



Suggestions for HB 1 and HB 837

HB 837, sponsored by House Judiciary Chairman Luke Clippinger, is companion legislation to HB 1, a bill that would refer the question of cannabis legalization to voters on the November 2022 ballot. While the bill includes several important provisions, we recommend the following changes to make it stronger:

1. Legalization should go into effect immediately upon voter approval.

- Adult-use possession and home cultivation would not be legalized until July 2023 — eight months after voter approval. There should not be a delay between voter approval and ending penalties and police intervention for cannabis possession.

2. Provide the odor of cannabis is not grounds for a search

- Explicitly including that odor is not grounds for a search would further reduce police interactions for cannabis.
- We recommend using language like Connecticut’s P.A. 21-1, § 18 to ensure cannabis is not grounds for a search but to allow the odor of burnt cannabis to form part of the basis for a DRE examination to determine whether a driver is impaired.

3. Clarify and increase possession and cultivation limits

- The possession limit should use “and” instead of “or” for the different types of cannabis. Otherwise, it appears to criminalize people for having both edibles and raw cannabis.
- We suggest legalizing personal cultivation of up to six plants, rather than two, which is more in line with other states, along with all of the cannabis produced by the plants, as long as any excess cannabis is kept at home.
- We recommend allowing personal possession of four ounces to mirror the medical law. Having consistency in the possession limits between adult-use and medical cannabis will protect patients, who may not have their card on them or have an expired card.
- Further, other adult-use states have possession limits greater than two ounces. In New Jersey, for example, adults can possess up to six ounces of cannabis. Allowing for a higher possession limit will further reduce arrests, citations, criminalization, and police interactions for cannabis possession. There is no limit on how many bottles of wine one can have in their cellar.

4. Reduce penalties for other offenses, such as low-level sales

- At least seven states reduced penalties for some or all unregulated sales either as part of legalization or shortly thereafter. Three of those states — Connecticut, New Jersey, and New York — “decriminalized” low-level sales as part of legalization. (Connecticut and New Jersey’s laws apply to first offenses only.)¹
- As it is currently written, possession with intent to distribute carries up to three years’ imprisonment.

5. Legalize safe home production of cannabis products, effective upon voter approval

- Adults should be able to safely make cannabis-infused products (such as brownies) at home. HB 837 imposes up to three years in jail for home production of cannabis products.

¹ <https://www.mpp.org/assets/pdf/issues/legalization/Sales-Penalties-After-Legalization.pdf>