



## *Suggestions for 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.

1. Legalization should go into effect immediately upon voter approval.
  - Adult-use possession 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. Adults should not be punished for sharing their cannabis with other adults 21 and older, as long as there is no remuneration.
  - Currently written, possession with intent to distribute carries up to three years' imprisonment and appears to include sharing (even between spouses, friends, roommates, etc.).
3. The bill should clearly legalize the possession of cannabis-infused products (such as edibles) and specify possession limits.
  - As it is written, a person who possesses five ounces of edibles, containing a total of 300 mg of THC, could seemingly be sentenced to up to six months in jail.
4. Smoking cannabis in public should be punishable by a more modest civil fine of up to \$50, rather than up to \$500, if there is any state penalty.
  - In New York, smoking cannabis is allowed where tobacco smoking is allowed.
  - In Connecticut, there is no statewide penalty for cannabis smoking, but cities can implement fines. That is another option to reduce police-civilian interactions.
5. Personal home cultivation and the safe home production of cannabis products should be legalized and should go into effect immediately upon voter approval.
  - Adults should be able to securely grow up to six plants, and possess the cannabis produced from the plants, as is the case in most legalization states.
  - Instead, both growing cannabis plants and safely producing cannabis-infused products (such as making brownies) carries up to three years in jail under the bill.
6. The bill should provide the odor of cannabis is not grounds for a search.
7. Provisions should be added to prevent people from losing their homes, education, professional licenses, children, freedom, etc. for the responsible use of cannabis.
  - A provision should be added to provide that schools cannot impose harsher penalties for cannabis than they do for alcohol. (This is in the Connecticut law.) The bill should stipulate that individuals cannot be denied medical care (including organ transplants), professional licenses, child custody, housing, state benefits,

gun rights, or state or local employment based on state-legal cannabis activities that do not endanger others or for testing positive for cannabis.

8. The bill should provide that parole, probation, and pretrial release cannot be revoked for state-legal cannabis activity, including testing positive for cannabis, unless there is a specific finding that the individual's use of cannabis could create a danger to the individual or other persons.
9. The possession limit should be *at least* four ounces (mirroring the medical law).
10. The bill should also reduce penalties for other offenses, such as low-level sales, as Connecticut did.
  - In Connecticut, first-offense sales are penalized by a civil fine.
  - Currently written, possession with intent to distribute (PWID) carries up to three years of imprisonment.
11. The “Cannabis Assistance Fund” should not include loans or grants for “women-owned” businesses. Funding should prioritize Black and minority-owned businesses, as communities of color have borne the brunt of prohibition. Including women-owned businesses would include white women and undermine racial diversity and restorative justice in the adult-use cannabis market.
12. The bill should set up an equitable system of legalization and regulation, including licensing that prioritizes impacted communities and community reinvestment, which is automatically effective upon voter approval. The definition of a social equity applicant could be finalized later in 2023 — after a disparity study in the interim — but this would allow ATCs to prepare for the transition and work to begin for technical assistance and other support for social equity applicants.