



Legislative Testimony
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Written Testimony Supporting House Bill 6099, An Act Concerning Antitrust Issues and the Palliative Use of Marijuana

Senator Maroney, Representative D’Agostino, Ranking Members Witkos and Cheeseman, and distinguished members of the General Law Committee:

My name is Kelly McConney Moore, and I am the interim senior policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in support of House Bill 6099, An Act Concerning Antitrust Issues and the Palliative Use of Marijuana.

We encourage the Committee to support House Bill 5174. This bill proposes to give the Attorney General power to oversee material changes to the ownership of a medical marijuana business to prevent monopolized ownership of dispensaries. We also encourage the Committee to strengthen this bill by expanding opportunities for people who were previously impacted by the war on marijuana to participate in the medical marijuana industry and to live a life free from collateral consequences of those impacts.

Currently, the only legal market for marijuana in this state is for people who require it for medical purposes. Business owners in that industry see robust sales, and the state sees a solid taxation stream.¹ But while some profit from medical marijuana, people with convictions are effectively locked out of the process. In Connecticut, the initial application to operate a dispensary facility asks about criminal records and mandates criminal background checks.² The regulatory body evaluates applications based on the “character and fitness” of the dispensary facility backers.³ Screening out people with marijuana-related convictions

¹ Andrew DePietro, “Here’s How Much Money States Are Raking in from Legal Marijuana Sales. Forbes (May 4, 2018), available at <https://www.forbes.com/sites/andrewdepietro/2018/05/04/how-much-money-states-make-cannabis-sales/#bb8c142f1811>.

² See Medical Marijuana Program Dispensary Facility License Information Form, available at https://portal.ct.gov/-/media/DCP/drug_control/MMP/pdf/DF_RFA-2018.pdf?la=en.

³ Connecticut State Agency Regs., § 21a-408-14.

will have racially disparate effects, given the racist enforcement of marijuana offenses in this state's past.⁴ Being locked out of participation in the medical marijuana industry is but one of the more than 550 legal barriers a person with a criminal record faces in Connecticut.⁵

When operation and ownership of medical marijuana facilities is consolidated in a monopolistic way, it further exacerbates the exclusion of people and communities previously targeted by the war on marijuana. This bill, designed to prevent monopolies from forming in this industry, would provide one path to decreasing the barriers to participation by communities and people targeted by biased enforcement of marijuana laws in Connecticut. Amending the bill to remove other obstacles to participation in the medical marijuana industry will make House Bill 6099 even stronger.

House Bill 6099 will remove some barriers to participation in the medical marijuana industry by imposing antitrust measures to prevent monopolies. To further increase access, we encourage this Committee to strengthen this bill to expand opportunities for people with marijuana-related convictions to participate in the medical marijuana industry. Another way this Committee could remove these obstacles is by providing a pathway for people who have a conviction for a marijuana-related offense to remove those convictions from their records. Connecticut has the opportunity to move towards equity for people impacted by the invasive, racist, entirely ineffective war on marijuana by passing the strongest possible version of this bill. We encourage the Committee to do so by supporting House Bill 6099 and to amend it to create additional opportunities and justice for people with marijuana-related offenses in their histories.

⁴ "The War on Marijuana in Black and White" at Tables 7 and 8. ACLU (Jun. 2013), *available at* https://www.aclu.org/sites/default/files/field_document/1114413-mj-report-rfs-rel1.pdf; *see also* Jacqueline Smith, "Examining Racial Disparity in Marijuana Arrests." Middletown Press (May 31, 2019), *available at* <https://www.middletownpress.com/opinion/article/Jacqueline-Smith-Examining-racial-disparity-in-13907837.php>; Center for Behavioral Health Statistics and Quality, "2016 National Survey on Drug Use and Health: Detailed Tables," at Table 1.32B. Substance Abuse & Mental Health Services Admin. (Sept. 7, 2017), *available at* <https://www.samhsa.gov/data/sites/default/files/NSDUH-DetTabs-2016/NSDUH-DetTabs-2016.pdf>.

⁵ National Inventory of Collateral Consequences of Conviction, *available at* https://niccc.csgjusticecenter.org/database/results/?jurisdiction=260&consequence_category=&narrow_category=&triggering_offense_category=&consequence_type=&duration_category=&page_number=1.