm asking you the question because I think it's outside of the field of most of the employers you're talking about as well.

And yet you are testifying that they are best qualified in this scenario you're putting forward to suggest what should happen based on what?

BRIAN CORVO: Well, if we take the premise that cannabis would affect the human mind right? It would affect coordination. It would affect long-term and short-term memory possibly, judgment, all of those things, right. That's one of the reasons -- you know, I guess one of the affects of it. We're obviously coming up with motor vehicle regulations around this and boating regulations.

It would seem to me that an employer should have -- you know, sort of the same protections to say, I don't know if I want somebody on my jobsite who's going to be under the influence of this. And I have no way of testing in the moment whether or not they're under the influence. So, I'd like to have a cannabis-free workplace on the day after legalization, just like I had on the day before. And the restrictions -- the -- the -- the -- the current law is -- is actually restrictive enough

that it gives people notice. You know, they're -- if they're gonna be drug tested as a condition of employment. If there could be drug testing during employment. Drug policies -- the testing policies that are in writing. It's a -- it's a pretty transparent and not random process to -- to -- to drug test people.

SENATOR WINFIELD (10TH): That's so -- you and I have had several conversations about many issues. So, I think you know that I'm -- I'm genuinely trying to understand. I, as an individual, don't have an issue with it being -- it being exhibited and drug testing happening during the course of employment.

I -- I am a little troubled about someone suggesting to me that I might -- not that I've ever even touched the stuff, but I'm definitely afraid of drugs. But my -- I have -- I do have a little bit of an issue when somebody is suggesting that I might consume outside of the workplace and potentially go into the workplace completely sober and yet they have the right to suggest that I cannot do that. That is a little bit troubling to me. But I appreciate your testimony.

BRIAN CORVO: And we've submitted sample language also that -- that -- you know, we -- we'd like to see as part of the bill.

REP. STAFSTROM (129TH): Further questions from the Committee?

REP. CARPINO (32ND): Thank you, Mr. Chairman. I don't want to belabor this, but listening to both of

this, I just want to make sure I think -- I think I understand what you're saying. Are you saying the employers' perspective is, they want a cannabis free workplace because there is no established testing to determine if somebody's under the influence while at work?

BRIAN CORVO: And I think that -- yeah. I think for now that's -- that's what -- that would be a big part of what we can go with. There's not an established test of whether somebody's under the influence now. And we just had people in here testifying about that with -- with motor vehicles. But it -- yes.

REP. CARPINO (32ND): Thanks.

REP. STAFSTROM (129TH): Okay. I think maybe I'm more confused than when we started.

BRIAN CORVO: I know I -- I -- I think my written testimony is maybe more clear, but --

REP. STAFSTROM (129TH): All right. I think we'll leave it there. Thank you for your testimony.

BRIAN CORVO: Thank you.

REP. STAFSTROM (129TH): Michael Makowski.

MICHAEL MAKOWSKI: Good afternoon, Senator Winfield and members of the Judiciary. From what we heard today, I support medical marijuana for those in pain and in the palliative state. I truly support it.

However, I do not support this current bill, making it recreational -- legal. I -- if you go to the portal, Connecticut Violent Death Reporting System, a member of the community asked the health department the question, how many violent deaths that would be suicides and homicides did people test positive for marijuana? The time period for the data as 2015 to 2017. And about 31 percent or about 30 cases of the homicide victims tested positive for marijuana.

And on the suicide side, about 12 percent or about 50 cases tested positive for marijuana. We know that marijuana impairs judgment and in the cases of probably suicide, it probably reduced their ambitions.

You can also look at the CDC website and you can come up with the cost for injury and for the cost of death. And one death would cost the state roughly about a million dollars. And for injuries would be about $500,000.

Also, if the recreational marijuana would be legalized, you would expect injuries to be coming into the ED. If you looked at the Connecticut Medical Association's data, it's called Chime, since 2016 to 2018, they had about -- and there were about 400 ED visits for marijuana and intoxication.

SENATOR WINFIELD (10TH): Are you -- you're done?

MICHAEL MAKOWSKI: I'm done.

SENATOR WINFIELD (10TH): Okay. Are there questions or comments from members of the Committee? Seeing none, thank you very much for joining us today.

MICHAEL MAKOWSKI: Thank you.

SENATOR WINFIELD (10TH): Ken Welch. Craig Turner will follow Ken Welch.

KEN WELCH: Hi. My name's Ken Welch from the Coalition for a Better Wallingford. And thanks for giving me this opportunity to address the Committee today.

I want to start by saying that this bill is a little deceptive in saying it's just about adults and cannabis use. I think the distinction should be more about commercialization. And we've heard testimony earlier today about how strong that is, the influence of money in this -- this situation.

I'm here to talk about our small community and the challenges that we face. After losing my stepdaughter, Taylor, at 20 year's old to a drug overdose, my wife and I dedicated the last eight years to creating a legacy in her memory. Supporting our community, consoling families, educating out youth, pleading with agencies and legislatures, building a local coalition of concerned citizens to make our own town safe for our kids.

We've managed to turn off the faucet of opioid pain killers with an emphasis on killers. We've rallied our parents and school system to help cut back on teen alcohol consumption. We've worked tirelessly

to create -- to educate our community about the real threat of suicide ideation among our youth.

We've helped over 170 families navigate the challenge of living with an active addict. Through a group that meets weekly, our hope and support group. We've worked with our local government to pass on the first local ordinances, increasing the tobacco age from 18 to 21 years, to combat a youth vaping epidemic.

All this work. And I appear in front of you feeling confused and betrayed by the contemplation that we are seriously considering legalization of commercialized marijuana.

This, when there is mounting evidence that it will become yet another attack on our youth and families. The science is clear, don't do it.

The experiences where states have succumbed to big pot money is devastating. Don't do it.

There's not one medical organization endorsing this course. Don't do it.

Our own Department of Public Health is curiously silent, crickets. There's a message there. The law enforcement officials are clear, don't do it. Psychiatrists are clear, don't do it. Prevention professionals are clear, don't do it. Youth service bureaus, don't do it. For all those already dealing with the tragedy and the loss of a loved one, don't do it.

Marijuana has the potential to be the greatest threat to our youth we've ever known. What follows in my written testimony is a short, yet compelling list of evidence, linking marijuana consumption to a variety of serious life-threatening conditions.

We do not have all the research yet, but we do have is building an undeniable case against legalization. Please read the information.

If you're still believing that legal commercialization of marijuana is good, Taylor will be shedding a tear for your soul. Thank you.

SENATOR WINFIELD (10TH): Thank you. And I didn't want to interrupt you, but when people are testifying, we cannot have outbursts in the room.

Are there questions or comments from members of the Committee?

Representative Porter.

REP. PORTER (94TH): No questions. I just want to thank you for being here today. I want to thank you for your testimony. And I do -- I mean, there -- there's no debate in what you just testified to. So, I want to offer you my condolences, my sincerest condolences in your loss. Can I just say, thank you, for being her for Taylor.

Thank you, Mr. Chair.

SENATOR WINFIELD (10TH): Thank you. Questions or comments from others? Seeing none, thank you very much for joining us today.

KEN WELCH: Thank you.

SENATOR WINFIELD (10TH): Craig Turner and Ben Zachs will be -- will follow Craig Turner.

CRAIG TURNER: Good afternoon, Co-Chairman Senator Winfield, Representative Stafstrom and the members of the Judiciary Committee.

This is the letter that is offered to you as testimony from the Mayor of the Town of Wallingford, William W. Dickensen, Jr.

Concerned Connecticut citizens are affected with the disastrous public health consequences of the failure to test opioids for long-term use. Given that there is a significant cause for concern, as outlined below, about the health and safety of using marijuana, we are best advised to schedule scientific testing of cannabis, prior to encouraging widespread use.

The very basic tenets of public health policy and doctrine requires such testing. Connecticut families deserve to know if marijuana is, in fact, safe to use. Placed on the scales of justice, the weight and value of public health concerns far exceed the weight and the value of revenue collection.

Evidence for the need for testing include the following: From the National Epidemiological Survey on Alcohol and Related Conditions, 1 in 10 marijuana users will become addicted. 1 in 6 people under the age of 18 will become addicted.

From the 2014 National Academy of Sciences, marijuana has harmful effects to the brain, which may be permanent.

From the Center for Disease Control and Prevention, the compounds in marijuana can affect the circulatory system and may increase the risk of heart attacks and strokes. And there's mounting evidence of the use for seniors, which I'm not sure anyone has talked about, and the effect of senior citizens using it. It's quite a serious issue these days. It's almost doubled into this rate in Colorado.

Children and babies are especially susceptible to harmful effects of the developing brain. Again, the 2014 National Academy of Science.

And finally, from the U.S. Center for Disease Control and Prevention, 2500 lung illness and 54 deaths, primarily caused by vaping marijuana.

It is time to assure our citizens that our highest duty is to protect the public health.

So, I -- I think there's been a number of -- top -- that ends the -- the letter. Just in terms as the conversations happened, there's been a number -- a number of reference about alcohol and tobacco and how we dealt with those within our society over the years.

The difference here is that we didn't have the science ahead of time. And the law that regulated tobacco and alcohol and the industry that marketed

it and sold it, outpaced science. They were ahead of us.

So, I would like to think that we're in a different place now with respect to both marijuana and vaping. And you would have thought that we would have had the science to outpace the laws for vaping. But sadly, that ended up not being the case. And it is our sincere hope that we can at least approach that balance on the recreational side of the coin with marijuana. Thank you for your time.

SENATOR WINFIELD (10TH): Thank you. Are there questions or comments from members of the Committee? If not, thank you for joining us. Next we'll hear from Ben Zachs, followed by the Reverend Carl McCluster.

RICK CARBRAY: Good afternoon, Senator Winfield. I'm sorry -- good afternoon, and members of the Judiciary Committee. My name is Rick Carbray, I'm a CEO of Fine Fettle Dispensary and also a pharmacist. I'm here today with Ben Zachs, our COO, and we're glad to give you an opportunity to talk about Senate Bill 16.

Fine Fettle is a locally owned dispensary organization with locations in Newington and Willimantic. Our team is built of Connecticut residents and alumni of schools, universities and pharmacy schools across this great state.

We are proud to be the first Connecticut based cannabis company to expand beyond Connecticut. We've recently being approved to dispense in Massachusetts and cultivate and process in Rhode

Island. We are a group who believes in being diverse and local.

One of our dispensary managers is born in Puerto Rico and the other is a first-generation Korean-American. Our staff is local to the community in which we are located with diverse backgrounds and the ability to reach our patients in their first language.

With respect to Senate Bill 16, we believe this is on the right path towards legalization. But misses key aspects of speed-to-market, equity, supply and necessary oversight. Ben will address these topics for you.

BEN ZACHS: Thank you. Speed-to-market. First in Illinois, the only state to pass recreational cannabis through legislation versus a vote. Their bill was passed on June 25th, 2019. And the recreational cannabis sales began January 1st, 2020. Their first month of sales netted $10-million dollars in tax revenue for the state.

In our bill, legalization is pushed off nearly 30 months from today. In fact, we currently have the infrastructure to enable legalization through the existing 17 dispensaries and four producers or growers.

Current medical dispensaries should be allowed to make the choice to operate both medical and recreational and then get approval from their own town and DCP to operate in both capacities.

The current bill prioritizes four growers acting as the sole producers who can become limited capacity for expansion but does not allow the market to open early through direct sale to customers through the existing safe, well vetted and operating dispensaries.

Next on supply. Even with Connecticut growers expanding, they can't supply the needs of the recreational market themselves, especially when we look at exorbitant pricing in Massachusetts and no legalization in New York, I'm looking at demand from out of state as we've seen in other states that have legalized, next to states that aren't legalized recreationally.

While the current growers are expanding, this both creates a competitive issue, a lack of innovation and potential price issues for the end consumer.

The current bill asks for a study to assess the supply needs of the state. Between that study and our scoring building facilities, harvesting, et cetera, it's a long endeavor to get to more cultivators.

DCP should be provided the funding to immediately commence an RFP for additional cultivators across the state. And equity, in moving forward, there need to be more specifics versus just an open council on equity for both ownership and community involvement sides.

We propose that all current operators must mentor a minority applicant on their application, train on both the technical aspects of the writing and the

operations. And then we have this further in our grow -- in our piece of lower capX type of licenses. And in terms of oversight, we think there needs to be more funding as well as employment opportunities within DCP to ensure that the program can be regulated as it expands. Thank you.

SENATOR WINFIELD (10TH): Thank you. Are there questions or comments from members of the Committee? If not, your testimony is -- we have it, right?

BEN ZACHS: Correct.

SENATOR WINFIELD (10TH): Okay.

BEN ZACHS: Yeah.

SENATOR WINFIELD (10TH): Thank you. Thank you for joining us today.

BEN ZACHS: Thanks.

SENATOR WINFIELD (10TH): The Reverend Carl McCluster, followed by Devaughn Ward. Is Reverend McCluster here? If not, Mr. Ward, you're up. Devaughn Ward will be followed by Frank Riccio. Mic. There we go.

DEVAUGHN WARD: Good afternoon, Chairman Winfield and members of the Judiciary Committee. My name is Attorney Devaughn Ward and I am currently the Senior Legislative Council at the Marijuana Policy Project, the largest marijuana policy reform organization in the United States. MPP has been working to approve marijuana policy for more than 20 years. MPP has also convened the Connecticut Coalition to regulate

marijuana. A diverse group or organizations that acknowledges that cannabis prohibition has failed and we're working to support a better solution, which we believe is regulating and taxing alcohol similar to alcohol.

We are here today in strong support of S.B. 16, which is the Governor's bill to end cannabis prohibition, replace the unregulated illicit market with a tax and regulated system of licensed cultivators, retailers, manufacturers, micro-businesses and testing laboratories.

As you know, in the 2019 session, a package of bills that sought to legalize and tax and regulate cannabis for adults 21 and over was presented to the legislature, but ultimately fell to needing passage. S.B. 16 draws on the lessons learned during the 2019 session and represents a sensible approach to ending cannabis prohibition with a strong focus on public health, public safety and social equity.

I'm not gonna read too much from my testimony, because you all have it. But did want to concentrate my time on debunking two prevalent myths, or misconceptions associated with reducing or eliminating penalties from marijuana possession for adults.

First, when people worry about marijuana being labeled as a gateway drug, to use a part of drugs, this concern has been debunked by every major study on the subject. For example, when a similar 1999 report by the prestigious Institute of Medicine, part of the National Academy of Sciences researchers found, marijuana is not the most common and is

really the first gateway to illicit drug use. There is no conclusive evidence that drug effects with marijuana are casually linked to the subsequent abuse of other illicit drugs. The report went on to note that there is no evidence that marijuana serves as a steppingstone on the basis of its particular physiological effect. Instead, the legal status of marijuana makes it a gateway drug. These findings have been confirmed by major peer review studies in American Journal of Psychiatric -- Psychiatry -- excuse me, the British Journal of Addiction, and the Journal of Health and Social Behavior. And but the second myth is that opponents often claimed that allowing adults to illegally use cannabis was ultimately increased. Teenager cannabis use, that has not been borne out of the data from other states.

In fact, the most in depth surveys suggest moderate decreases in rates of use, cannabis use in Colorado and Washington, both of which approved initiatives to regulate cannabis like alcohol, in 2012. Public health programs can further reduce teen use, regardless of legality of the substance for adults. This is illustrated by the impressive reduction in teen tobacco use, which has plummeted from 79 percent from its peak in 1997. And this was due to strict regulations on cigarette sales and advertising, plus a robust public education campaign, which is similar to some of the issues that DCP is required to study in the -- in the proposal that’s before the Committee.

And with the rest of that, I’ll -- I’ll yield my time back to the Chairs. Thank you.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee? If not, thank you very much for joining us.
DEVAUGHN WARD: Thank you.

SENATOR WINFIELD (10TH): We will hear from Frank Riccio, followed by Sarah Gersten.

FRANK RICCIO: Good afternoon, Senator Winfield. My name is Frank Riccio, and members of the Committee, my name is Frank Riccio. I'm the President Elect of the Connecticut Criminal Defense Lawyers Association. I represent 350 approximately criminal defense attorneys in the State of Connecticut, who on a daily basis are in our local courts dealing with issues related to this offense and others.

I've submitted written testimony on this bill, the CCDL does support Senate Bill 16. And I won't repeat what I put in my written testimony. But a couple of things I do want to point out that there are these benefits to legalization from a legal standpoint.

Specifically, that there will be in effect less arrests as to specifically the possession of marijuana, which of course would allow then police to use their resources elsewhere. Less collateral consequences. Those that have these convictions, these misdemeanor convictions for marijuana do find themselves to be in a very difficult situation with their jobs, with school, with housing, with receiving loans. And the -- one of the benefits of this bill and one of the discussion points was about the removal of certain convictions that would be helpful as well.

Even with higher amounts of -- of marijuana and cannabis arrests, there will be the allowance of suspended prosecutions and treatment.

There are a couple of troublesome areas though. We've already heard from a couple speakers that I do want to touch on just briefly. And one is this idea of the DRE or the Drug Recognition Experts, and their testimony essentially being legislatively admissible.

There have been many states who have had court challenges to the DRE experts. In fact, earlier today, Senator Kissel had questioned one speaker about some of our local states or neighboring states rather, and there have been these challenges in the -- in Rhode Island and Massachusetts specifically where the DRE was challenged in the trial court level and the local trial judges did rule that the DRE findings were inadmissible.

And the concern is, is that the removal from the trial courts and the trial judges the ability to challenge the scientific and expert testimony through the use of the Dahlberg Reporter cases would be essentially taken away from the trial courts. And that's certainly troubling because we're legislating away one of the powers that a trial judge has. You're also removing the -- the ability of a criminal defense attorney to challenge the content of an expert's opinion. And so this would legislate that away. And I think that that certainly is troublesome.

As to the DRE itself, there's many subjective elements to it. I know that Representative Rebimbas was concerned about that as well. So, there is a very -- a high level of subjectivity to the DREs and that concerns the defense -- defense counsel as well.

Secondly, the requirement for the IID to be installed by those who have been convicted of a cannabis offense is troublesome as well as it cannot be monitored through the current device. If I -- if there are no questions, I will yield my time.

SENATOR WINFIELD (10TH): Questions, comments from members of the Committee? Seeing none, thank you very much --

FRANK RICCIO: Thank you.

SENATOR WINFIELD (10TH): -- for joining us today. Sarah Gersten, followed by Vicky Hutchinson.

SARAH GERSTEN: Is that on? Okay. Thank you, members of the Judiciary Committee. My name is Sarah Gersten, I'm the Executive Director and General Counsel of the Last Prisoner Project.

The Last Prisoner Project is a national non-profit. And we use a multi-faceted approach to address the disparities in sentencing for cannabis offenses and the collateral consequences of cannabis arrests and convictions.

LPP works to address these disparities through policy reform and impactful direct service programs that work to both release non-violent cannabis

offenders from incarceration and to assist those coming out of incarceration and rebuilding their lives, their re-entry programs and anti-recidivism efforts.

While we are a national program, I am a recent new resident of Connecticut. But I come here from Colorado. So, I would like to take my time to share some of the experiences and lessons learned from serving in this role in that state. You have my written testimony, which speaks to both the collateral consequences of a conviction and the need for automatic expungement. It speaks to the host of issues that folks face when dealing with a petition-based expungement or erasure process.

But I would like to urge the legislature and I would to applaud the drafters of this bill for creating a framework that is based in both criminal justice reform and social equity measures.

It is imperative that Connecticut include such measures as a part of any legislation to legalize and regulate cannabis.

We have, and I personally have seen, how difficult it is to retroactively create an equitable industry post-legalization in a State like Colorado.

Additionally, if Connecticut does not create a framework for legalization rooted in repairing the past harms of prohibition, particularly on communities of color, not only do we miss an opportunity to reform a justice system that continues to fail these communities, but we also risk exacerbating these problems.

We heard today a lot of questions raised about the effects on our youth if we legalize marijuana. And while usage rates among young people in Colorado have remained statistically unchanged, what we have seen is a drastic increase in cannabis arrest rates for black and latinx use post-legalization.

Luckily states that have more recently legalized are recognizing the importance of prioritizing social justice through legalization. And states that have fully legalized have generally seen positive social justice impacts across the board. Arrests in all legal marijuana states and the District of Columbia for possession, cultivation and distribution have plummeted. And as the earlier testimony showed, that allows a reprioritization of both the police force and the Judiciary on more important public issues.

So, again, I'm applauding the drafters for including provisions for automatic expungement. I want to specifically speak to why that's critical.

There's a growing trend toward easing the process of petition-based expungements. And if you look to my testimony, it talks about particularly on the communities that we're trying to repair the past harms of criminalization --

SENATOR WINFIELD (10TH): Ms. Gersten --

SARAH GERSTEN: -- why that process is so difficult.

SENATOR WINFIELD (10TH): If you could summarize, that would be great.

SARAH GERSTEN: Yeah. So -- I mean, we heard earlier the difficulties for someone who self-acknowledged the privilege and the resources they had in trying to clear their record. If someone is not an English speaker, if someone comes from a low-resource community and can't afford access to attorney, can't afford access to the internet. Just imagine the difficulties in trying to access, not just the Pardon -- the Pardon system, but a petition-based process.

And again, these are in my written testimony.
SENATOR WINFIELD (10TH): Thank you. Are there comments or questions from members of the Committee? If not, thank you and welcome to Connecticut.

SARAH GERSTEN: Thank you.

SENATOR WINFIELD (10TH): Vickie Hutchinson, followed by Kyle Zimmer. Vickie Hutchinson? Kyle Zimmer? David Krechevsky, followed by Amy Parmenter.

DAVID KRECHEVSKY: It's Krechevsky.

SENATOR WINFIELD (10TH): I tried.

DAVID KRECHEVSKY: And if you need to spell it for you, I will, but you -- I have submitted my testimony and thank you Senator Winfield and Representative Stafstrom and the members of the Committee. I appreciate the opportunity to testify today.

As I said, I submitted the testimony online, so I'm not gonna read through it. But there is a section that I want to read, and unfortunately Representative Fishbein isn't here because it would answer some of his questions that he had earlier along with Representative Smith.

And I'm also going to do something I probably shouldn't do, which is attempt to help Mr. Corvo from CBIA to explain what he meant when he said he had concern -- businesses have concerns about asking people not to partake of marijuana while they're not at work.

So, let me start by reading this paragraph, which comes from a report that was produced by the National Highway Transportation Safety Administration in July 2017 and presented to Congress. And in it, it does a very good job of explaining the difference between alcohol and marijuana.

And there's a lot of talk about trying to test for marijuana. And this explains why it's really not possible.

So, let me just read this real quick. It states that, unlike alcohol, which has a direct correlation between the level of alcohol in the blood stream and the level of impairment, there is no such correlation for THC in impairment. And I'll quote the report, as expected the peak THC level is reached soon after smoking ends. However, peak performance deficits are observed long after the peak THC level occurs.

So, what that means is unlike alcohol, which has a very specific run through your system, you can go out and party on a Saturday night and be fine at work on Monday. That's not necessarily the case with marijuana. You could still -- you could have a low THC level and still be impaired. And it does say that there is no accurate or reliable predictor of impairment from THC. So, unlike a blood alcohol level, which you can set at .08, and say anything above that you're impaired, that -- there's no such level that exists for marijuana. And that's directly from the report and does cite its sources.

So, that's why I think, Mr. Corvo, and businesses that I've spoken to are concerned about this because someone can go out and smoke marijuana on a Friday or a Saturday night and potentially still be impaired when they show up for work. And, you know, the level of impairment could be different, it could be high, it could be low, it varies from person-to-person. But there's no way to accurately judge how impaired the person is, based on the THC level in their system. And so there's no way to test for it.

So, that's why there's concerns for employees partaking of marijuana, whether it's ingested by smoking or through an -- you know, ingestible brownie or something. There's no way to accurately judge whether they're impaired when they show up for work.

And it's not just safety. We talked a lot about that and that's important, don't get me wrong. But if you have a manufacturer who's making equipment or making parts for the medical industry or the nuclear industry or the aerospace industry, do you want

someone's who's impaired trying to meet those tolerances? And maybe it's not the person who's making the part, maybe it's the quality control officer.

So, there are other issues here that are relevant that need to be considered. I'm happy to take your questions.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee? I thank you for helping to clarify.

DAVID KRECHEVSKY: I would also like to say that included in my testimony, I did include a link to the National Highway Transportation Safety Administration report, so you can click on that and --

SENATOR WINFIELD (10TH): Thank you.
DAVID KRECHEVSKY: -- find the report.

SENATOR WINFIELD (10TH): Thank you very much. Amy Parmenter, followed by Ann Marie Luisi-Rosado.

AMY PARMENTER: Is this on? Good. Great. So, my name's Amy Parmenter. I'm the Manager of Public and Government Affairs for the AAA Allied Group, one of two AAA clubs in Connecticut. My testimony today is offered on behalf of both clubs. AAA Allied and AAA Northeast. Together, we represent more than a million members in Connecticut. And we have both been longstanding members of the Connecticut Statewide Impaired Driving Taskforce.

AAA has a national policy opposing the legalization of recreational marijuana. So, we oppose S.B. 16 for the following reasons: Marijuana increases crash risk, increases -- it's late in the day, sorry -- crash rates, and as you've heard today that unlike alcohol, there's no simple test to measure roadside.

So, I'm a visual learner and there's been efforts to clarify today. So, this is my example. If this is the amount of alcohol in your blood and this is how impaired your brain is, they go up and down together.

If this is the amount of active THC in your blood, the impairing chemical in cannabis, and this is how impaired your brain is, there's no correlation. So, any attempt to measure this, is not indicative of this.

You will hear from proponents that a roadside test is coming. So, to be clear, there is a roadside test that is in the works, but that roadside test at very best will be able to indicate recent use. But recent use is not impairment any more so than if I went and had a glass of wine at lunch and then got behind the wheel of the car, which I wouldn't do, but that doesn't necessarily mean I'm impaired just because I had a glass of wine. So, it only indicates recent use.

So, AAA supports the standard of permissible imprints, which S.B. 16 does make a provision for. The permissible imprints, as opposed to that threshold, is any level of that's correct in the

blood and evidence of emotional, behavioral or physiological impairment as assessed by a DRE.

So, earlier today we heard some questions about what's this both, why do we need both? Is this zero tolerance? You put the two things together, the evidence of THC in the blood, any, and evidence of impairment as evaluated or observed by a DRE.

We also know that there's a problem of how many DREs Connecticut has or doesn't have. You've heard about the ARIDE qualifications of police and the DRE qualifications.

Connecticut actually has a lower number of ARIDE and DRE officers than most other states. And this is not a problem that can just be fixed by money and I'm happy to elaborate on that.

And just, the last point, Connecticut already has a drugs driving problem, even before Massachusetts legalized marijuana. Looking at crash stats, Connecticut had significantly higher rates, fatality rates where the driver was tested for drugs than the national average, significantly higher.

So, there is a lot in this bill that aligns with AAA policy, and we appreciate the lawmakers careful consideration. We've even made some additional recommendations, but we oppose the law because we oppose legalization of recreational marijuana.

SENATOR WINFIELD (10TH): Thank you. And if you could -- Representative Stafstrom.

REP. STAFSTROM (129TH): So, let -- let me just be clear. You'll -- I don't know if you were here first thing this morning, it seems like it was -- it was a while ago. But the DOT and Commissioner of Public Safety and the Commissioner of the DMV were here. And they testified in support of this bill because it was -- it was their testimony that particularly Sections 10 through 17 in the bill will actually increase traffic safety in the State of Connecticut because for the first time, we are putting in place a -- a framework to cut down on impaired driving that is not necessarily linked to alcohol. Will you agree with that testimony?

AMY PARMENTER: There are definitely provisions within this bill that AAA agrees would enhance traffic safety because they address the drug impaired driving issue that already exists in the state.

REP. STAFSTROM (129TH): But your --

AMY PARMENTER: Yeah.

REP. STAFSTROM (129TH): But your national parent organization just has we -- we oppose legalization no matter what under any circumstances, so that's their position?

AMY PARMENTER: We oppose legalization specifically because of traffic safety concerns.

REP. STAFSTROM (129TH): Right.

AMY PARMENTER: It can't just be fixed with money and some of the other issues that I've outlined

here. For instance, we look at the Drug Recognition Experts and there's provisions for making ARIDE mandatory for new recruits. But what about the problem --

REP. STAFSTROM (129TH): So, I guess my -- my question is pretty specific. My question is whether there are provisions or changes we could make to this bill to alleviate your concerns? And it sounds like the answer is, no. That no matter what we do, you will still oppose?

AMY PARMENTER: We -- we do oppose --

REP. STAFSTROM (129TH): Okay.

AMY PARMENTER: -- S.B. 16 --

REP. STAFSTROM (129TH): Thank you. Appreciate you being here today.

AMY PARMENTER: -- yes.

SENATOR WINFIELD (10TH): Thank you. Questions, comments from others? Seeing none, thank you for joining us this evening. It is evening. Anyway, Vickie Hutchinson? Well, yeah, that was -- Vickie Hutchinson? Kyle Zimmer? We did that. Ann Marie Luisi-Rosado? Jared Koslawy, followed by William Huhn.

JARED KOSLAWY: I'm Jared. Hello. My name is Jared Koslawy, I'm from Portland, Connecticut. Let me start by saying, thank you for your time to consider cannabis legalization today.

I'm testifying today to share my informed opinion on -- I'm sorry, I'm having anxiety right now.

SENATOR WINFIELD (10TH): Take your time.

JARED KOSLAWY: And why can't -- Connecticut should legalize recreational marijuana. With my testimony I would also like to highlight ways to -- in which S.B. 16 can be improved, while expressing my general support for the bill and it's overall goal to legalize and sensibly regulate marijuana for adult use.

Now, is the time to legalize cannabis in our state and end the stigma associated with being -- with being a productive, otherwise, law-abiding cannabis consumer.

The culture needs to evolve because for far too long cannabis, marijuana -- Connecticut's marijuana policies have made cannabis consumers people, I love and care about, hide in the shadows of our society. These people are scared to talk about their cannabis consumption outside their home, outside their groups because they don't want to become victims of the criminally enforced War on Drugs.

This keeps cannabis consumers underground, buying unregulated black market marijuana products on the streets. These policies have eroded trust in the government, including its ability to regulate the cannabis market.

Government overregulation will result in inflated marijuana sales tax -- taxes, strict licenses,

licensing and consumption in the laws, of which are reflected in the structure of S.B. 16.

I feel as though we're replacing an unjust law with it, a slightly better law that allows -- allows access to cannabis. But with significantly -- significant barriers to access for everyday consumers and entrepreneurs. Why create more boundaries for adults to access safe -- test illegal marijuana, help them regain the government's trust in a way that brings health -- wealth to our safe-tested, state-legal cannabis.

Connecticut needs ways to educate passionate residents about the plant they are -- they are ingesting that's both affordable and knowledgeable.

Personally, I would like to learn more than I can afford. I've learned early on, settling for the knowledge I can obtain freely is going to help me for the next person. For the past eight years I have had some real struggles in my past, but and I'm here today and I'm thankful for that.

My overall point, I support this legislation, mostly because it will end the stigma of being a marijuana consumer, despite being a productive, gainfully employed, otherwise, law-abiding citizen of our state.

This legislation will also encourage private industry to establish a safe regulated marijuana market on which myself and my -- and people like me can access safe regulated products with -- rather than being forced to -- the improved known -- improvement now or in the future.

I just have one more sentence. These improvements include, no possession limits, home grow rights for any Connecticut citizens, investment and communities unfortunately affected by the War on Drugs. Thank you very much for your time.

I also would like to make a note that I'm a mental health patient in the state. And I -- I'll -- I would like to inform you guys as much as I can about the -- my mental health as I can with cannabis related to it.

SENATOR WINFIELD (10TH): Thank you. Questions, comments from members of the Committee? If there are none, I'd like to thank you joining us this afternoon to talk about your position on Senate Bill 16.

JARED KOSLAWY: Thank you

SENATOR WINFIELD (10TH): William Huhn, followed by Thomas Burr. Mr. Burr is supposed to be followed by Sal Luciano, who I do not see here.

THOMAS BURR: All right. Good afternoon, Senator Winfield, Representative Stafstrom and members of the Judiciary Committee. My name is Thomas Burr. I am from Glastonbury, Connecticut and I'm the Policy Staff of the Connecticut Chapter of the National Alliance on Mental Illness. Not only is it the nation's largest grassroots mental health organization, dedicated to building better lives for all those affected by mental health conditions.

NAMI Connecticut and its local affiliates provide support groups, education programs and advocacy for

individuals, families and children impacted by mental health conditions.
I am also the parent of an adult child who is in recovery from bipolar disorder. After eight long years' worth of repeated hospitalizations, incarcerations and homelessness. I should note that some of the best care he received during this time was at the Capital Region Mental Health Center, via services provided by DMHAS and funded by the State of Connecticut via husky.

My son is now in long-term recovery, living on his own in the condo he bought with his own money, working fulltime and has been in a really good place for the last 14 years.

I am here to express concerns regarding S.B. 16 and the legalization of marijuana in Connecticut. NAMI Connecticut understands that there are both pros and cons to this legislation and the sale of marijuana. And as such, neither for nor against the bill as written.

However, we do know without any doubt that legalization will signal to the public that it is okay to consume cannabis and will likely increase consumption of these substances here in Connecticut. Marijuana addiction rates among teens and states that have legalized marijuana are now 20 percent -- 25 percent higher than in states that haven't.

We know that approximately 5 percent of this population will have a very negative reaction to ingesting THC, the psychoactive ingredient in cannabis. Many people with underlying mental health condition will experience psychosis and end up in

the emergency room and likely inpatient psychiatric hospitalization.

I have experienced this exact scenario with my son whenever he smoked marijuana.

If you have never witnessed a love one in psychosis, be thankful, for it is truly frightening both to the parents as well as the individual.

For millions of individuals with these and other psychiatric problems, research has shown that marijuana will worsen their already difficult state and render it much harder to treat their underlying illness.

Connecticut should have no illusions that the legalization of marijuana will have any fiscal upside. It will absolutely have a negative fiscal and societal cost.

Therefore, we would expect that any all revenue realized for the State of Connecticut from the sale of marijuana should be applied in equal measures to prevention education, targeted toward middle and high school children, treatment by healthcare providers and mental health and addiction services.

And last, but certainly not least, research into the effects of cannabis on the developing brain and society as a whole.

I was glad Dr. D’Souza from Yale was here earlier explaining all of that, so I don’t have to.

Certainly I have referenced three articles in my testimony. I would certainly encourage everyone on the Committee to read those. They have some wonderful information and indicate the research that I touched upon in my testimony.

So, to just wind up, I'm also a family support group facilitator as a volunteer for NAMI. I see scenarios, like I just explained with my son. Parents who come into these support groups and their loved one has just been admitted to the hospital. And almost invariably, I hear they're abusing marijuana.

So, again, I appreciate your time today and I'd be happy to answer any questions you might have.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee. If not, thank -- Representative Porter.

REP. PORTER (94TH): Just your name, I'm sorry. I do want to take a look at your testimony.

THOMAS BURR: Yeah, it's Thomas Burr --

REP. PORTER (94TH): Thank you.-

THOMAS BURR: -- from NAMI Connecticut.

REP. PORTER (94TH): Thank you, Mr. Chair.

SENATOR WINFIELD (10TH): Thank you for joining us. Have a great evening. I'll just call his name because he's next, Sal Luciano. Thomas Rhodes. Mr.

Rhodes will be followed Paul Atimpeck. I'm sure I didn't get that right.

THOMAS RHODES: Good evening, Commissioners and members of the board. I'm here, Thomas James Rhodes. I'm here -- I'm a medical patient in the state. I support this bill. And I see it as so much differently than how everyone's been coming and saying. People are dying from cannabis. I see people getting off of opioids. I see people not having to take Adderall and all these crazy medications that coworkers of mine take. And there's no -- no stipulation on them for -- you know, oh, they -- they do Ambien at night. And that's fine, they can get on to work the next day. You know, I think there's a big conversation that needs to be had about all of that.

I mean, cannabis saved my life, for real. I mean, I broke my neck, broke my back. The doctors only option they gave me was to -- here's -- here's bottles of opioids. Here's bottles of mood enhancers and -- and here's a -- here's -- go get a surgery. I thankfully did not take that route. And today, I'm a happy, healthy, productive member of society. I'm an athlete. I'm stronger than I ever was. And I consume cannabis.

I support this bill. I hope we can maybe allow some of the farmers into this, though. We are an agricultural state here, Connecticut, that's what we were originally founded as. And I think we need to give some of the power back to the people, not just the big corporations, but the farmers. The farmers need money-making product like cannabis and hemp.

That's -- I am also a member of Mass Can in Massachusetts. I help run the Boston Freedom Rally every year. And everyone I know that consumes cannabis has either gotten off of opioids, no longer does -- no longer drinks alcohol. I see it as a positive more than a negative the way everyone is saying. And nobody's ever died from cannabis. Nobody in the history of the world has died from cannabis.

I know several people have come up and said some of these horrible stories. And I feel horrible for family members that have gone through things like that. But there's other things going on there. It's not cannabis that killed these folks.

I support this bill and I'm a productive, happy, healthy member of this -- this state and a taxpayer. Thank you for your time.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee? Representative Carpino.

REP. CARPINO (32ND): Thank you, Mr. Chairman, just briefly. Over way down here. Just briefly, I just want to thank you for your testimony. The Medical Marijuana Program started while I was here as well and that was a pretty controversial. And when it -- a number of us supported it. So, I'm happy to see that you are a product perhaps of a decision that we made. And congratulations on taking control of your own health and all the best to you.

THOMAS RHODES: Thank you.

SENATOR WINFIELD (10TH): Thank you. Comments from others? If not, thank you for spending some time with us today.

THOMAS RHODES: Thank you.

SENATOR WINFIELD (10TH): Thank you for your testimony. Paul Atimpeck? Lawrence Taylor? Jason Blakesley? Adam Julian?

ADAM JULIAN: Hello. It's working. Thank you everyone for coming in this evening and taking the time to listen to me. I'm gonna start off by saying that I'm 100 percent interested in the legalization efforts. I plan on reading this bill and I just wanted to give a few comments before moving forward.

One of the things that I was hearing tonight was the importance of research. And I want to come out up front and say that research is very important. Research on medicine and research on the agricultural and biotechnology uses of cannabis.

There is a biotechnology pipeline in Connecticut that's been going on for at least a few years. And I think this is a really great opportunity to step forward with that. And I can give some reference to research that has been done with cannabis and cannabis-related technology.

For example, Marinol is THC and that's an FDA regulated drug. CBD is then issued for seizures. A terpine in cannabis and other plants called Geranyl actually have a few different purchases medical and nonmedical. Two studies, one by Dr. Dunlop and Dr. Peralta-Yahya -- I'm not sure if I'm pronouncing

that right, go into the efficacy of Geraniol and a related compound Geranyl-Acetate as biofuels, where Geraniol actually has a potential to replace ethanol. And Geranyl-Acetate has a potential to replace biodiesel because it actually has a lower freezing point.

Dr. Muller wrote a paper on the efficacy of Geraniol for mosquito control.

Dr. Carnesecchi used a paper on synergy of Geraniol with breast cancer drugs, 5-fluorouracil in that mouse model. And in this study, 150-parts-per-million of Geraniol can reduce a mouse tumor by, I think, around 20 percent. Now, combine that with, I think, around 20 parts-per-million of 5-fluoruracil and you actually get up to 58 percent reduction in tumor size.

In addition to this, PubChem actually has a section on their site on the page on Geraniol on how the compound can account against Ouabain, which is a plant compound that can actually cause heart arrhythmias. And Geraniol can actually help mitigate the effects of that. And -- say my last sentence.

I want to say that this is very important, but I think taking some of the funding that the state will be getting and putting it in research, in different areas of research, not just medical, but also possible biotechnology research projects is gonna help out our whole state in the future. Does anyone have any questions?

SENATOR WINFIELD (10TH): Thank you very much, Mr. Julian. Are there comments or questions from members of the Committee? Seeing none, thank you for spending some time with us and for your testimony.

ADAM JULIAN: Thank you.

SENATOR WINFIELD (10TH): Melissa Robbins? I think she testified earlier. Robert Pearston? I just have Tina?

TINA: Good evening, members of the Committee. I apologize for just the first name. I've been instructed to do that, just simply due to my current military affiliation.

I am a community health advocate, a former case worker and I'm also a grower of legal, non-psychoactive medicinal and culinary herbs.

I'm opposed to normalizing and expanding recreational marijuana use. A growing body of evidence shows that marijuana use impairs brain activity and you can reference over a database of over 30,000 brain scans in the largest database from the Amen Clinic, and they have concluded that marijuana use increases the risk of depression, suicidal thoughts and risky behaviors.

We've heard a great deal about this, so I won't belabor that point. But I will say that our law enforcement, our DCF workers, our early childhood workers already witnessed that in homes where adults use the already legal alcohol and drugs that are already legal, there is greater risk of injury and

neglect to children. Greater levels of depression and increased neglect and domestic violence.

Years ago I worked for DCF and one of my last cases involved the removal of a 15-year-old girl from her home. Her mother and father smoked a little pot before the three of them watched a movie. All fell asleep on the couch. And in the night, sadly, the stepfather began to fondle the daughter. After carrying the shame she -- the daughter finally reported it to teachers.

When questioned, the stepfather said, I didn't realize it was the daughter and not my wife. He was under the influence of a little cannabis and his judgment was so impaired that young girl's life in this family was interrupted and quite possibly ruined.

This state has made tremendous strides restricting cigarette usage, which has greatly improved the quality of life here. It has made Connecticut a much better place to raise a family. Yet, even tobacco carries an explicit warning label that has been -- as well as limited usage here in Connecticut.

Are you going to require an explicit warning label on Connecticut marijuana that says, warning, use of this substance can be mind-altering. Marijuana use impairs judgment and benumbs the faculties of clear thinking for an indeterminate amount of time. Warning, exposure has been shown to be toxic to the brain and lungs, to the user and through second-hand smoke. Warning, cannabis use has been linked to asthma, serious addiction, memory impairment,

premature brain aging, mood disorders, depressive disorders, suicidal ideation, brain swelling that can lead to Alzheimer's. Warning, use of cannabis results in impairment while driving and a possible inability to operate machinery or drive under its influence.

Will Connecticut be adding such a warning label? Where will the accurate education to future generations come from, once marijuana use is normalize in Connecticut? I have so much more, and I apologize, but I couldn't get it out fast enough, but you get the gist. Will there be these types of warning labels clear? These are science -- scientifically proven facts. We heard it earlier in this testimony. Is that warning label going to be on --

SENATOR WINFIELD (10TH): Thank you.

TINA: -- the marijuana here in Connecticut?
SENATOR WINFIELD (10TH): Thank you. Thank you and you -- you did a pretty good job for getting under the time. Questions, comments from others? If not, thank you for coming to provide that. Just one thing, is your testimony -- did you submit your testimony?

TINA: I have not submitted my testimony. Is there still time to do so?

SENATOR WINFIELD (10TH): You -- we can always take your testimony --

TINA: Okay.

SENATOR WINFIELD (10TH): -- yeah.

TINA: Okay. Thank you so much for your time --

SENATOR WINFIELD (10TH): Thank you.

TINA: -- and being here this evening.

SENATOR WINFIELD (10TH): Next, I have to find my page. Next we have G. Gonzalez, Daniel Ubernum, Ubernum. Joseph Raymond.

JOSEPH RAYMOND: Thank you, Senator Winfield, Representative Stafstrom, Representative Blumethal, Representative Porter, Representative Hill, Representative [Inaudible -07:40:23] and Representative Horn. I appreciate all your time and the time you're taking to stay here in this late hour.

My name is Joseph Raymond, I am the Founder/Director of the New England Craft Cannabis Alliance. We are a -- we advocate for the small businesses going -- run by Connecticut residents going forward in the recreational marijuana industry. We also are advocating on behalf of members of the black market to be -- make it very inclusive for them to get into the legalized and recreational market.

One thing I wanted to bring up today and it's in my written testimony is the -- the lack of home cultivation rights in S.B. 16.

We do support S.B. 16, but we feel that the lack of cultivation rights can hurt the small businessperson going forward because just like in the craft brew

industry, the home cultivation rights are a way for the tinkerer to perfect their craft. And with -- without those realities in place, a Connecticut resident could never make their way to that cultivation license and hone that craft in the privacy of their home.

This sets up, I think, a series of -- of dominos to fall that will -- will ensure that the corporate corporation monopoly stays the way it is in Connecticut. So, we'd like to see some revisions with home cultivation rights and those are the one your study included. Illinois, at the last piece of their legislation before it went through, they put a five -- put a five plant patient grow revision in to protect the medical patients because they have been running -- there's been many shortages now in Illinois. And shortages in both the recreational and medical programs because those -- the supply is coming from the same cultivators. And it's putting their patients at risk.

I feel that -- that -- that putting patients -- making them vulnerable to make this -- a revenue is -- I mean, we should really think how we could protect them as well.

I thank you guys for your time and thank you for -- for putting out such a comprehensive bill otherwise.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee? If not, thank you very -- very much for your testimony. Chris Herb.

CHRIS HERB: Thank you. Sorry, I'm in the last spot. My name is Chris Herb. I'm the President of the Connecticut Energy Marketers Association. We represent home heating oil, bio-heat dealers. There's about 600 in the State of Connecticut. And we also represent gasoline dealers, there's about 1,200 of those in Connecticut and propane dealers.

So, obviously the products we sell are related to energy. I submitted written comments, so I'll just summarize those in the interest of your time.

The -- our industry and all industries that rely on drivers to get their products to market has been in crisis management mode for a number of years now. We are woefully -- woefully, if anyone has a constituent and needs a job, we will hire them to drive our trucks. But that's why we're here. Typically, we wouldn't be even in front of the Judiciary, it's environment, general law, energy, but we're here today because of the concern that this bill has.

Now, in terms of the underlying, whether this should be a legal product or not, we don't have a position. But it is important to know, and you've heard this today, that federal law, especially under 49 CFR Part 40, requires people who drive trucks who have CD -- commercial drivers licenses, especially the ones that drive with hazardous materials like the ones that our members and employees do are required to be in -- put into random drug testing programs.

That random drug testing program is a good program. It ensures that people who are impaired do not get

into vehicles with fuel and drive throughout the country.

So, we're supportive of that. It's effective. The problem is with marijuana is it changes the game a bit. With alcohol, if you are pulled into that random drug test, it shows that you're impaired on the spot. With other substances other drugs, it shows that you're impaired right on the spot. But unfortunately with this one, you could consume it -- and I'm not an expert in this by any means, but my understanding is if you consume marijuana that THC can stay in our system for about a month.

The people who rely on our industry to provide -- you know, to pay their mortgages, save for education for their children, pay their taxes, this becomes very problematic because they could be pulled for that random drug test, and they often are, and it will show, although they are not impaired, it will show that they are -- that they are in violation of that federal law.

So, I know that state law can't fix that. But it is important for you to know as you forward with this that it is putting the livelihoods of our employees in jeopardy because I believe that there would be confusion if state law permitted it. Drivers participated in it, chose to do some. We believe that it will lower the amount of eligible drivers that we have. We can't keep people employed if they can't drive products around. And we wanted to bring that to your attention.

So, what we ask is that, at minimum, if a bill is going to move forward, it would language that says

that it doesn't implement until such time as that there is an impairment test that can be given at the moment of a random drug test or any drug test for a driver or anyone who is in a sensitive position where they -- they are exposed to a drug test. So, that -- they do not lose their livelihoods. We do not lose people who have dedicated their lives to delivering our products and services to -- to Connecticut residents. The full thing is in the testimony.

Thank you for your time.

SENATOR WINFIELD (10TH): Thank you, Representative Stafstrom.

REP. STAFSTROM (129TH): Thank you, and I appreciate you coming before us. We promise, the next time you come before the Judiciary Committee we won't make you wait eight hours to testify. But welcome -- welcome to the Judiciary Committee.

So, I haven't had a chance to look at your testimony yet. But obviously there are other states who have grappled with this similar issue of state law versus federal law in this particular area.

Is there a state you can point to that has crafted the language appropriately so that your industry's concern is minimized based on the state law, be it Massachusetts or Colorado or California or whoever?

CHRIS HERB: Unfortunately, no. And one of the things that we are hoping is that although Connecticut is trailing other states that may have moved forward with this type of a legislation to

legalize recreational use, there is no model to follow. And that's why generically I was saying that we would hope that there's just language that says that -- you know, this can't be implemented until such time that there are some sort of federal recognition. And an impairment test is really what -- you know, intoxicated drivers is what we're trying to prevent, not drivers who are consuming legal products that may test positive at the time when they're not impaired.

So, although Colorado and the states that have more mature laws in this space do not have language to do that -- my counterparts in other states have said that it is measurable the amount of drivers who are -- who have lost their jobs over the confusion that state laws versus federal rules have caused. I wish -- I would have loved to have handed you and said, "Do this," and our guys will be okay, but I'm just concerned about all those people that go to work every day, and now suddenly something becomes legal, and it jeopardizes their livelihood. My understanding is that when I talked to some legislators who previously worked at DSS, there are State employees who could jeopardize their pensions because they work in a sensitive nature where if they go on a home visit, DCF/DSS, where they interface with the public directly in their homes, that if they tested positive, they could be suspended from their jobs and potentially jeopardize their pensions. That's what that got me starting to think about our industry and like, wow, we have a restricted job category that could expose people to really unintended consequences that are dire.
REP. STAFSTROM (129TH): I appreciate that, and I hope, like I said, you continue a dialogue with us

as this moves forward and certainly keep us advised. You know, I probably sound like a broken record at this point because we've had a bunch of folks come in from the business community on this, but, yeah, in my belief it's not a matter of if Connecticut legalizes recreational cannabis, it's when, and so when the "when" happens, if it's this year, if it's next year, yeah, as many of these unintended consequences as we can mitigate, I'm certainly committed to trying to do, but we certainly want the business community to work with us and recognize that this is not a matter of "if," it's a matter of "when" and what is the best possible language in order to alleviate as many of these unintended consequence concerns as we can.

CHRIS HERB: We will be there to work with you on that, and I just wanted to make sure that you understood where our concerns were. So, I appreciate your offer.

REP. STAFSTROM (129TH): Understood.

SENATOR WINFIELD (10TH): Thank you. Comments or questions from others? Seeing none, thank you very much for joining us this evening. Edward Cassidy followed by Carmelo Rodriguez.

EDWARD CASSIDY: How are you doing, guys? Since we're all in the same boat, I just hope we can stay afloat. I think we're in trouble here in the United States of America. Wow, we've got to learn to work together with our Congress as citizens.

SENATOR WINFIELD (10TH): One thing, please state your name first before you --

EDWARD CASSIDY: Edward Harold Cassidy. I know how our government says, "When you see something, say

something." Well, I'm going to tell you from experience, when I see something, I say something. I have since 9/11. But, the difference between me and everyone else is when I see something, I say something to our people now first. Then I report it to the proper authorities and the people we elect, who can do something about it. If they choose to do nothing about it, they still have made a choice. The only difference now is at least our people will know. Who was supposed to write that Constitution that you guys swear to uphold and protect? Was it supposed to be all of us or just those men back then? See what I'm talking about? And was it up to all of us to vote on who our representatives would be back then or just some of us? You see the problems they caused? And who's supposed to be voting on what our representatives put up for vote? Do we really know what we're voting in? Read my lips, "No new taxes." See what they do? Read the history books; learn from history. We're in trouble. We don't even -- our vote don't count if we don't know who's -- what we're electing into office, if they can lie to us for our vote, get in, and represent the one percent, pacify most of our people, and leave a lot of our people, including our veterans that shouldn't have been veterans at all that they voted into wars we didn't belong in, outside in the cold. They can borrow money to run our nation, call it tax dollars, and give it to their friends, get reelected, and keep that broken system working for them instead of us. I do believe we have the technology to make sure that everything that gets voted "yes" to and passed is good and just for all by becoming a self-governed people by the vote. The power to vote belongs to the American people, not the representative. The responsibility

and the power to prioritize and put what our people need on the floor belongs to our elected representatives, but the power to vote on those things that we have and will in the future pay for belongs to the people. Think about it. Who would even have been able to write a Constitution of the United States of America if it weren't for all those people who fought the British Army off this dirt? Think of all the suffering our people have gone through. We're not working together. We're not united as one to make our country beautiful. We got to get man's laws that can be influenced with self-interest, power, money, and greed together by voting on everything they put up for vote. All in line with the most important ones so that nature's laws can kick in, and not one man, woman, or child in our nation ever has to go without again. And be a better example for everyone and every nation around the world. In God we trust. [inaudible - 07:54:20] Representative.

SENATOR WINFIELD (10TH): Mr. Cassidy, if you could summarize.

EDWARD CASSIDY: When the few who truly represent us and have our good at heart are outnumbered by the ones that don't. Voting on representatives never worked from the beginning. What makes you think it will now?

SENATOR WINFIELD (10TH): Thank you, Mr. Cassidy. Comments or questions from members of the committee? Seeing none, thank you for joining us today.

EDWARD CASSIDY: [inaudible - 07:54:20] join us at 550 Main Street, Hartford, Connecticut at 8 AM on St. Patrick's Day as we march for true --

SENATOR WINFIELD (10TH): Carmelo Rodriguez followed by N. Wilson. I'm not sure we got the full name; so, the first name is an "N" and the second name is Wilson.

CARMELO RODRIGUEZ: Good evening. My name is Carmelo Rodriguez from the City of New Britain. Once again, I'm in front of you guys again, and if you come to the Black and Puerto Rican Caucus meeting in Waterbury, I'm going to be there. If you come to New Britain, I have been also there, and, once again, I'm here again against any marijuana bill. As I said here and saw on TV, I know that you have the experts, the pharmaceuticals, the doctors, the victims, the family, and those who are invested on it. I am not worrying about when it's going to happen. You know why? Because I'm here today, and it has not -- it has not been approved today. So, as legislatures, we have to think about the other people. It's not when it's going to happen. We're here now to say "No," to say "No a la droga." I am very disappointed, especially at the Latino representatives who sit here talking in favor of this. It's an embarrassment. Last year I was here, the year before that, and those are the same communities that are still in the same condition. We still have an addition problem. We still have a problem with jobs, with education. We are worrying about the farmers. Let's help the farmers here, the ones that already have an issue. You want to worry about businesses? I don't want my people to be worrying about growing marijuana. There is reputable business that could be growing, and if this House is so concerned about our people and our business, provide the grants that they need for a reputable business. As I ask my community, as a community leader and as a clergy, for 30 years, I've

seen our community suffering because of addiction. And once again, every year the same idea comes in. You hear the same experts, those who are invested in marijuana; so, of course, they're in their best interest for this to pass because they already have investments in it. But it goes back -- as our quality of life has improved in our inner community -- Hartford, Bridgeport, New Haven, New Britain, Meriden, Willimantic, New London -- we continue to see you guys looking for funding to help our own people because of addiction, poverty, schools. When I asked our law enforcement, they are concerned because the problem continues to increase. When I asked the Boards of Education, all the teachers, superintendents of schools, they are concerned because they have seen a bigger problem. Ask our EMT, "Have things gotten better in your community?" No, they have gotten worse. To have our representatives, especially our Latino community, for me, is an embarrassment knowing that our community, especially our inner city has not gotten any better. Jobs have not gotten any better. The schools have not gotten any better. We continue to have a problem, and you guys continue to open this can of worms. You heard the people on the other side that want a little bit more; so, they're not going to be satisfied. You open the door, you're going to have to create a bigger problem. You heard from the businessmen. I have a class B license. I know the issue that he's talking about. I've seen already people having those problems because they thought that it was legal, but the Federal government says, "No." The businesspeople -- the people who are invested in this country, in this state -- are saying they're going to have a problem. The doctors are saying they're having a problem. I

hope you re-read Dr. Noel Casiano [phonetic], a doctor that I know personally that I have highly respect, how he talks about the issue, especially among the young people. So, once again, I'm here. I will be back again. Please, please -- I heard one of the representatives asking people for suggestions. The reason you put the bill here was supposedly you did your homework, but you're finding out that it's a bigger problem than what you guys think. Once, again, please, have consideration that our inner city, my Latino people are not getting better but getting worse. Muchas gracias.

SENATOR WINFIELD (10TH): Thank you, Mr. Rodriguez. Comments or questions from members of the committee?

SENATOR WINFIELD (10TH): Seeing none. Thank you for joining us again.

CARMELO RODRIGUEZ: Thank you very much.

SENATOR WINFIELD (10TH): N. Wilson. That will be you. It was difficult to read the name; it's you. State your name when you sit -- when you begin your -- before you begin your testimony.

ROD WILSON: I wasn't going to say anything until I hear, she said -- you mentioned something about the poor, and they are [inaudible - 07:59:34]. These infirmaries want to use it for medical purposes. In the talking that you said about the poor, well, I don't know what they need marijuana for really because many of them are now not working, and I don't know what they need marijuana for. They're not working, they need a job, and you're just talking about the poor and marijuana. So, I don't know what they need it for. I know guys who are hanging all the time [inaudible - 08:00:03]; they

don't need marijuana. They need to improve their lives.

SENATOR WINFIELD (10TH): Thank you, Mr. Wilson. Is there anyone else present who has not had the opportunity to testify but who would like to, please come forward and state your name before you begin. You will have three minutes.

DANIEL GLISSMAN: Thank you. I had signed up, but I think maybe I missed my name-calling. Daniel Glissman. I'm an attorney with the law firm of MacDermid, Reynolds, and Glissman, and I'm here to speak in support of S.B. No. 16. I'm an attorney. I've been practicing in the cannabis industry now for over five years. I represent a whole range of clients including cultivators, product manufacturers, retailers, hemp businesses, microbusinesses, and primarily those representations occur in Massachusetts. And, so, I came today just to make some preliminary comments on my review of the bill as presented. I want to state that I strongly support the ability of cities and towns to zone, license, and regulate how cannabis establishments operate within their borders. However, I would suggest that there be an affirmative obligation for towns and cities to approve or prohibit development within their communities. Inaction at the municipal level can be detrimental to the entrepreneur. Secondly, I want to strongly support the establishment of a Cannabis Equity Commission; however, I would suggest that the committee not be mandated by statute to prohibit the transfer of licenses by equity applicants. I've seen numerous examples of applicants that have built life-changing wealth by obtaining permits and approvals and transferring those approvals to other

operators, national operators. I also strongly support the bill's initiatives to add additional license types and permit vertical integration. I believe those proposals should be codified as components to this legislation and not recommendations, as they are important components of a strong industry. And then finally, with respect to the taxes, I do oppose a tax on the dry weight equivalent excise tax as opposed to a percentage tax. I think unrelated to some of the prior comments that the tax as of the -- on the weight of the product will quickly allow the tax in Connecticut to far surpass what the taxes in surrounding communities are, simply because when the industry does evolve and price compression occurs, the taxes will quickly far exceed that of a 20 percent limitation or a 15 percent limitation. So, thank you very much for your time this evening. I'd be happy to answer any questions but understand you guys have had a long day; so, thank you very much.

SENATOR WINFIELD (10TH): Thank you. Comments or questions from members of the committee? If not, thank you for staying with us and testifying. Is there anyone else present who has not had the opportunity to testify who would like to? Anyone else present? One last time -- anyone else present? Then I would say that we are done. I call this public hearing to a close. Thank you.