

APPENDIX



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Reverend Timothy L. Jones, Pastor

Statement in Support of Marijuana Legalization

March 27, 2018

For a Pastor like myself, this is literally the busiest time of the year. Today is the Tuesday of Holy Week and as such our church is busy preparing for Maundy Thursday, Good Friday Seven Last Words Services, and of course Easter Sunday, the climax of our Christian liturgical calendar. As such, when I saw that this hearing was scheduled during the day, during this week, there was a slight temptation to reschedule or to count on my friends and colleagues that feel as passionate as I do about this issue to come and testify. But after just a brief period of reflection, I realized that I would be doing a disservice to both my faith and to my people if I put the machinations of ministry program preparation at a higher priority than the work of ministry itself. For if I claim to be a follower a poor Nazarene man who died at the hands of state sponsored terrorism, a victim of Ancient Near Eastern Mass incarceration and trumped up charges, then I must follow this Jesus into the kinds of conversations that can proclaim good news to the poor, freedom to the prisoners, freedom and economic renewal to communities that have been ravaged by governmental systems of oppression. This call brings me directly the fight for marijuana legalization.

I have to be honest, this was not an issue that I thought I'd become so passionate and vocal about when I first arrived in New Jersey two years ago. But as I've been here and have gotten more and more acclimated to my city and my state I realize that the horror of mass incarceration needs to be addressed as quickly and from as many angles as possible. Legalizing marijuana can go a long way towards repairing the harm that has been caused to communities of color by the so-called war on drugs. It is paramount that a bill comes before the state legislature that not only legalizes marijuana, but one that does so in a manner that brings about justice to the communities that have been decimated.

It pains me that we continue to have laws that ban and demonize a substance that were originated on bias. Historically speaking, Marijuana wasn't banned because of its harmful effects on people and the damage it was doing to the communities, no it was criminalized as a way of demonizing those that were primarily associated with it, which, for the most part, included people of color and those from lower socioeconomic stations, yet we continue to treat these laws as gospel. These laws were put in place in the kind of dog whistle, fear mongering form of politics that we have seen now so abundantly on the national stage, yet we still treat these laws like the gospel. These antiquated laws, not only were based on bias but have been enforced with bias as people of color are three times more likely to be arrested for marijuana use and possession than white people even though the groups use the substance at the same rate, yet we continue to treat these laws as gospel. Research is clear that marijuana, recreational or medicinally is not a gateway drug and is not the cause of harm for adults, light years less harmful than tobacco and alcohol, substances that we dare not have community forums for, YET we still treat these laws as gospel. There is an industry developing, and state and national sentiment is such that it does not take much political expertise to see that we are on the road towards

marijuana legalization yet instead of unifying to help shape a bill that will help our communities we're fighting over whether or not we want to support legalization in the first place again, looking at these laws that have devastated our communities and treating them like the gospel. Well my friends, I can't stand, especially on this Holy Week when we commemorate and remember when the heart of the Gospel was formed on the cross of Calvary and allow anything other than THE Gospel to be treated like the Gospel. That which causes harm must be named as such.

And I have to again admit, that I've been hurt by some of the arguments for both continuing with the policies as they currently exist. Many of the arguments are based on false information, scaring people into believing marijuana is a substance that will cause harm in ways that absolutely no research dictates. Many of the arguments are based on the manipulation of narrative in such a way that the story of a community's current pain is used as justification for maintaining the current system, when the current system is the source of that pain. And I have been so offended, by slightly veiled paternalistic arguments that pathologize the Black community. Arguments that suggest "we can't handle marijuana legalization" and that if it becomes legal then we just won't know what to do with ourselves. As they say in the church, the Devil is a liar. How dare we act as if a people who have overcome and continue to overcome so much "can't handle" legalization? The damage to our community has not come from people "smoking too much weed" any more than sagging pants is a sign of moral decline. Our problem has been policies that have caused harm and oppressed our people.

Jesus said this "you will know the truth and the truth will set you free." I suggest that people of faith can't afford to be quiet and stand idly by as fear birthed policies continue to harm communities and we can't afford to be quiet in the formation of a legalization policy that could

potential avoid including our own entrepreneurs and tax money for our communities. No one is suggesting that legalizing marijuana is the panacea for all of mass incarceration. Of course, our police still need to be trained to avoid the ways that POC are overly policed. Yes, there's a continued work that needs to be done, but legalizing Marijuana is a step in the right direction, it is a piece of a much larger puzzle. And the situation is too dire to settle for decriminalization. A step, which I have to imagine that is well intentioned but one that would lead to more problems for our community. We can readily recognize the ways that our justice system is unfair to people of color and poor communities. We already see how justice is distributed in an uneven manner. If possession of marijuana was decriminalized, it would lead to fines instead of jail time but still a measure of bondage for our people. Who do we think would end up with the majority of the tickets for marijuana possession despite similar use across different ethnicities? Who do we think would end up having to spend money to try to pay those fines? Who do we think will end up with warrants and arrests as a result of not paying those fines? Decriminalization will lead to yet another financial reward system for the government based on the backs of those at the bottom of the ladder. Decriminalization does not regulate the product that communities receive, it does not help keep marijuana away from children and it certainly does nothing to generate jobs and revenue for the people that have been hurt the most by these policies. We have a chance to help rebuild that which has been broken. It is up to us to settle for nothing less than a bill that will both end a cruel injustice against our communities and that will help bring back resources to help repair the damage that has been caused. It is my hope and prayer that you will do the work necessary on our behalf to see that this is the kind of bill that comes before our state legislature. My hope continues to remain in the fact that in the shadow of a cross, a symbol of suffering,

shame and government based terror, that the hope of the empty tomb will help us imagine life where resurrection is possible.

Respectfully Submitted,



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Senior Pastor
Bethany Baptist Church

Newark, NJ

**Written Testimony
New Jersey Black Caucus Hearing
March 27, 2018**

*Dr. Kevin A. Sabet
President, Smart Approaches to Marijuana (SAM)*

This testimony is based on my own expertise and that of over a dozen top scientists who serve on the Advisory Board of Smart Approaches to Marijuana (SAM). Co-founded by former U.S. Representative Patrick Kennedy, SAM is the leading non-partisan, non-profit national organization offering a science-based approach to marijuana policy.

I have studied, researched, and written about drug and criminal justice policy for more than 20 years. Most recently, from 2009-2011, I served in the Obama Administration as a senior drug policy advisor. I am currently the co-founder, with former Congressman Patrick J. Kennedy, of SAM (Smart Approaches to Marijuana). I am also the Director of the Drug Policy Institute at the University of Florida, an Adjunct Professor at Yale University, and the author of *Reefer Sanity: Seven Great Myths About Marijuana*.

The legalization of marijuana is bad policy and should be opposed. A study SAM has just undertaken in Connecticut found that the costs associated with marijuana legalization would total \$216 million, compared to an estimated \$113.6 million in projected tax revenue. In other words, marijuana's costs exceed the revenue by over 90%. This reflects a previous study SAM conducted in Rhode Island that found even a limited subset of marijuana legalization's costs will total \$61.2 million for the state in 2020—over 25 percent more than revenue projections made by marijuana activists. (Copies of these studies are attached to this testimony.)

Legalization presents major public health and safety problems for New Jersey and will result in many other negative consequences, for six main reasons:

- (1) Legalization would disproportionately affect lower-income communities of color
- (2) Legalization would increase drug use among New Jersey kids;
- (3) Legalization would be a strain on New Jersey's budget;
- (4) Legalization will reinforce, not diminish, the black market for marijuana, especially because the amounts allowed for home grows are excessive;
- (5) Legalization will aggravate drugged driving, creating costs likely to outweigh revenues;
- (6) Legalization would be a burden for New Jersey's employers and business community;

A. Communities of Color

Unfortunately, the marijuana industry has targeted communities of color, despite promises to the contrary. This should, perhaps, not be surprising: the tobacco and alcohol industries have long targeted such communities. One Johns Hopkins study revealed that predominantly African-American neighborhoods in Baltimore were eight times more likely to have carry-out liquor

stores than racially mixed or white neighborhoods.¹ And tobacco companies have historically placed larger amounts of advertising in African-American publications, exposing African-Americans to more cigarette ads than whites,² and have marketed more harmful and more addictive products to them.³

The marijuana industry is already copying the Big Tobacco playbook in Colorado. There, marijuana use is up overall. And in Denver, pot businesses are concentrated in lower-income, neighborhoods of color—one lower-income neighborhood has a pot business for every 47 residents.⁴ As for Colorado schools, those that had 25% or fewer youth of color had 313 marijuana-related suspensions compared to 658 marijuana-related suspensions for schools comprised of populations with 76% or more youth of color.⁵

Moreover, in the two years after Colorado legalized marijuana, the number of Hispanic and black kids arrested for marijuana-related offenses *rose* 29 and 58 percent, respectively. In the same period, the number of white kids being arrested for identical crimes dropped eight percent.⁶ This is likely related to the rise in marijuana use among minors post-legalization—many activities surrounding marijuana use are still arrestable offenses, such as impaired driving. Seeing legalization as the solution to racial injustice in law enforcement is thus misguided.

B. Public health impact

The addictive nature and negative health effects of marijuana are numerous. A 2017 report by National Academy of Sciences (NAS) written by top scientists, entitled *The Health Effects of Cannabis and Cannabinoids: Current State of Evidence and Recommendations for Research*, concluded after a review of over 10,000 peer-reviewed academic articles, that marijuana use is connected to a number of problems, including:

- respiratory problems;

¹ Johns Hopkins Bloomberg School of Public Health. *Off-Premises Liquor Stores Targeted to Poor Urban Blacks*. 2000.

² CDC. African Americans and tobacco use. CDC, 17 Aug. 2016; U.S. Department of Health and Human Services. *Tobacco Use Among U.S. Racial/Ethnic Minority Groups—African Americans, American Indians and Alaska Natives, Asian Americans and Pacific Islanders, and Hispanics: A Report of the Surgeon General*. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Office on Smoking and Health, 1998.

³ CDC. African Americans and tobacco use. CDC, 17 Aug. 2016; National Cancer Institute. *The Role of the Media in Promoting and Reducing Tobacco Use*. Smoking and Tobacco Control Monograph No. 19, NIH Pub. No. 07-6242, June 2008; Gardiner PS. The African Americanization of Menthol Cigarette Use in the United States. *Nicotine and Tobacco Research* 2004; 6:Suppl 1:S55-65; Ton HT, Smart AE, Aguilar BL, et al. Menthol enhances the desensitization of human alpha3beta4 nicotinic acetylcholine receptors. *Mol Pharmacol* 2015;88(2):256-64; Smokefree.gov. *Menthol Cigarettes*. Bethesda (MD): U.S. Department of Health and Human Services, National Institutes of Health, National Cancer Institute, 2015.

⁴ Migoya, David, and Baca, Ricardo. “Denver’s pot businesses mostly in low-income, minority neighborhoods”. *The Denver Post*, 2 Jan. 2016.

⁵ Colorado Department of Public Safety. (2016). *Marijuana legalization in Colorado: Early findings*. Retrieved February 3, 2018, from

⁶ Colorado Department of Public Safety, Division of Criminal Justice, Office of Research and Statistics. *Marijuana Legalization in Colorado: Early Findings*. Denver, Mar. 2016.

- mental health issues (like psychosis, social anxiety, and thoughts of suicide);
- increased risk of car accidents;
- progression to and dependence on tobacco, alcohol, and other drugs;
- learning, memory, and attention loss (possibly permanent in some cases);
- and low birth weight.⁷

A study from March 2017 stated that “clear associations exist between cannabis use status in young adulthood and subsequent mental health and substance use.”⁸ Given these findings, expanding the use of marijuana would be irresponsible.

Notably, NAS report also stated that, “in states where cannabis use is legal, there is increased risk of unintentional cannabis overdose injuries among children.”⁹

Since Colorado, Washington, Oregon, Alaska, and the District of Columbia (Washington, DC) legalized marijuana, past-month use of the drug has continued to rise above the national average among youth aged 12–17 in all five jurisdictions (National Survey on Drug Use and Health [NSDUH], 2006-2016). Alaska and Oregon are leading the nation in past-year marijuana use among youth aged 12–17 (NSDUH, 2006-2016). As you will hear, Colorado currently holds the top ranking for first-time marijuana use among youth, representing a 65% increase in the years since legalization (NSDUH, 2006-2016). Young adult use (youth aged 18–25) in legalized states is increasing (NSDUH, 2006-2016).

In Anchorage, school suspensions for marijuana use and possession increased more than 141% from 2015 (when legalization was implemented) to 2017.¹⁰ Washington state law enforcement has documented a total of 424 violations among licensed marijuana businesses. Of these, 288 violations pertained to selling marijuana to minors and 136 violations were for allowing minors access to a restricted area.¹¹ In December 2017, the Oregon Liquor Control Commission

⁷ National Academies of Sciences, Engineering, and Medicine. 2017. *The health effects of cannabis and cannabinoids: Current state of evidence and recommendations for research*. Washington, DC: The National Academies Press.

⁸ Silins, E., Swift, W., Slade, T., Toson, B., Rodgers, B., & Hutchinson, D. M. (2017). A prospective study of the substance use and mental health outcomes of young adult former and current cannabis users. *Drug and Alcohol Review*. Wiley-Blackwell. <https://doi.org/10.1111/dar.12512>

⁹ National Academies of Sciences, Engineering, and Medicine. 2017. *The health effects of cannabis and cannabinoids: Current state of evidence and recommendations for research*. Washington, DC: The National Academies Press.

¹⁰ Wohlforth, C. (2018, January 11). Marijuana school suspensions more than doubled after legalization. *Anchorage Daily News*. Retrieved February 3, 2018, from

¹¹ Washington State Liquor and Cannabis Board. (2017). Enforcement and compliance data [Data file]. Retrieved February 3, 2018, from

conducted a random inspection of 66 licensed marijuana retailers and found that 16 of the businesses were selling marijuana to minors.¹²

C. Legalization would be a strain on New Jersey's budget

When costs are counted, legalized recreational marijuana will not bring in revenue for the state of New Jersey. The social costs associated with marijuana, some of which have been outlined above, far outweigh any revenue that it brings in. A study SAM has just undertaken in Connecticut found that the costs associated with marijuana legalization would total \$216 million, compared to an estimated \$113.6 million in projected tax revenue. In other words, marijuana's costs exceed the revenue by over 90%.¹³ While advocates are quick to tout tax revenue as a counterbalance to this arrangement, like with the lottery, the additional funds are not nearly enough to fix budget shortfalls. Every year, there will always be claims of a silver bullet for the budget. Yet, as history shows us, every year, there is always need for something more. Marijuana will not be a workable, pragmatic, or even helpful solution in the short or long term.

Marijuana legalization would also result in a variety of currently unquantifiable costs, including:

- Increases in alcohol use and abuse
- Increases in tobacco use
- More opioid abuse
- Increases in short-term/long-term recovery for marijuana use disorders
- Greater marijuana use among underage students
- Property and other economic damage from marijuana extraction lab explosions
- Controlling an expanded black market, sales to minors, and public intoxication
- Other administrative burdens of most state legalization programs, such as:
 - money for drugged driving awareness campaigns;
 - drug prevention programs; and
 - pesticide control and other agricultural oversight mechanisms
- Long-term health impacts of marijuana use

This last issue, in particular, represents a major cost of the two currently legal, addictive recreational drugs—tobacco and alcohol. Currently these two drugs account for many of today's top health conditions and health care costs. Far too little is known about the recognized negative long-term health effects of marijuana use (among them increased rates of mental illness, respiratory problems, and a tendency to develop other substance abuse disorders) to make the same sort of cost models seen for tobacco, such as those done by University of California, San

¹² Oregon Liquor Control Commission. (2018, January 10). *Licensees across Oregon fail to stop sales to minors* [News Release]. Retrieved February 3, 2018, from

¹³The Projected Costs Of Marijuana Legalization In Connecticut (January 2018). Smart Approaches to Marijuana.

Francisco, researchers.¹⁴ Moreover, since research on the health effects of marijuana use is about on par with 1930s tobacco research, marijuana use may cause other health problems about which nothing is currently known. But the indirect costs of such long-term health impacts represent almost half of the cost of tobacco to the state of California,¹⁵ and it would be foolish not to recognize their impact here.

There are other reasons to be concerned. For example, over half the pot money promised for drug prevention, education and treatment in Washington state never materialized.¹⁶

D. Legalization will reinforce, not diminish, the black market for marijuana

Legalization will roll out the red carpet for a larger black market for pot than currently exists. Although this may initially sound counterintuitive, a closer look at what has happened in Colorado (where non-medical marijuana was legalized in 2012) and in Oregon (where non-medical marijuana was legalized in 2014) reveals why.

A leaked January 2017 report from the Oregon State Police states that “cannabis legalization has not had a noticeable effect on Mexican [drug trafficking organizations’] illicit cannabis cultivation operations on public lands.”¹⁷ It also indicates that “only 30 percent of [Oregon’s marijuana] market activity is captured in legal transactions.”¹⁸ *That means over two-thirds of Oregon’s marijuana transactions are illegal.*

E. Employers

Marijuana legalization also involves significant risks to existing businesses. According to the National Council on Alcoholism and Drug Dependence (NCADD), illegal drug use is responsible for annual economic losses of over \$80 billion.¹⁹ As marijuana is by far the most widely used illegal drug, it is unsurprising that its use would trigger significant losses on its own.²⁰ These workplace costs are of particular concern in Maryland, which was ranked 25th out of 50 states in CNBC’s “America’s Top States for Business 2016” scorecard.²¹

¹⁴ Max et al. (2014). *The Cost of Smoking in California, 2009*. San Francisco, CA: Institute for Health & Aging, University of California, San Francisco, 2014. Retrieved from

¹⁵ *Id.*

¹⁶ “State hasn’t met promise to fund marijuana mitigation.” Editorial. The Seattle Times. 17 May 2016. Retrieved from

¹⁷ Oregon State Police. *A Baseline Evaluation of Cannabis Enforcement Priorities In Oregon*. 2017, available at:

¹⁸ *Id.*

¹⁹ *Drugs and the Workplace* (Issue brief). (n.d.). Retrieved March 29, 2017, from National Council on Alcoholism and Drug Dependence Inc. website:

²⁰ Recent incidents in the United States and abroad underline this point. The engineer involved in a 2016 train crash that killed two line workers in Pennsylvania tested positive for marijuana use after the wreck, per a National

Unlike cigarettes, marijuana's psychoactive properties intoxicate and create tangible problems in the workplace. A peer-reviewed study of thousands of employees indicated that marijuana users were unjustifiably absent from work 77 percent more often than non-users, and had a rate of workplace injuries 85 percent higher than that control group.²² (They were also involved in workplace disciplinary incidents as a rate 55 percent higher than the control group,²³ but there is less data available to quantify the costs of such behavior on employers' bottom line.)

Data from the National Drug Use and Health (NSDUH), the nation's premier annual survey on drug, alcohol, and tobacco use, supports this conclusion. Per the 2014 NSDUH, people who used marijuana in the last month were, *even when controlling for alcohol use*:

- 40 percent more likely to have missed at least one day of work in the last month due to injury or sickness; and
- 106 percent more likely—that is, *more than twice as likely*—to have missed at least one day of work in the last month because they “just didn't want to be there.”²⁴

As marijuana use has increased in states that have legalized its use, so has use by employees, both on and off the job. Data from major drug testing firm Quest Diagnostics, which analyzes the results millions of workplace drug tests each year, recently reported a 47 percent spike in the rate of positive oral marijuana test results in U.S. workplaces from 2013 to 2015 — and more detailed data shows an incredible 178 percent rise in that rate from 2011 to 2015. Quest Diagnostics also noted surges in positive test rates for marijuana in Colorado and Washington state following legalization. The year following legalization, marijuana positivity rates with urine tests in Colorado and Washington increased 20 and 23 percent, respectively, compared to the five percent average increase among the U.S. general workforce.²⁵

Transportation Safety Board report. Halsey, A., III. (2017, January 26). *Amtrak engineer in fatal crash tested positive for marijuana, NTSB says*. Retrieved March 29, 2017, from

And more recently, two employees at a German BMW plant who got high just before reporting to their stations caused over \$1 million in losses after they caused an assembly line stoppage. Brown, A. (2017, March 20). *Stoned Assembly Line Workers Cost BMW \$1 Million in One Day, Report Claims*. Retrieved March 29, 2017, from

²¹ CNBC.com. (2017). *America's Top States for Business 2017: The list and ranking*. Retrieved from

²² Zwerling, C., (1990). “The Efficacy of Preemployment Drug Screening for Marijuana and Cocaine in Predicting Employment Outcome.” *JAMA: The Journal of the American Medical Association*. 264.20. 2639.

²³ *Id.*

²⁴ Substance Abuse and Mental Health Services Administration (SAMHSA). (2015) National Survey on Drug Use and Health, 2014. Rockville, MD: Office of Applied Studies, SAMHSA.

²⁵ Quest Diagnostics. Workforce drug test Positivity rate increases for the First time in 10 years, driven by marijuana and amphetamines, finds quest diagnostics drug testing Index™ analysis of employment drug tests. *Quest Diagnostics Newsroom*, 11 Sept. 2014.

Large businesses in Colorado also now state that after legalization, they have had to hire out-of-state residents to find employees that can pass a pre-employment drug screen. The CEO of the large Colorado construction company GE Johnson has said his company “has encountered so many job candidates who have failed pre-employment drug tests because of their THC use that it is actively recruiting construction workers from other states.”²⁶

F. Drugged Driving

Marijuana-impaired driving is increasingly responsible for traffic fatalities in Colorado and Washington since pot legalization was established there. According to the AAA Foundation for Traffic Safety, the percentage of traffic deaths related to marijuana doubled in Washington State the year retail marijuana sales were allowed. We’ve seen increases in Colorado and Alaska as well.

G. Conclusion

Regardless of good intentions, legalization is bad policy. It will increase marijuana use (including among children), make New Jersey roads more dangerous, reduce businesses’ productivity, and target communities of color. It will also not help New Jersey’s budget due to the costs of implementing the program and dealing with its consequences. And, ironically, it will not reduce black marketeering or criminal activity surrounding the drug. For those reasons, I urge you to join every major medical association in the country by not supporting marijuana legalization.

²⁶ “Drug use a problem for employers.” Editorial. *Colorado Springs Gazette*, 24 Mar. 2015.

My name is Morgan Thompson and I am a person in long-term recovery. What this means for me is that I have been free from alcohol and other drug abuse since 2009, after experiencing a severe substance use disorder throughout my teenage years that began with marijuana and ended with opiates. I am also the Director of Academic and Recovery Support Services for Prevention Links and the Raymond Lesniak Experience Strength and Hope Recovery High School. We provide recovery support and educational services to youth and emerging adults who have been impacted by substance use disorders and their families.

Each day at the Recovery High School, I work with teens from this community whose marijuana use has been the single greatest barrier to success. Their early, frequent and prolonged use has prevented them from performing academically and, in some cases, has led to drug dealing and gang involvement in order to support their habits. I can tell you that all of them report that their attitude about the dangers of marijuana was influenced by hearing about legalization in other states and the possibility of legalization here in New Jersey. I can also tell you that very few students who struggle with a marijuana use disorder make it to Recovery High School, or even receive treatment. Most marijuana-addicted youth, instead, end up involved in the justice system or do not receive services until their disorder has evolved to a much more dire state. Most of the individuals who are being revived from an opiate overdose with naloxone were using marijuana in high school.

I entered high school as a near daily marijuana user. I left high school experimenting with opiates and cocaine. By the time I entered college I was physically dependent and dropped out of school after two weeks. I tried to attend community college and failed out, too far gone into the depths of my addiction. I was very lucky that, when I reached a point at which I was willing to receive help of some kind, my parents were incredibly supportive and had excellent insurance that enabled me to receive all the treatment services I required. Not all families are so lucky. I have been drug and alcohol free since I was 18 years old and I have been able to pursue a life of meaning and fulfillment in recovery. But my story, sadly, is the exception and not the norm.

It is important to know that I am not standing before you with nearly nine years clean, stably employed, finishing a masters program because I am strong or smart or special. It took

several years of therapeutic and recovery support, access to education and employment, stable housing, financial support from my family, and so much more to make my recovery possible. I have made it my mission to do everything in my power to make those same resources available to every young person struggling with addiction. But I can tell you, that is a very challenging mission, because the resources simply aren't there in sufficient numbers.

Legalization of recreational marijuana will mean that more children are using drugs earlier. Some of them will "grow out of it," never use other drugs, and never become addicted. But a percentage of them will, and the more youth who are using marijuana, the higher that number will equate to. In an already resource scarce field, are we ready to invest the necessary funding and infrastructure into providing adequate prevention, treatment, and recovery support services to address that need? My guess is that we will plan to, we'll talk about the potential for revenue generation and how it will help people with addictions, we'll make big projections. And then, like we have seen with alcohol and tobacco, we will realize that the societal costs far outweigh the actual revenue generated, we will see that the projected tax revenues aren't quite what we had hoped, like other states that have legalized are seeing, and we will be stuck with another generation of drug dependent young adults with insufficient resources to treat their health condition.

There is little that legalization can accomplish that cannot be done through properly implemented decriminalization. And if we do opt to go that route, we will not have to contend with the force of a multi-billion dollar industry that will benefit no one but its leaders while our young people's views are warped by aggressive marketing campaigns designed to make them a lifetime customer. Thank you for your time.

Good morning. My name is Mike Smeraglia and I feel well equipped to be a part of this conversation as I had the good fortune to be born and experience childhood as a resident not far from here on Niles St. I am also proud to say that I am the father of Morgan Thompson with Prevention Links who on daily basis inspires me to be a better man.

I can also speak from a position of experience regarding addiction. I spent the first twenty years of my adult life as what many would consider a socially acceptable alcoholic. I had a wonderful wife, four amazing children and very successful career. That success allowed me to trivialize my dependency on alcohol and how it effected my decision making as well as the people around me. The loss of my Mother to cancer was an awakening. A realization that up to that point, I was very good at expressing my love for my family but capable of so much more as a parent in setting the right example and effectively communicating with them. It was then I decided to relinquish the addiction that had prevented me from being the best version of me. Without alcohol, my brain was able to function as God had meant it to and I made a commitment to pursue excellence and happiness for me, those around me, and anyone I encountered. Clarity has provided me the tools to do so.

A funny thing happens when you have clarity. It becomes easier to recognize when those around you are dealing with the challenges of dependency. It's easy to see how someone uses food, alcohol, drugs and other dependencies as a way to numb themselves from life, not seeing the toll it takes on them and their loved ones.

We can't allow ourselves to be naive and numb to the impact the legalization of marijuana would have on our communities.

The legalization of marijuana is not a complicated issue. For centuries it's been documented whereby white males in power have used their power in government and business to suppress Native Americans, people of color, and other minorities. The facts expose the truth of legalization. Businesses thrive while families are torn apart. The

risks associated with legalization of marijuana are validated by the number of individuals effected by the results of cannabis use. I would like to share data from the Study on The Legalization of Marijuana in Colorado that reflect the ramifications of doing so. In an effort to not sound redundant as you will be hearing from many speakers, I focused on three areas.

Rocky Mountain High Intensity Drug Trafficking Area

Effect of Impaired Driving

- marijuana-related traffic deaths increased 48 percent in three years (2013-2015)
- marijuana related traffic deaths increased 62 percent from 71 to 115 after legalization
- marijuana related traffic deaths involving operators testing positive for marijuana-2009 represented 10 percent of all traffic fatalities. increased to 21 percent in 2015

Hidden Costs of Marijuana Use

- Increase in hospital visits where a diagnosis related to cannabis was identified increased from 545 to 2,042 between 2009 and 2014
- The percentage of cannabis subjects admitted as inpatients from the Emergency Department increased from 9 percent to 15.3 percent
- Emergency Department charges unable to be collected increased 192 percent
- Penrose -St. Francis Hospital in Colorado Springs reported a true loss of \$20 million in uncollected charges

Youth Marijuana Usage

- Youth past marijuana usage increased 20 percent in two year average. During same time national use decreased 4 percent

- Colorado youth ranked #1 in the nation for past month use. Past use from 2013/2014 was 74 percent higher than the national average compared to 39 percent higher in 2011/2012
- Teenage admissions for marijuana addiction in Colorado increased 66 percent between 2011 and 2014
- Marijuana is the #1 reason adolescents seek substance-abuse treatment in the United States
- Denver Health Clinic youths in treatment - 73.6% are male with a mean age of 15.8 years. Cannabis use disorder accounted for 98.1 percent of youths in treatment.
- A study in June 2016 found 45 percent of students being under the influence during school hours and 43 percent reported possession of marijuana

More than any other segment of our population, this debate is about how the legalization of marijuana would impact our children. At what point do we stop failing them? At what point do we accept our responsibility as parents?

Decriminalization along with a commitment to reinvestment in our communities most effected is the true path to ensuring our children are provided an opportunity to achieve there goals. A focus on educating our children about the power they possess when utilizing there minds to make good decisions. Good decisions that lead to a sense of accomplishment and self esteem. Self esteem that leads to confidence and an attitude that anything is possible.

I have been very fortunate in my life. As the child of Italian immigrants that came to America and made roots in Elizabeth, I was able to see first hand the challenges we all face. It was because of their love and the support of the surrounding community that I was able to thrive. For me and those like me, it's our obligation to do all that we can to teach our future generations.

Testimony of Corinne Gasper Victim of Marijuana

Being called a victim isn't something that I ever thought would happen to me, but a lot of people seem to forget who the real victim is in my situation, it was my incredible daughter Jennifer, who had so much to give this world before it was all snatched away in the "blink of an eye." If you could take away one thing from me speaking today it would be this, "if this could happen to our family, it can happen to yours!" We did everything possible to protect our daughter from the dangers that exist. We tried to keep her safe but we couldn't protect her from this this crash and the drug that has impact our world so negatively. Becoming an activist was not something I could envision for myself, but now it is my life." I do this for others so that they may never know this never ending pain. Let me tell you Jennifer's story now and how she lost her life so tragically on July 24th, 2012. Jennifer had just graduated with honors from college. She was recruited her from high school as a lacrosse player to Notre Dame College. She had matured into the most beautiful woman inside and out during her higher education experience. Jennifer was so looking forward to a career fighting drugs as she had already witnessed the scourge of drugs around her. You see, during her college education, she had participated in an internship with the High Intensity Drug Trafficking of Ohio and realized this was what she wanted to do with her degree in Intelligence and Analysis Research, fight illicit drug. She was fluent in both Spanish and Arabic, as required by her curriculum. She had received a certificate after her internship for making "outstanding contributions to the program" and had just had a meeting with them about hiring her on. She never did anything without giving her all.

In the meantime, she had accepted a job out of her field, as a district manager after a large international company made her an unbelievable offer that she just couldn't refuse. She knew she'd have better negotiating power if she had some management experience behind her as well. After only being in the position a few weeks, she was awoken one night about 12:30am to a call from one of the stores she was overseeing. It was one of the store managers asking her to please meet her at the store because an alarm was going off and they needed to respond. Without hesitation, Jennifer threw on her clothes, hopped her brand new work car and made her way to the location. As she went through an intersection on a green light, she was suddenly and violently impacted on her passenger side by a man speeding 82mph through a red light sending her car out of control through the corner landscaping and into the front of a Lube Stop building taking out the center beam and killing my most beloved and cherished daughter. This man who killed her was high on marijuana. You can just imagine how horrific it was for our family to receive that call at 6 am, to inform us our most beloved daughter, the center of our lives, was so horrifically killed the evening before. She was just on the verge of an incredible life of helping others and fulfilling her dreams that she had worked so hard to achieve. The police assured us that the man would be punished to the full extent of the law, but to our dismay, he ended up only spending a mere 17 months in jail. He was coddled and protected while we were treated like the perpetrator and shown little sympathy in the justice system. The judge announced at sentencing that he had equal compassion for both families involved. How dare he make such a statement and

give this law breaking, drug abusing and previous OVI convicted man so much sympathy.

This is just a sampling of what is to come. Big marijuana has filled our heads with lies and made it seem like pot is a benign substance. This is a hoax as seen in other states that have opened the door to recreational marijuana. When I think of our country and the problems we already have, it's clear to me and any rational person that throwing marijuana out there in the mix would only make matters much worse. Drugs have been at the crux of so many of the murders we hear about each night on the news. There are already synthetic drugs (Marinol) that are FDA tested that can be prescribed by a doctor to do a much better job for patient that need pain relief or appetite stimulate. In the states that have legalized it, it's joke as to how to apply for the card which is virtually given to anyone. Please, do not pass this law if you care anything about the people of your state.

You will experience, as reflected in states like Colorado and others, an increase in crime and prostitution, car crashes, emergency room visit accompanied with violence, increased mental health issues, and death from suicide from uses that become helplessly addicted. And think about what happened to my innocent daughter whose life was ended by the effects of driving impaired on pot. Many pot smokers think they drive better while impaired! Marijuana is a gateway drug and we don't need more youth headed that road. Please stop this madness before we lose any more of our precious and vulnerable youth. Protect the health and safety of all Americans and don't let big business push you around. Please don't be short sighted. Our future depends on you.

**Written Testimony on Recreational Marijuana Legalization
Black Caucus Hearing
March 27, 2018**

*Luke D. Niforatos
Chief of Staff & Sr. Policy Advisor, Smart Approaches to Marijuana (SAM)*

I have worked in the health care and public health environment for nearly a decade, from nonprofit behavioral health-integrated community health centers to large hospital systems. I am now Chief of Staff and Senior Policy Advisor at SAM. I received my Bachelor of Arts in Communication from the University of Denver and recently moved to Virginia from the state of Colorado, where I had lived the past twenty years.

Legalization of recreational marijuana is bad policy and should be opposed.

- As a Coloradan, I can tell you the toll of legalized marijuana has been intense. Clouds of marijuana smoke cover the city of Denver and a state once known as destination for health and fitness has become known for drug use.
- The multi-billion-dollar marijuana industry places billboards, posters, stickers, and ads on every form of media across the state encouraging use of high-THC edibles such as ice cream, gummies, and brownies.
- They have even used cartoon characters to promote their products in my state. I urge you to consider the consequences of this environment when you think about the future of your state.

Legalization of recreational marijuana is wrong for New Jersey. This policy has manifested major public health and safety problems for Colorado and it will certainly result in many other negative consequences for New Jersey, for five main reasons:

- (1) increase drug use among New Jersey kids;
- (2) would be a strain on New Jersey's budget;
- (3) will reinforce, not diminish, the black market for marijuana, especially because the amounts allowed for home grows are excessive;
- (4) will aggravate drugged driving, creating costs likely to outweigh revenues;
- (5) would be a burden for New Jersey's employers and business community;

A. Public health impact

The addictive nature and negative health effects of marijuana are numerous.

- While there is much research on these effects, little coverage and notification has been provided to the public of the alarming impact they are having on my home state of Colorado.

- This is likely in part because many prominent reporters in Colorado are now being paid by the Big Marijuana industry.¹
- The only nationally representative study on marijuana use, the National Survey on Drug Use and Health (NSDUH), indicates that Colorado currently holds the top ranking for first-time marijuana use among youth, representing a 65% increase in the years since legalization.² Young adults age 18-25 continue to increase in marijuana use, well above the national average.
- Of particularly grave concern in the field of public health is the increase in hospital and emergency room utilization after legalization. In Colorado, the annual rate of marijuana-related emergency room visits increased 35% between the years 2011 and 2015.³
- Making matters worse is the fact that these marijuana emergency room visits have also increased among children and adolescents.⁴
- Additionally, calls to poison control centers have risen 210% between the four-year averages before and after recreational legalization.⁵
- The burden on emergency departments stemming from the type of patient care required and the resulting financial implications have been large for hospitals in Colorado.⁶
- Considering the financial impact as well as the overall implications for public health, the legalization of this drug is completely unsustainable.
- This is why national medical associations do not support marijuana legalization. For example, the American Medical Association states that, “cannabis is a dangerous drug

¹ Westword. <http://www.westword.com/news/marijuana-dispensary-chain-terrapin-care-station-hires-political-reporter-peter-marcus-9366884>

² National Survey on Drug Use and Health. (2006-2016). State use estimates [Data file]. Retrieved from

³ Colorado Department of Public Health & Environment, Colorado Violent Death Reporting System. (2017). Colorado Suicide Dashboard. Retrieved November 22, 2017, from

⁴ Colorado Hospital Association. (2016). As reported in *Monitoring Health Concerns Related to Marijuana in Colorado*. Retrieved Jan 20, 2018 from https://www.researchgate.net/profile/Katelyn_Hall2/publication/316885353_Monitoring_Health_Concerns_Related_to_Marijuana_in_Colorado_2016/links/591631b40f7e9b70f49dc1b2/Monitoring-Health-Concerns-Related-to-Marijuana-in-Colorado-2016.pdf

⁵ Rocky Mountain Poison and Drug Center. (2017). Retrieved December 22, 2017, from

⁶ Finn, K. (2015). The hidden costs of marijuana use in Colorado: One emergency department’s experience. *Journal of Global Drug Policy and Practice*, 10(2), 1–26. Retrieved February 3, 2018, from

and as such is a public health concern; the sale should not be legalized.”⁷ The American Academy of Pediatrics and American Academy of Adolescent Psychiatry, and American Society of Addiction Medicine all have serious concerns about marijuana and oppose legalization.⁸

B. Legalization of recreational marijuana would be a strain on New Jersey’s budget

When costs are counted, legalized recreational marijuana will not bring in revenue for the state of New Jersey. The social costs associated with marijuana far outweigh any revenue that it brings in. SAM has conducted many studies to this effect that you will hear in subsequent testimonies.

- In Colorado, we have certainly see this to be the case. In fact, in the first election year after legalization we were asked for an additional education tax- when we were promised marijuana taxes would cause our schools to overflow with funding.
- The Denver Post had a headline recently that stated, “Why pot taxes can’t solve Colorado’s budget problems.”⁹ The Colorado Independent also reported that pot taxes weren’t the solution to the budget.¹⁰
- Living in Colorado, it is apparent the tax revenue has not increased our quality of life but has instead handed a multi-billion-dollar drug industry the keys to our state. Adding insult to injury, the Colorado bureaucracy to regulate the industry continues to consume a large percentage of what revenue is made.¹¹

C. Legalization will reinforce, not diminish, the black market for marijuana

- In February 2015, years after legalization passed, Colorado Attorney General Cynthia Coffman told reporters: “The criminals are still selling on the black market. ... We have plenty of cartel activity in Colorado [and] plenty of illegal activity that has not decreased at all.”¹²

⁷ Report 2 of the Council on Science and Public Health (I-13), A Contemporary View of National Drug Control Policy. (2013). American Medical Association. Retrieved from

⁸ Public Health Organizations’ Position on Medical Marijuana. [Web post, Smart Approaches to Marijuana]. (2016) Retrieved from

⁹ The Denver Post. <https://www.denverpost.com/2016/08/12/why-pot-taxes-cant-solve-colorados-budget-problems/>

¹⁰ Colorado Independent. <http://www.coloradoindependent.com/157618/marijuana-tax-wont-fix-colorados-budget-woes>

¹¹ McGovern, B. (2015, June 12). Colorado weed czar: Revenue up in smoke. *Boston Herald*. Retrieved from

¹² “Special report, ‘Clearing the haze:’ Black market is thriving in Colorado.” *Colorado Springs Gazette*, 20 Mar. 2015. Retrieved from

- To further reinforce the spread of black market activity, a special media investigation revealed in 2018 that a record number of packages were mailed to or from Colorado through the U.S. Postal Service, up to 934 from 805. The number was 234 in 2012.¹³
- This is especially thriving in rural areas due to the difficulties involved in distinguishing between legal and criminal marijuana farms. About \$6.5 million worth of illegal marijuana was confiscated by federal agencies in the White River National Forest in Aspen, Colorado, and 9,200 illegal marijuana plants were found growing on islands in the middle of the Colorado River.¹⁴

Drugged Driving

- Marijuana is now involved in more than one of every five deaths on the road, and that number is rising.¹⁵
- The number of drivers in Colorado intoxicated with marijuana and involved in fatal traffic crashes increased 88% from 2013 to 2015.¹⁶
- Marijuana-related traffic deaths increased 66% between the four-year averages before and after legalization.¹⁷
- . Colorado has given control of the narrative around this drug to Big Marijuana, a profit-hungry industry that is not looking after public safety. I implore you to not let New Jersey go the way my state did and turn your roads into a public hazard.

¹³ Larson, D. (2018). Record number of mailed marijuana packages caught by feds in Colorado last year. *Denver 7 News*. Retrieved February 9, 2018, from <https://www.thedenverchannel.com/news/investigations/record-number-of-mailed-marijuana-packages-caught-by-feds-in-colorado-last-year>

¹⁴ Associated Press. (2017, September 29). Federal agencies raid pot grow operation in Aspen area. *Denver News*. Retrieved February 3, 2018, from

¹⁵ Fatality Analysis Reporting System and Colorado Department of Transportation (CDOT), as reported in Rocky Mountain HIDTA Investigative Support Center Strategic Intelligence Unit. *The Legalization of Marijuana in Colorado: The Impact*, Volume 4. Sept. 2016. Web. 23 Oct. 2016.

¹⁶ Migoya, D. (2017, August 25). Exclusive: Traffic fatalities linked to marijuana are up sharply in Colorado; Is legalization to blame? *Denver Post*. Retrieved February 3, 2018, from

¹⁷ National Highway Traffic Safety Administration, Fatality Analysis Reporting System (FARS) 2006-2011 and Colorado Department of Transportation 2012-2016. Retrieved February 6, 2018, from

D. Employers

- According to the National Council on Alcoholism and Drug Dependence (NCADD), illegal drug use is responsible for annual economic losses of over \$80 billion.¹⁸
- A peer-reviewed study of thousands of employees indicated that marijuana users were unjustifiably absent from work 77 percent more often than non-users, and had a rate of workplace injuries 85 percent higher than that control group.¹⁹
- (They were also involved in workplace disciplinary incidents as a rate 55 percent higher than the control group,²⁰ but there is less data available to quantify the costs of such behavior on employers' bottom line.)
- Data from major drug testing firm Quest Diagnostics, which analyzes the results millions of workplace drug tests each year, reported in the year following legalization, marijuana positivity rates with urine tests in Colorado increased 20 percent compared to the five percent average increase among the U.S. general workforce.²¹
- Large businesses in Colorado also now state that after legalization, they have had to hire out-of-state residents to find employees that can pass a pre-employment drug screen. The CEO of the large Colorado construction company GE Johnson has said his company "has encountered so many job candidates who have failed pre-employment drug tests because of their THC use that it is actively recruiting construction workers from other states."²²

E. Conclusion

Regardless of good intentions, legalization of recreational marijuana is bad policy. It will increase marijuana use (including among children), make New Jersey roads more dangerous, reduce businesses' productivity.

- I would like to share with you the story of why my wife, 15-month-old daughter and I moved across the country to Washington, D.C. to work on this issue. We have lived in Colorado for nearly our entire lives. The city of Denver has always been among the most beautiful and known for its quality of life, air, and fitness. We used to love taking our baby daughter on walks through our neighborhoods in the Denver area. However, with the dramatic rise in marijuana use after legalization, we had to stop taking her out on walks due to incessant marijuana smoke filling her stroller and presumably her lungs.
- When we would go on drives, one of the 1,014 pot dispensaries in the state (compared to 300 Starbucks and McDonald's combined) was always nearby and could be smelled in

¹⁸ *Drugs and the Workplace* (Issue brief). (n.d.). Retrieved March 29, 2017, from National Council on Alcoholism and Drug Dependence Inc. website:

¹⁹ Zwerling, C., (1990). "The Efficacy of Preemployment Drug Screening for Marijuana and Cocaine in Predicting Employment Outcome." *JAMA: The Journal of the American Medical Association*. 264.20. 2639.

²⁰ *Id.*

²¹ Quest Diagnostics. Workforce drug test Positivity rate increases for the First time in 10 years, driven by marijuana and amphetamines, finds quest diagnostics drug testing Index™ analysis of employment drug tests. *Quest Diagnostics Newsroom*, 11 Sept. 2014.

²² "Drug use a problem for employers." Editorial. *Colorado Springs Gazette*, 24 Mar. 2015.

our car.²³ This is not the kind of experience any family should have in this country and this is wrong for New Jersey.

- I am here first of all because I want to save my state from its terrible mistake, but even more than that, to urge decision-makers in other states (such as New Jersey) to run from the terrible mistake we made in our state. For those reasons, I urge you to join every major medical association in the country by not supporting recreational marijuana legalization.

²³ Rocky Mountain High Intensity Drug Trafficking Area. (2017). The legalization of marijuana in Colorado: The impact. Retrieved February 3, 2018, from <http://www.rmhidta.org/html/FINAL%202017%20Legalization%20of%20Marijuana%20in%20Colorado%20The%20Impact.pdf>

Testimony on the Legalization of Marijuana in New Jersey

Richard Smith – National Board Member – NAACP

President - NAACP New Jersey State Conference

March 27, 2018

Thank you for giving me the opportunity to testify before you today.

My name is Safeer Quraishi and I am the Administrative Director for the NAACP New Jersey State Conference. I bring you greetings on behalf of my President Richard T. Smith who also is a member of the NAACP National Board of Directors. The NAACP New Jersey State Conference is made up of 41 Branches throughout the 21 counties in the great State of New Jersey. I say without hesitation or fear of equivocation, that there is no branding – NONE – more recognizable in the country when it comes to civil rights, social justice and equal opportunity. For 109 years we have been at the forefront in the fight for justice.

Legalizing marijuana in New Jersey is a civil rights issue. In the words of my colleague all the way across the country in California, NAACP California State Conference President Alice Huffman, and a national leader on this issue, “African Americans are disproportionately affected by the criminalization of marijuana which makes passing the law a civil rights issue. We have empirical proof that the application of the marijuana laws has been unfairly applied to our young people of color. Justice is the quality of being just and fair and these laws have been neither just nor fair.”

This is a national problem, but here in New Jersey the problem is clear. African-Americans are nearly three times more likely to be arrested for marijuana possession in New Jersey than a white person, despite the fact that the usage rate is practically the same.

Hilary O. Shelton, vice president of advocacy for the NAACP Washington Bureau, said:

“These numbers make [legalization] a civil rights issue. We are usually conservative in terms of the issues that we support, but disproportionate prosecution of African-Americans for drug related offenses for marijuana has called us to fight for legalization in our community. If the laws on drug possession were being enforced correctly, then the number of arrests, prosecutions and prison sentences would be proportionate to our society across the board.

Sadly, that’s not the picture.”

The NAACP’s stand in support of legalization of marijuana supports one of our founding principles. What the NAACP New Jersey State Conference is trying to do is simply what is rooted in our mission: to eliminate racial prejudice wherever it may be. If members of our own community and our elected officials are able to see this as not just a drug issue, but as a civil rights issue, I believe even more individuals across this great State will agree that it’s time to legalize, tax, and regulate marijuana in New Jersey.

The NAACP is not encouraging marijuana use; let’s not get it confused. Marijuana is not healthy for all people, and particularly young people. But our current system gives TOO MUCH access to marijuana to young people. We need to move marijuana, and marijuana dealers, off of the corners and put it behind the counter where it can be regulated.

So I am proud to be here today with this diverse group of individuals and organizations. From the very beginning we have stood with New Jersey United for Marijuana reform. This group defies expectations -- we are law enforcement, civil rights, medical, religious and criminal justice reform organizations and individuals. We are New Jerseyans and we all stand united in support of reforming our state’s marijuana laws. And, make no mistake, we are growing. Drug Policy

Alliance as well has launched their campaign working hard to right the wrongs of this failed war on drugs.

Let me give you a little history. The get-tough approach to crime that began in the Nixon Administration and intensified with Ronald Reagan's declaration of the war on drugs has devastated black America. New Jersey's own war on marijuana has also been a failure. In its path, we find the long-term exclusion many offenders face. The *potential* consequences of a marijuana arrest in New Jersey include: up to six months in jail, loss of job and driving privileges, a criminal record, exorbitant fines and fees, an arrest warrant if those fees aren't paid, job discrimination, and threatened loss of public housing and student loans. Across this country, 2.6 million people are behind bars, 4.8 million others are on probation or parole, to say nothing of the millions more whose criminal records stigmatize them for life. Marijuana prohibition is an important piece of that picture. The war on marijuana has failed and this failure has had a devastating impact on black families.

This extraordinary phenomenon has opened the eyes of many across this state and our country and has made the majority agree that legalizing, taxing and regulating marijuana is an important piece of fixing our state and country's addiction to using the criminal justice system to deal with our problems. In 2010, right here in New Jersey, our government wasted more than \$127 million on criminal justice costs enforcing marijuana possession laws. Just imagine what could have been done with those resources.

Legalization, taxation, and regulation of marijuana for adults is the right choice for this state. In addition to the cost savings ending prohibition, so too would the state bring in tax revenue in a taxed and regulated system. The NAACP supports this approach but will keep a watchful eye on those resources to ensure that when New Jersey moves forward to legalize and tax marijuana—

and I am confident that it will—that there will be a re-investment in those communities that have been devastated by this failed system.

The legislation must include components to address these harms.

Marijuana legalization must be fair and equitable. There must be investment in the creation of jobs and job training programs, funding a broken education system, and a commitment to public safety, drug prevention and drug treatment programs. We know that well-resourced, evidence-based educational programs are the solution

to the drug problems we experience today. It must include policies that provide automatic and retroactive expungement, access to the industry for individuals with prior convictions and those from different socioeconomic backgrounds, the creation of civil penalties for those who operate outside the legal market so as not to perpetuate racial disparities within the criminal justice system, and reinvestment of the revenue generated into those communities most harmed by marijuana prohibition. *Without these elements* a poorly written piece of legislation would further perpetuate our state's racial disparities and would do nothing to help communities of color who have suffered under the racist policy of marijuana prohibition. We are confident, that with your leadership we will have a bill that addresses and repairs the decades of harm inflicted on communities of color.

To be clear, our community will not be the poster child as to why this legalization must take place in New Jersey, but when the savings and revenue materialize we are ignored or moved to the side. We must move towards a safe, legal, regulated marijuana system but we must do it the right way. This change has the potential to create thousands of sustainable, well-paying jobs in agriculture, manufacturing, health and safety, retail, regulators, and other sectors. These opportunities must not only become available to those who have significant capital or major

investors to bring to the table—we must make sure that employment and small business opportunities become available to all communities, especially those disproportionately impacted by the enforcement of our marijuana laws.

So for the few years, today, and moving forward, the NAACP has worked and will work diligently as part of this effort to educate New Jerseyans about how the status quo has failed our communities, especially Black communities. New Jersey must legalize, tax, and regulate marijuana to end the harms caused by our current laws, create jobs, increase public safety, and generate revenue that will help all New Jerseyans. It's time to end prohibition, again.

Thank you.

Bishop Jethro James Testimony
Black Caucus Hearing - Elizabeth, NJ March 27, 2019

I'm Bishop Jethro James; I'm President of the Newark-North Jersey Committee of Black Churchmen, as well as the Senior Pastor of the Paradise Church and I am also a licensed Social Worker. I am on the Board of St. Michael's Hospital in Newark, NJ. As a Bishop, I am responsible for all social action of all the Full Gospel churches in the State of New Jersey, along with a Chaplain for the New Jersey State Police.

Thank you, once again, for having me.

I've come this morning to warn you about the dangers of trying to pass a legislation that makes empty promises. number one. I was fortunate enough to receive an education and work the corporate world-- I retired from PSE&G, an urban development executive, after 38 years of services. However, not everyone in my community has been as fortunate but I certainly want them to be.

The first thing I'd like to say that legalizing recreational marijuana could devastate communities of color;

We know that those who would seek employment would never work for the State of New Jersey as a professional if they cannot pass a drug test; you can't teach school in the State of New Jersey if you cannot pass a drug test; you certainly won't be driving any of the Transit vehicles; you will not be working in the prison system; you will not work for any major corporation if you cannot pass a drug test. Even now, in this state, Home Depot, as well as Lowes, requires a drug test as a condition of employment. No legislation will change that.

The reality is that if unemployment in Parsippany -- which is only 25 minutes up Route 80 from Newark -- is 5 percent in their community, it's 15 percent in Newark. We need to ask ourselves, will unemployment go up in our community because of failed drug tests?

I have seen firsthand the changes in young people in our community who become heavy users of marijuana at a young age. It's tragic. For many, starting as young as 12 smoking pot takes over, they choose getting high over school work, they choose getting high over sports and they choose getting high over family life. It robs them. I know, I counsel them and pray with their parents. Why aren't we talking about this? With increase access, use and the normalization of marijuana we put best and the brightest of our community at even greater risk.

Proponents of legalization suggest their approach will keep our people out of jail. But minority kids are being arrested in increasing numbers in legalized states. Much of what these youths are being found with is what I call the "side products": the candies, the ice cream, the cookies, and the other marijuana- derivative products juveniles as young as 11 are being arrested for.

The reality in Denver for juveniles in the African American community is that there was a 55 percent increase of 11- to 16- year-olds arrested possessing cannabis. In the Hispanic community, there was a 34 percent increase in those arrested. In the white community, 8 percent; **it went down**, and I'm wondering why. When we look at Denver, Colorado pot shops are put predominantly in African American and poor communities- in some cases one pot shop for every 45 residents.

I met with certain hospital presidents, and we've talked about it from a healthcare perspective. We know that for a hundred years, alcohol and tobacco were pushed in our neighborhood, as well as all over the country. They became a multi-billion dollar industry. This has now shifted to billion-dollar effort to stop you from smoking cigarettes because of what it does. The American Medical Association, in its recent Journal of the American Medical Association, talks about what cannabis will do to your lungs, as well as your heart. It talks about what it will do to your brain. Proponents sometimes say that marijuana use will help pregnant women with morning sickness. However, science is revealing the damage it will do to the fetus; as well if she continues to smoke, THC will also be in her breast milk.

I sit on the Board of Saint Michael's Hospital in Newark. I am deeply concerned that is was reported that in just on weekend there were 29 incidents of young folks, coming through the emergency showing symptoms of psychosis because of marijuana. In Colorado, the annual rate of marijuana-related emergency room visits increased 35% between the years 2011 and 2015 (CDPHE, 2017). We know that the number of teenagers and young adults going to the emergency room at Children's Hospital Colorado for marijuana-related reasons increased significantly after legalization according to a study by Dr. Wang. He found that 106 teens and young adults visited Children's emergency room for marijuana-related reasons in 2005 and that number jumped to 631 in 2014. Is this what we want for our community? Our young people?

Already, numerous towns in New Jersey have banned marijuana shops. As the debate over legalization begins in the Legislature, more and more municipalities throughout the state are passing ordinances to ban retail sales of marijuana; even our Governor, who is pushing this, can't buy cannabis in his own town of Middletown, due to their recent ordinance.

I also urge you to consider the potential for an increase in homeless population as in Colorado. The U.S. Department of Housing and Urban Development reported a 13% increase in Colorado's homeless population from 2015 and 2016 (Acuna, 2017). That number may be low, as the rate of homelessness among Colorado children has increased 50% (Zubrzycki, 2016).

The reality is that legalization could devastate the African American community. It could devastate so many of our children, rob them having a future.

We need to think long and hard about the long-lasting effects that it's going to have on our community.

Thank you so much for hearing me; and God bless all of you. Are there any questions?

TO: The Chairman and Members of the New Jersey Legislative Black Caucus
FROM: Jaleel Terrell, Policy Advocate, New Jersey Parents' Caucus
DATE: March 27, 2018
RE: Marijuana Legalization

I want to thank the chairman and members of the New Jersey Legislative Black Caucus for considering testimony on this critical issue that has affected numerous New Jerseyans. The New Jersey Parents' Caucus (NJPC) supports marijuana legalization. My organization is dedicated to working with legislators, community members and other stakeholders to make sure New Jersey's future system of regulating marijuana is not harmful, but rather beneficial for all New Jerseyans.

New Jersey's current system of prohibiting marijuana is regressive, costly, and ineffective. New Jersey arrests more than 24,000 people a year for marijuana possession at a cost of \$140 million dollars to New Jersey tax-payers, This absurd and wasteful policy criminalizes otherwise law-abiding people and wastes resources that would be better spent on projects that support our families and communities. A conviction for marijuana possession can have severe long-term consequences. The resulting criminal record subjects a person to a system of legal discrimination that can last a lifetime and can make it difficult or impossible to secure employment, housing, student loans, or even a driver's license. For example, I want to share my own experience with catching a marijuana possession charge in New Jersey. My sophomore year in college I was charged for possession of marijuana for smoking marijuana down the street from my house. I served one-year of probation for this where I was told this would not affect my record. That was a lie. Every time I try to apply for a job with the government whether, it is state or local position, I am told that I have a criminal record so they cannot hire me. In the same vein, I graduated with honors from Kean University with a double major in English Writing and Criminal Justice with a minor concentration in Sociology in 2015. I am soon to graduate again with honors from Kean University with a Master's in Public Administration. This stain on my record is not allowing me to get a job with government even though I am a citizen that has a passion for serving the public.

Overall, marijuana laws in New Jersey have a disproportionate impact on minorities. African Americans and Latinos are three times more likely to be arrested for marijuana possession than whites even though both use marijuana at the same rates.

The solution to addressing the harms of marijuana prohibition is to legalize, tax and regulate marijuana for adult use. Nine states (Alaska, California, Colorado, Maine, Massachusetts, Nevada, Oregon, Vermont, Washington) and the District of Columbia have now legalized marijuana. Due to this new marijuana legislation, these states have stimulated their respective economies with the creation of new jobs and generated millions of dollars in tax revenues without negative consequences. These states have also seen a large drop in arrests for marijuana and thus fewer people labeled as criminals simply because they use marijuana. The following are examples of social good that stems from marijuana legalization:

- Colorado distributed \$230 million to the Colorado Department of Education between

2015 and 2017 to fund school construction, early literacy, bullying prevention, and behavioral health.

- Oregon allocates 40 percent of marijuana tax revenue to its state school fund, depositing \$34 million into the fund so far. The state also distributes 20 percent to alcohol and drug treatment.
- Nevada's 15 percent wholesale tax is projected to bring in \$56 million over the next two years to fund state schools.
- Washington dedicates 25 percent to substance use disorder treatment, education and prevention. The state also distributes 55 percent of its marijuana tax revenues to fund basic health plans.
- Alaska will collect an estimated \$12 million annually, which will fund drug treatment and community residential centers.
- California and Massachusetts will invest a share of their marijuana tax revenues in the communities most adversely impacted by drug arrests and incarceration, particularly low-income communities of color, to help repair the harms of unequal drug law enforcement.

Examples of Marijuana Arrest Rates dropping.

- The total number of low-level marijuana court filings in Washington fell by 98 percent between 2011 and 2015.
- The total number of marijuana-related court filings in Colorado declined by 81 percent between 2012 and 2015, and marijuana possession charges dropped by 88 percent.
- In Washington, D.C., marijuana arrests decreased 76 percent from 2013 to 2016, with possession arrests falling by 98.6 percent.
- In Oregon, the number of marijuana arrests declined by 96 percent from 2013 to 2016.
- In Alaska, the number of marijuana arrests for possession and sales/manufacturing declined by 93 percent from 2013 to 2015. Youth marijuana use is stable.

This is a chance for New Jersey to capitalize on a vigorous opportunity to help stimulate our economies as we continually struggle with social and fiscal problems such as our pension and opioid crisis. Tax revenue from marijuana sales can help with those issues. Also, a September 2017 Quinnipiac poll found that 59 percent of New Jersey voters support legalizing marijuana. This is consistent with the growing support for marijuana legalization that we are seeing nationally. Marijuana legalization was approved by ballot initiative in the first eight states, where voters directly made their support for legalization heard, as well as the District of Columbia.

Creating a controlled system focused on taxing and regulating marijuana will create social and economic benefits for all New Jerseyans. Legalizing marijuana will create new jobs and generate millions of dollars in tax revenue to fund projects that help all New Jersey residents. No longer will law-abiding citizens be labeled as criminals. This will have an impact on racial disparities and harms because minority arrests for this egregious law will be reduced. Resources that are currently wasted on marijuana prohibition will be allocated towards projects that support our health and communities. This is the time for New Jersey to be liberal and not be conservative with this issue because the proper marijuana legislation can help mitigate both social and fiscal issues in New Jersey. This would be the right thing to do for New Jerseyans as we struggle to find revenues to fund both our health and social programs.

It is imperative that any marijuana legalization legislation include provisions ensuring that it creates a fair and equitable marijuana market and repairs the harms that have disproportionately impacted my community as well as other communities of color for generations in New Jersey. Marijuana legalization must address these historical disparities and ensure fairness and equity moving forward. We cannot just allow individuals to come to our state and profit from a legalized market. The jobs generated from this new legislation must reflect the diversity of our great state. Fair and equitable reform must include the following policies:

- Protections for those who apply for a license or employment in the industry who have prior arrests and/or convictions;
- Access to the industry for individuals from different socioeconomic backgrounds;
- Requirement that the state shall actively seek to achieve a diverse industry;
- Provisions intended to repair communities most harmed by marijuana prohibition, including expungement and investment of revenue generated into communities; and
- Civil penalties for marijuana activities that occur outside the new legal system to avoid the continuation of a criminal system that disproportionately harms communities of color.

These are the components needed to ensure that New Jersey creates a fair and equitable system that benefits all New Jerseyans.

The New Jersey Parents' Caucus, supports marijuana legislation with the proper provisions that will repair harms that have disproportionately impacted communities of color by creating a fair marijuana market. Thank you for your time and I hope you consider these provisions as they will be the first step in repairing the harms done to communities of colors.

Thank you once again for your time and consideration.

Rory Wells

GoldmanWells Legal Group

Former Assistant Prosecutor/Community Relations Officer

Ocean County Prosecutors Office

New Jersey Legislative Black Caucus - Elizabeth Hearing

I would sincerely like to thank the members of the New Jersey Legislative Black Caucus for continuing the dialogue on this issue and providing a venue for all sides to make their positions known and provide input. I also want to acknowledge our host Mount Teman AME Church for their hospitality and those community members in attendance who are passionate about rejecting the legalization of this drug.

It is important to deal with facts when discussing an issue that will change the fabric of our communities and have an impact on generations of young people and families to come. One example of this would be retail establishments selling to young people even though it is against the law. In Washington State for example of 424 violations among licensed marijuana businesses 288 violations pertained to selling marijuana to minors and 136 violations were for allowing minors access to a restricted area (Washington State Liquor and Cannabis Board [WSLCB], 2017).

One argument I would like to address from pro-legalization advocates is the mischaracterization of how much money will be saved regarding marijuana offense arrests. They present this argument in such a way stating, "we can take all that money and put it to better use". This gives a false impression that there will no longer be marijuana arrests or that there are no offsetting costs. Of course, we know there will continue to be law enforcement actions and regulation for underage use, illegal sales and driving while under the influence. Regarding drugged driving - drugged driving and motor vehicle fatalities have increased in states that have legalized recreational marijuana. According to a 2014 report by the Fatality Analysis Reporting System (FARS), about 50% of fatal crashes nationally involved drivers whose blood tests were positive for THC (WTSC, 2016).

As the debate moves forward I believe most of our citizens when given objective scientific data will reject the commercialization of these products in our state. Legalizing and commercializing marijuana in New Jersey runs contrary to our goal of a healthy successful environment to raise our children. You cannot put more drugs into our communities and expect its use to decrease. Common sense tells us as with any business, the marijuana commercial industry, from suppliers to packaging to retail sales, will desire a growing permanent consumer base for them to make money.

As a former prosecutor and an African American I too am concerned about the social justice aspect of this issue. I believe further study into the disproportionate arrest rate with specific short term and long-term goals should be established to help solve this problem. I also believe that less use and abuse of marijuana should be one of the goals, not more. There is no reason to rush this process under the guise of social justice when we are not sure it would even accomplish our goals.

Two critical notes:

1. Colorado marijuana arrests for young African-American and Hispanic youth have increased since legalization (Colorado Department of Public Safety [CDPS], 2016).
2. Washington, DC, saw public consumption and distribution arrests nearly triple between the years 2015 and 2016. A disproportionate number of those marijuana related arrests occurred among African-Americans (Moyer, 2017; District of Columbia Metropolitan Police Department [DCMPD], 2016).

As a former Assistant Prosecutor, I would also like to briefly address the issue of home grows. This aspect of marijuana policy, if implemented would simply be impossible to police. For example, if the limit was set at six plants per home, without a doubt, nearly everyone who grows this plant would grow more than the limit. Inevitably home grows would be sold and shared amongst neighbors and friends young and old **increasing unregulated black-market distribution**. The very same day that law goes into effect setting an arbitrary limit, is the same day that law is ignored on a widespread scale with the additional creation of multiple massive home grows. The black-market aspect is a very serious consideration regarding this policy. The ability to hide black market activity in legalized states has encouraged drug trafficking organizations (DTOs) and Mexican cartels to begin growing marijuana illegally within the United States and there is now a strong presence of cartel activity in Alaska for example (ADPS, 2016).

I believe we can afford to be patient with an issue of this level of importance. There is no reason to rush through this legislation when other states who legalized are continuing to struggle with issues such as expansion of cartel influence, increased youth usage and its effect on other drugs and alcohol abuse.

Thank you for the opportunity to add to this conversation.

*Source data: Lessons Learned from Marijuana Legalization in Four U.S. States and D.C., March 2018 [Reviewed by scientists and researchers].

*Additional information/material can be found at www.learnaboutsam.org.

Testimony of Marco Vasquez

March 27, 2018

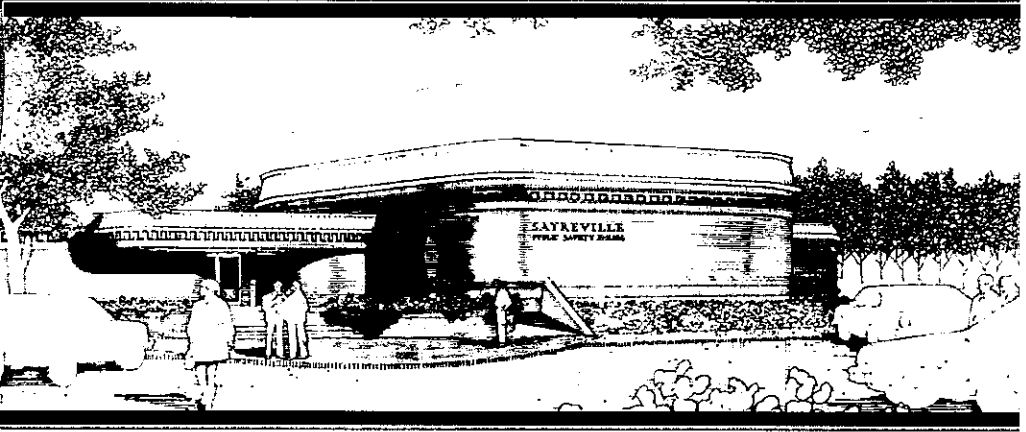
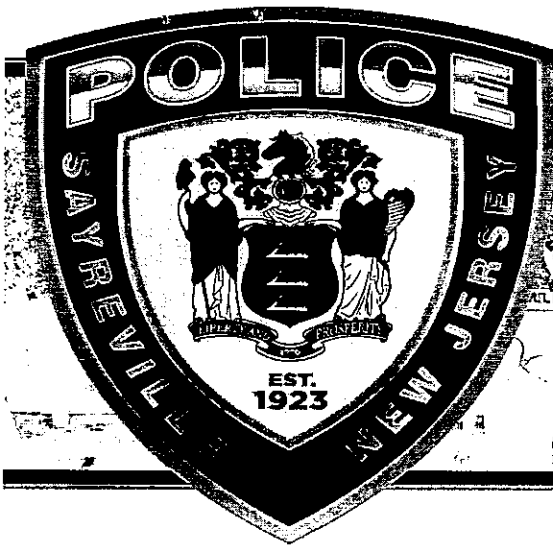
- Members of the NJ Legislative Black Caucus thank you for allowing me to talk to you today on this issue. My name is Marco Vasquez and I recently celebrated my 43-year anniversary as a sworn peace officer in Colorado. I am happy to answer any questions you may have at the end of my testimony. Before I get started, let me tell you a bit about my background.
 - I spent over 33 years on the Denver Police Department and worked a variety of assignments, including Patrol, IA, Narcotics Enforcement and Administration. I rose through the ranks from patrol officer to the deputy chief of administration.
 - I retired as deputy chief of administration in 2008 and went on to become the Chief of Police for the Sheridan PD and Erie PD. In 2010, I was recruited to become the first chief of investigations of the newly created MMED (2011-2013) and I assisted establish the regulatory and enforcement framework for over 2000 Colorado medical marijuana businesses.
 - While chief of Erie PD, I also represented the CACP as marijuana issues co-chair and in that capacity, I was able to act as a voice for Colorado law enforcement as we implemented marijuana legalization in Colorado.
 - As I have said, I have some experience in the Colorado marijuana legalization experiences, having spent 2 years as the chief of investigations for the MMED and then as the marijuana issues co-chair for the CACP.
 - I have sat on a number of working groups and panels, representing CACP and law enforcement as we work to design rules and regulations to help keep our communities safe. I testified a number of times before Colorado legislative subcommittees regarding the CACP and LE position on various MJ bills.
 - I have talked to numerous stakeholders, including business owners, law enforcement, regulators, policy makers, etc. and I believe that I have a good handle on what has happened during our “social experiment” to legalize marijuana in Colorado.
- This is what Colorado voters were told by many legalization proponents prior to the vote to legalize recreational marijuana in Colorado.
 - **That there would be no major issues**-Not true-We have seen issues around legalization and commercialization.
 - **That Crime would go down**-Not true
 - One of our greatest challenges is quantifying crime and disorder around marijuana legalization. What Denver and other municipalities who have allowed commercial businesses in their jurisdictions have found is an increase in burglaries of marijuana grows facilities where the suspects are stealing the marijuana plants.

- Colorado has seen an increase in violence surrounding marijuana, including marijuana involved homicides, robberies and burglaries.
- In a Denver Post article on 7/12/17-Crime rates dropped or remained static in many of the nation's 30 largest cities in 2016. Colorado's crime rate per 100,000 people is up 3.4%, fueled by an increase in auto thefts, rape, murder and robbery. Colorado's 2016 crime rate increase was 11 times the 0.3 percent average increase reported in the 30 largest cities. "Some Colorado lawmakers, police and legal experts partly blame the marijuana industry, claiming that it has lured transients and criminals to the state...". Rep Cole West stated, "I think it would be naive not to believe the increase in drug use is not having an impact on the crime rate".
- SAM-US Department of Housing and Urban Development reported a 13% increase in the Colorado homeless population from 2015 to 2016.
- Many homeless, called "Travelers" have told us that they came to Colorado because of the marijuana legalization.
- In a June 30th, 2016 CBS4 story, Denver Mayor Michael Hancock talked about drugs, specifically marijuana, in response to a high-profile attack on the 16th Street Mall. Mayor Hancock said "Let's be clear. Marijuana is drawing people to the mall. The travelers are very clear. I can tell you this because I've talked to the travelers," said Hancock. "This is one of the results of the legal marijuana industry in Denver and we're going to have to deal with it."
- SAM-CBI reports an 8.3% increase in property crime and an 18.6% increase in violent crime in 2017.
- SAM-National Institutes of Health (NIH) showed that the density of marijuana dispensaries was linked to an increase in property crimes in nearby areas. Researchers found that in Denver, neighborhoods adjacent to marijuana businesses saw 84 more property crimes each year than neighborhoods without a marijuana shop nearby.
- If NJ allowed commercial marijuana businesses it would then open up the potential for increased crime such as inside job robberies and burglaries, etc. and robberies of the owners leaving with large amounts of cash, etc.
- **That Black market/Cartels would be eliminated.** Not true-We have seen an increase in Black Market activity and we have seen organized crime groups such as Chinese, Russian and Cuban organized crime elements in Colorado. I do not believe that we will ever eliminate the Black or Grey markets.
- **That there would be no diversion**—Colorado has seen extensive diversion both out of state and to our youth.
- In 2016, RMHIDTA Colorado drug task forces completed **163 investigations** of individuals or organizations involved in illegally selling Colorado marijuana both in and out of state.
 - These cases led to:

- 252** felony arrests
 - 7,116 pounds (3.5 tons)** of marijuana seized
 - 47,108** marijuana plants seized
 - 2,111** marijuana edibles seized
 - 232** pounds of concentrate seized
 - 29** different states to which marijuana was destined
- Highway interdiction seizures of Colorado marijuana **increased 43 percent** in the four-year average (2013-2016) since Colorado legalized recreational marijuana compared to the four-year average (2009-2012) prior to legalization.
- Highway interdiction seizures of Colorado marijuana **increased 20 percent** from **288** in 2013, when recreational marijuana was legalized, to **346** in 2016.
- Of the **346** highway interdiction seizures in 2016, there were **36** different states destined to receive marijuana from Colorado.
- The most common destinations identified were Illinois, Missouri, Texas, Kansas and Florida.
- Approximately half of all seizures (**48 percent**) containing Colorado marijuana originated from Denver.
- **That Marijuana = alcohol**-Not True-Marijuana is an entirely different commodity than alcohol and my experience and the experience of other regulators has showed that marijuana is much different to regulate.
- **Impaired driving will NOT go up**-Impaired driving has increased. Marijuana related traffic deaths where the driver tested positive for marijuana more than doubled from 55 deaths in 2013 to 125 deaths in 2016. Between 2013 and 2016, all traffic deaths increased 16%
- **Officers to focus on other crimes**-In my conversations with Colorado law enforcement officials, they are spending **MUCH MORE** time on marijuana now.
- Today's MJ = MJ from the past. Today's marijuana is much more potent and is not just about a marijuana joint. We are dealing with very high potency THC in the form of shatter, wax, etc.
- Over my 40+ years in policing, my focus has always been on public safety and how to keep our communities safe. During the course of my career, I spent many years in drug enforcement and I was able to see, first hand, the adverse impact that substance abuse has on our youth.
- I have seen a lot of change in the drug use landscape in our communities. Frankly, having watched what is happening in communities across America from marijuana legalization to the Opioid epidemic, I am concerned for the future of many of our youth.
- I use a simple formula to talk about what is happening: When you increase availability, decrease perception of risk and increase public acceptance of any commodity you will see

increased use. Once we see that increased use, it is very difficult to keep marijuana out of the hands of our youth.

- We know from validated studies that marijuana use for youth under 30 years old, especially chronic use, can have an adverse impact on brain development. We also know that 1 in 6 youth become addicted to marijuana. We have certainly increased use of marijuana in Colorado and I believe that we have also increased risk factors for Colorado youth.
 - RMHIDTA Oct, 2017-SAMHAS.gov-National Survey on Drug Use and Health (2012-2014) Prevalence of Past 30-Day Marijuana Use Youth Age 12-17: US 7.22%, Colorado 11.74% and Denver Metro 12.38%
- NJ would also likely see an increase of underage customer hitting up over 21 year old customers to buy some marijuana for them similar to what we have seen for decades where underage youth hang around liquor stores trying to get a legal customer to buy them alcohol. Many Colorado youth obtain their marijuana from family members and friends over 21.
- The biggest problem with adding commercial marijuana businesses is that we would be increasing availability of marijuana because anybody over 21 could buy marijuana and then sell or give away to people under 21.
- Allowing marijuana businesses in a jurisdiction requires increased resources. Denver had to add at least 21+ FTE's to inspect and process the marijuana businesses in their city.
- Marijuana legalization proponents argue that marijuana is safer than alcohol. This is not true, the harms simply manifest differently. One of the biggest flawed assumptions is that with the legalization of marijuana we will see a decrease of alcohol use. Virtually all patients who seek help for their addictions are "poly-drug" abusers. They use marijuana, alcohol, prescription drug street drugs, etc. I do not believe that history will show a decrease in alcohol use rather it will show an increase in marijuana use and alcohol use will remain constant or increase. Use of marijuana + alcohol increases the dangers of impairment much more than use of just marijuana or just alcohol.
- As a career law enforcement officer, I would never knowingly support something that I see as counterproductive to community safety, and I believe that adding commercial marijuana businesses in New Jersey is counterproductive to public safety, public health and New Jersey's youth.
- Over the last 40 years, I have seen public safety risks and I have seen what works and what doesn't work. I was around when the tobacco companies glamorized cigarette use and marketed cigarettes to our youth. I sincerely believe that commercial marijuana legalization will ultimately be the "Big Tobacco" of the 21st Century. I have seen the negative impact on communities because of drug and alcohol abuse and I am seeing an increase in drug abuse in Colorado.
- Thank you for allowing me to talk to you today. When Colorado began our great social experiment of legalizing and commercializing marijuana, we were the 1st and we had no roadmap or playbook to follow. New Jersey is lucky, in that you can learn from our missteps and mistakes. I am happy to answer any questions you may have.



CHIEF JOHN J. ZEBROWSKI

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On behalf of NJSACOP

Thank you to the Legislative Black Caucus for the opportunity to speak today and share the concerns of the entire membership of the NJSACOP.

I am Chief John Zebrowski of the Sayreville Police Department; I am also an Executive Vice President of the NJSACOP and the Chairman of the NJSACOP Working Group and, as such, have the distinct honor to be in front of you today. The Working Group is comprised of seasoned and learned Chief Executives of Law Enforcement from around the State of New Jersey whose purpose is to study the subject, investigate the available research, focus the discussion as it relates and affects the law enforcement community and to remain vigilant for the active and retired members of the association. Most importantly, we are here to provide the necessary support to our individual communities as our lawmakers make an informed decision on this important issue.

Let me begin by telling you that I do not hold myself up as a clinical expert on the Legalization of Marijuana. Rather, I am speaking to you as an experienced law enforcement officer with over 30

years enforcing laws related to impaired driving and whose community is a connecting point for many points of interest, and major transit hubs including New York City. On any given day, the access point of the NJ State Parkway from State Highway 9 is crowded with commuters averaging over 100,000 vehicles a day. We are also the home to such busy highways as the NJ State Parkway, with State Highways 9 and 35 running through my town adding another 400,000 travelers per daily commutes and providing direct access to the NJ Turnpike and Rt. 18. So, I feel appropriately qualified to discuss the issues and concerns related to impaired driving, and in this case “drugged driving” and its affect upon the motoring and non-motoring public.

I am not alone in this experience. NJ has some of the most heavily traveled and congested roadways in the United States. Our efforts to thwart drunk driving have met with a great deal of success as the incidents of drunk driving and crashes due to drivers impaired by alcohol have been relatively low and stable over the last decade or so. But, drugged driving is not the same as drunk driving. And, our collective understanding of the impairments due to drugged driving is limited. As for marijuana, the physiological and metabolic effects from its consumption are more complex from that which comes from consuming an alcoholic beverage.

Let’s begin with this point; marijuana is not a benign drug. Impairment due to drugged driving has certain comparable similarities to impairment due to drunk driving but it’s the differences that will make the roadways less safe and the ability to enforce drugged driving law much more difficult.

Alcohol is unique among impairing drugs in that there is a documented correlation between blood levels and levels of impairment. That doesn't exist for other drugs and it has been shown to be non-existent for THC in marijuana. Currently it is not possible to identify a valid impairment standard for marijuana or any other drug equivalent to the .08% BAC limit for alcohol.

Although blood alcohol content can be accurately measured and correlated with behavioral impairment, it is not the case with marijuana, in part because alcohol is water soluble, whereas marijuana is stored in the fat and is metabolized differently, making a direct correlation with behavior difficult to measure. Since THC is fat soluble, it is quickly removed from blood as it is soaked up by the brain and other highly perfused fatty tissues in the body.

Exacerbating the problem is the matter of how to best create, implement and enforce the laws prohibiting impaired driving. This is particularly concerning in NJ, the most densely populated state where the risk of catastrophic consequences related to a drugged driving incident is exponentially more probable.

The members of the Working Group have researched the issue in an effort to better understand how the legalization of recreational marijuana will affect our communities. And that research, thus far, validates our concerns and strengthens our collective resolve that the State of New Jersey should not legalize the use of recreational marijuana. We understand that this research remains formative as much of it is related to the relatively short period in which marijuana has been legalized in certain states.

We feel that it is much better to postpone any decision until independent and comprehensive research has been completed using a better sampling of size and time. But, given the statistics that are available today it is clear and indisputable the use of recreational marijuana negatively impacts both the motoring, pedestrian and special needs community and that innocent people in states where recreational use of marijuana has been legalized are at a greater risk of harm, injury and death due to the increased numbers of impaired drivers.

Let's look at what we do know:

- The % of traffic deaths related to marijuana doubled in Washington State in the year retail marijuana sales was allowed.
- In CO, marijuana is now involved in more than one of every five deaths on the road
- A recent review of literature on drug impaired driving found that being under the influence of marijuana nearly doubles the risk of a driver being involved in a motor vehicle crash resulting in death.
- Over the first six months of 2017, pedestrian fatalities rose sharply from a year earlier in states that had legalized recreational marijuana

- Combining marijuana with alcohol appears to increase impairment dramatically, beyond the effects of either substance alone.

To this point, it has been a collective and successful effort from law enforcement legislators, advocates and our community members making the superhighways, our heavily travelled arteries and each local roadway safer with motor vehicle crash rates due to alcohol impaired driving at all time low levels. This is not the time to reverse that course. It is imperative we do not underestimate the adverse impact legalizing recreational marijuana will have on traffic safety within our communities.

I, along with each member of the NJSACOP, invite and look forward to forming lasting partnerships for the purposes of better defining this specific issue and providing clarity where there is misunderstanding. We appreciate opportunities, such as this, to help frame and focus the discussion on specific concerns. Most importantly, we want to encourage and engage our individual communities into action and in opposition to legalizing the use of recreational marijuana.

Again, on behalf of the NJSACOP I would like to thank you for this opportunity to speak out.

Hi. Thank you for establishing this forum such that all voices can be heard on the debate about legalization of marijuana for recreational purposes in New Jersey.

My name is Melissa Tassé. I am a resident of New Providence, NJ and a very active citizen of the state of New Jersey. I chair the State Public Affairs Committee for the Junior Leagues of New Jersey; I serve as a trustee on the boards of both Overlook Medical Center and Newark Academy and am also a member of the New Providence Alliance.

I hold a Ph.D. in neuropharmacology and founded my own private foundation, The Honey Bee Foundation, whose mission is to educate parents about the developing brain and the risk for developing substance use disorders (you would refer to them as addictions) in children and teens. I also choose to be 100% self-funded because there is simply not enough grant money out there to fund the education and prevention programs so desperately needed in this fight against the opioid epidemic.

And, the reason I choose to focus on parent education and prevention is because 90% of all substance use disorders, or addictions, start during adolescence. And, yes, to clarify, what I am saying is that if you ask all of the people suffering from addictions currently, 90% of them will tell you that they started using during their youth. If parents truly understand how a child's brain develops and also understand how substances from e-cigarettes, tobacco cigarettes, alcohol, marijuana affect the developing brain, they would have a very different view about the wisdom of using these neuro-active agents during the adolescent

and teenage years. And let's not forget that the brain is still developing until one reaches their mid-twenties. Your brain and your cognitive function are still growing for many, many years after one has stopped growing physically.

When we talk about legalizing marijuana, we are talking about legalizing a mind-altering substance - a substance that affects the brain by impairing cognition, judgement and reflexes, in the still developing brain of young adults.

So, let's get a few facts on the table, as evidence-based background to this discussion:

1. Children using any substance are more likely to develop an addiction, or substance use disorder. 94% of addictions start during adolescence!
2. The adolescent and teen brain is still in a process of critical development making it that much more vulnerable to drug use.
3. Regular heavy marijuana has been show to be associated with an 8 point drop in IQ!

4. We also know from several studies and from the Monitoring the Future Study that heavy marijuana use is also associated with:

Educational Outcomes	Life Outcomes
Lower grades and exam scores	Lower satisfaction with life
Less likely to enroll in college	More likely to earn lower income
Less likely to graduate from HS or college	More likely to be unemployed

I am baffled as to WHY, as a society, we would want recreational marijuana to be legalized without first really understanding the science and the data that is coming out of states where it is already legalized. Marijuana is not a benign, harmless substance – far from it!

Marijuana lobbyists representing manufacturers and wealthy investors are the loudest voice in this debate... I by no means am demonizing any voice, but we need to be clear – these are the voices of investors, not that of sound and thoughtful public policy .

The reasons I have heard from marijuana lobbyists for legalizing marijuana include: it will increase tax revenue, it will positively impact communities that are racially profiled and incarcerated at higher rates than other citizens, wouldn't you rather kids used^o marijuana – it is safer than alcohol, and wouldn't I prefer that children get "drugs" from a regulated source?

I will address each of these points.

1. With regard to criminal justice reform: legalizing marijuana will ONLY affect arrests with regard to marijuana possession – what about with other illicit substances, what about just regular traffic violations? The criminal justice issue that we have is much larger than simply marijuana possession. If these wealthy individuals who are trying to convince us that we legalize marijuana on the basis for criminal justice reform, why aren't they putting their millions and billions of dollars to actually try to fix the overall system. If they really cared about equality and all people, they would focus on criminal justice as their mission - not just the part that will benefit them. And, by the way, the legalization in Colorado has *not* impacted arrests and fines between whites and minorities among those that are underage... So, clearly, the mindset and racial profiling within criminal justice system has not changed just because recreational marijuana has become legalized.
2. Marijuana is safer than alcohol. First, I would not want my children using either substance as they both affect the developing brain. And, yes, there are specific compounds in the marijuana plant that can be isolated and have shown to be of benefit to people suffering from epilepsy. Marijuana may also be of benefit in chronic pain management. But these non-psychoactive isolates are not the same thing as taking marijuana recreationally. We still need more research and more data, and the results of the Adolescent Brain

Cognitive Development study, or ABCD, will answer many questions. In animal studies, marijuana affects the development of both the structure and function of the hippocampus – a brain region important in memory and information processing. Furthermore, a study of postal workers who tested positive for marijuana on a pre-employment urine screen experiences greater number of accidents, injuries and absenteeism. ER visits and car accidents have also increased with marijuana usage. ~~Increases ER visits and car accidents~~, Additionally, marijuana is often used in conjunction with alcohol consumption. In states that have legalized recreational marijuana, has there been a drop in alcohol consumption, alcohol-related hospitalization, or DUIs?

3. Tax revenues: What assumptions have been made about the tax revenue offsets that will come from substance-use disorders, car accidents, and cognitive impairment? What will be the reduction in alcohol tax if we really believe that marijuana will reduce alcohol consumption? If the state of NJ has assumed no impact, then we are naïve and ill-informed and not in a position to have a serious discussion about the impact and the trade-offs of legalizing marijuana. If they have assumed a socio-economic impact, then these models need to be made public as to inform the public debate and ensure that these assumptions are reasonable. Even if the tax revenue breaks even, we still need to ask if it is worth the health cost and the intellectual impact to our society

4. Let's not be fooled that just because it is illegal under 21 that children will not use. By legalizing it, we – as a society – are endorsing its use. That will drive use in all age groups. Brains are still developing at the age of 21, 22, 24... And we all know that under-age drinking is a huge problem, why do we believe that under-age marijuana smoking won't be? And joints and edibles are a lot easier to smuggle or conceal than a case of beer or a bottle of tequila; the black market still exists in Colorado, and children will still be obtaining marijuana from drug dealers.

5. One more question that needs to be asked is: what do employers in states that have legalized marijuana think? Do they believe that pot smoking is of no consequence when it comes to jobs that require judgement, crisp decision making and coordination? Employers in Colorado tell me that it is a real problem.

How have we not learned our lessons from opioids, alcohol, cigarettes, e-cigarettes, and even sugar! These were all introduced as substances that were believed to actually be good for people WITHOUT sufficient data. For all of these, it has taken years to recognize the harm and to start reversing the health impact and properly educate people. The damage has been done and it is MASSIVE! Today, we are running the same risk/benefit trade-off issue with e-cigarettes... they are advertised as safer than regular cigarettes, without any long-term data to back that claim. They are used mostly in adolescents - although they are

not to be sold to non-adults. They are more addictive than regular cigarettes, creating a life-time impact on young lives, that we choose to justify because it generates incremental tax revenue. As a society, we need to do better than that.

Why in the world would we go down this same path of not properly understanding and vetting the impact this will have? We owe it to ourselves to be educated and informed as to what this will do to our society and especially the children in our society?

But if we feel compelled to move forward with legalizing marijuana, then we need to learn from history and be very lucid:

First - we should assume that wide-spread consumption is harmful. Until proven otherwise, it would be irresponsible to assume that legalizing marijuana will prove beneficial to society. Basic prudence, as well as past experience, dictates that we should first minimize potential harm until we know better. We have made huge mistakes in the past – let's learn from them.

Two - All communication should carry a very visible disclaimer: *marijuana consumption has not been proven to be without significant health risk. We do not know if it increases your risk of developing substance use disorder. Data shows that marijuana use reduces cognitive function and test scores.* (Please pick the right evidence-based language, as you have all the expertise here)

Three – We should define today the potential risks and benefits of legalizing marijuana use – from incremental tax revenues, to

alcohol consumption drop, to reductions in drug sentencing in targeted populations, to the impact on substance-use-disorders. These should be studied extensively, by independent academic experts, over the next 5-8 years, so that we can answer much more definitively that this has been a net positive or negative for NJ.

Four - Once we have the data, we could confidently modify the risk language about marijuana use, or do a U-turn if it turns out to be of significant negative consequence. But our policy would be fully informed, which is certainly not the case right now.

In conclusion: We are asking to undertake a huge, state wide experiment in condoning the use of substances that affect brain function and have been shown to be harmful in many circumstances. On one side of the ledger is incremental tax revenues. On the other side, we have unanswered questions, absence of data, speculative benefits and significant incremental healthcare and societal costs. We can feel justified by saying that "I use pot or smoked some in college, and it had no effect on me". But let's be honest, we also know people who have used marijuana, and have not shown the ability to deal with it at all. More and more, we are in a knowledge-based society, where we should protect and develop young brains. We **should not pass any legislation** to legalize recreational marijuana. But if we do, it should only be done as part of a massive education campaign about the risks and unanswered questions of marijuana use. Anything short of that would be deeply irresponsible.

MARIJUANA IS NOT A HARMLESS HERB

These are SUMMARIES of the scientific studies that demonstrate some of the harmful effects of Marijuana

Prepared for the NJ Black Caucus Legislative Hearing
March 27, 2018

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Time to acknowledge the mixed effects of cannabis on health: a summary and critical review of the NASEM 2017 report on the health effects of cannabis and cannabinoids

Janna Cousijn, Adrián E. Núñez, Francesca M. Filbey
21 December 2017 ADDICTION, online

This is a summary and critical review of the National Academies of Sciences, Engineering and Medicine (NASEM) report of the health effects of cannabis. The report stated that effects of cannabis are understudied, and research findings are mixed. It concluded that the under-developed evidence base poses a public health risk and rightly addressed complexities of cannabis research that need to be resolved collaboratively. We support NASEM's urgent call for research, but add that the mixed evidence base cannot be attributed solely to research limitations. Rather, we propose a need to acknowledge the heterogeneity in the effects of cannabis to advance the field.

Introduction

There is a world-wide shift in cannabis policies culminating in lifts in restrictions throughout several countries, as well as US states. This is a striking departure from the prohibitive 'drug-free world' policies proclaimed by the United Nations General Assembly Special Session (UNGASS) on the World Drug Problem in 1998 towards one based more on public health efforts. This call for a 'people-centred' approach to drug policy (via harm reduction policies) brings to bear not only empirical evidence of the therapeutic benefits of cannabis, but also an understanding of its associated health risks.

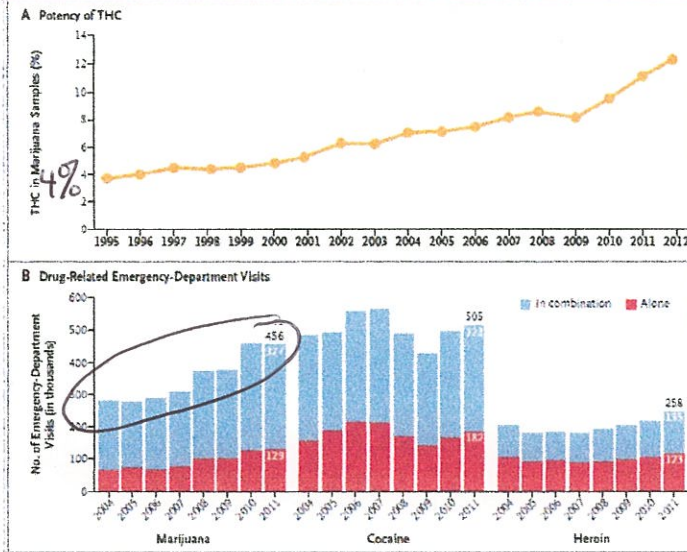
Report overview

Goal and conclusions

The NASEM aimed to provide a comprehensive review regarding the positive and negative health effects of using cannabis and cannabis-derived products and to provide recommendations for a research agenda that could progress the field rapidly 4. Due to time constraints, the report was limited to 11 topics with high public health impact (see Table 1), and primacy was given to systematic reviews published since 2011 and research papers published after the most recent systematic review. Eventually, a total of 10 700 abstracts were considered. The quality of the primary research papers was guided by the Cochrane Quality Assessment 5 and the Newcastle–Ottawa scale 6. Conclusions and recommendations were based subsequently on a categorized weighing of the evidence into conclusive, substantial, moderate, limited and no or insufficient.

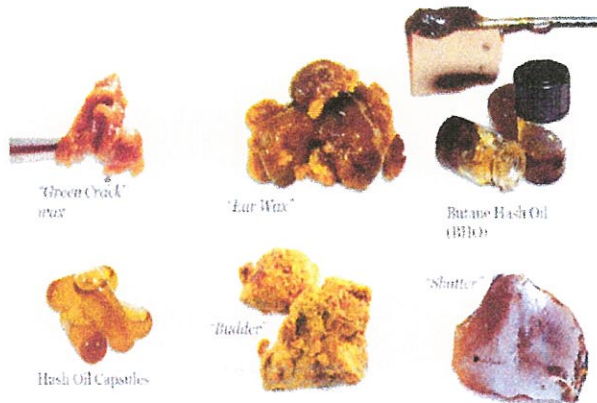
Table 1. Cannabis use-related health effects: conclusions of the National Academies of Sciences, Engineering and Medicine's (NASEM) report compared with the World Health Organization (WHO) report.

Increases over Time in the Potency of Tetrahydrocannabinol (THC) in Marijuana and the Number of Emergency Department Visits Involving Marijuana, Cocaine, or Heroin



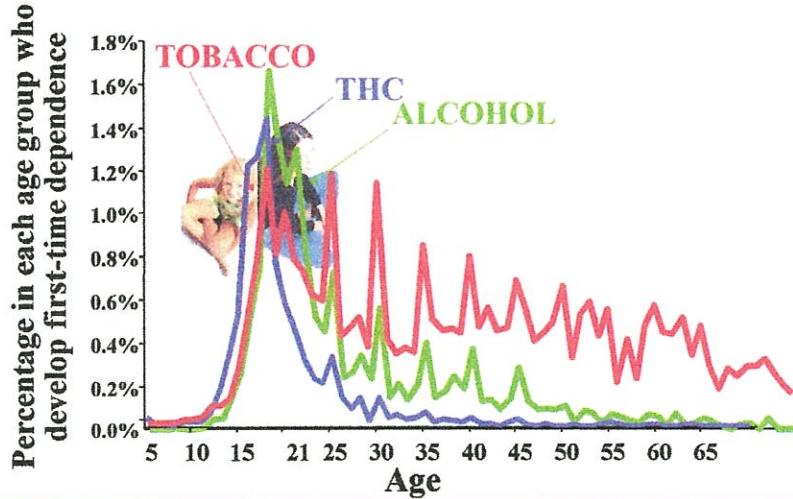
Volkow ND et al., NEJM 370(23), June 5, 2014.

Marijuana is not “just a plant” anymore – derivatives contain up to 98% THC



ADDICTION IS A DEVELOPMENTAL DISEASE

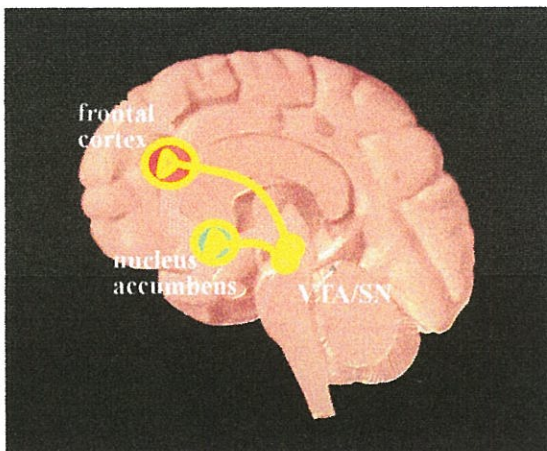
it starts in adolescence and childhood



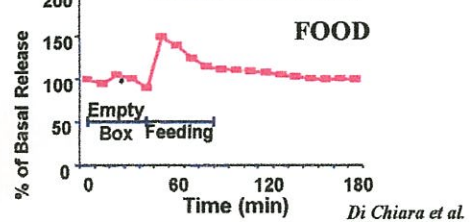
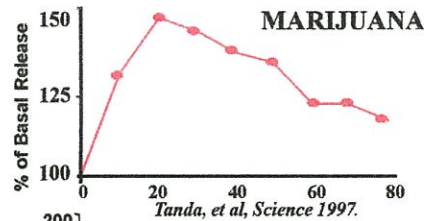
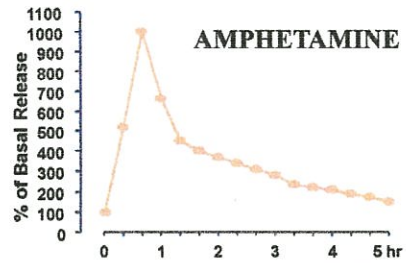
Age at tobacco, at alcohol and at cannabis use dependence as per DSM IV

NIAAA National Epidemiologic Survey on Alcohol and Related Conditions, 2003.

Natural and Drug Reinforcers Increase Dopamine in NAc



Drugs of abuse increase DA in the Nucleus Accumbens, which is believed to trigger the neuroadaptations that result in addiction



Cannabis use and other illicit drug use: testing the cannabis gateway hypothesis

David M. Fergusson, Joseph M. Boden & L. John Horwood

Christchurch School of Medicine and Health Sciences, Christchurch, New Zealand

ABSTRACT

Aim To examine the associations between the frequency of cannabis use and the use of other illicit drugs. **Design** A 25-year longitudinal study of the health, development and adjustment of a birth cohort of 1265 New Zealand children. **Measurements** Annual assessments of the frequency of cannabis use were obtained for the period 14–25 years, together with measures of the use of other illicit drugs from the same time period. **Findings** The frequency of cannabis use was associated significantly with the use of other illicit drugs, other illicit drug abuse/ dependence and the use of a diversity of other drugs. This association was found to be particularly strong during adolescence but declined rapidly as age increased. Statistical control for confounding by both fixed and time dynamic factors using random- and fixed-effects regression models reduced the strength of association between frequency of cannabis use and other illicit drug use, but a strong association between frequency of cannabis use and other illicit drug use remained even after control for non-observed and time-dynamic sources of confounding. **Conclusions** Regular or heavy cannabis use was associated with an increased risk of using other illicit drugs, abusing or becoming dependent upon other illicit drugs, and using a wider variety of other illicit drugs. The risks of use, abuse/dependence, and use of a diversity of other drugs declined with increasing age. The findings may support a general causal model such as the cannabis gateway hypothesis, but the actual causal mechanisms underlying such a gateway, and the extent to which these causal mechanisms are direct or indirect, remain unclear.

Keywords Cannabis, fixed-effects models, gateway, illicit drug use, longitudinal study.

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Cannabis use and the risk of developing a psychotic disorder

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We briefly review the evidence that cannabis use in adolescence and young adulthood is a contributory cause of schizophreniform psychoses, by summarising longitudinal studies that: a) have examined relationships between cannabis use and the risk of psychosis or psychotic symptoms; and b) have controlled for potential confounders, such as other forms of drug use and personal characteristics that predict an increased risk of psychosis. There is now reasonable evidence from longitudinal studies that regular cannabis use predicts an increased risk of schizophrenia and of reporting psychotic symptoms. These relationships have persisted after controlling for confounding variables such as personal characteristics and other drug use. The relationships did not seem to be explained by cannabis being used to self-medicate symptoms of psychosis. A contributory causal relationship is biologically plausible because psychotic disorders involve disturbances in the dopamine neurotransmitter system with which the cannabinoid system interacts, as has been shown by animal studies and a human provocation study. We briefly explore the clinical and public health implications of the most plausible hypothesis, that cannabis use precipitates schizophrenia in persons who are vulnerable because of a personal or family history of schizophrenia.

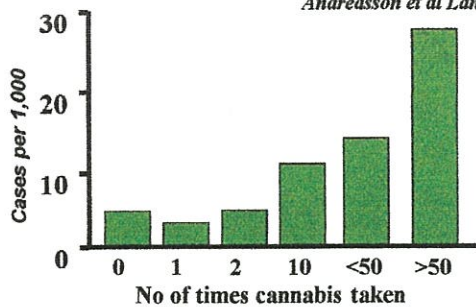
Key words: Cannabis, psychosis, schizophrenia, adolescents, dopamine, educational interventions

(World Psychiatry 2008;7:68-71)

Cannabis-Associated Psychosis

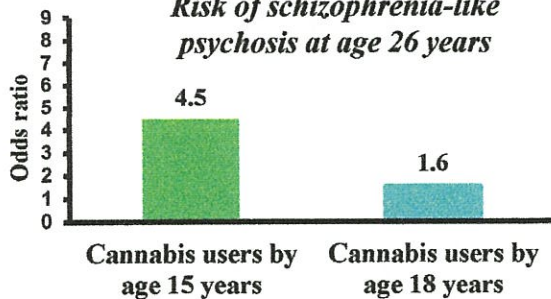
Study of Swedish Conscripts (n=45570)

Andréasson et al Lancet, 1987.



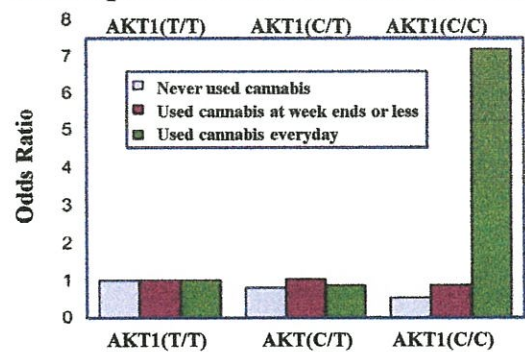
Prospective Dunedin study (n=1037)

Risk of schizophrenia-like psychosis at age 26 years



Arseneault et al BMJ 2002

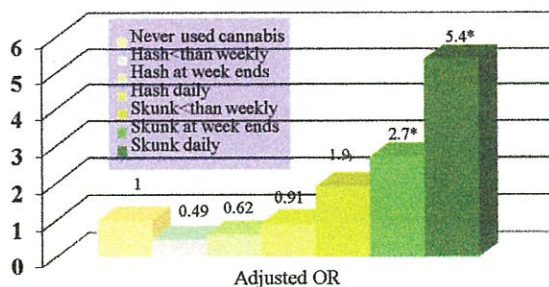
Regular Cannabis Use Increases Schizophrenia Risk in those with AKT1



GXE model: p*=0.014

Di Forti et al, Biological Psychiatry, 2012.

Effect of High Potency Cannabis on Risk of Psychosis



Di Forti M et al, The Lancet published online February 18, 2015.

Cannabis and psychosis/schizophrenia: human studies

Deepak Cyril D' Souza & Richard Andrew Sewell &
Mohini Ranganathan

Abstract The association between cannabis use and psychosis has long been recognized. Recent advances in knowledge about cannabinoid receptor function have renewed interest in this association. Converging lines of evidence suggest that cannabinoids can produce a full range of transient schizophrenia-like positive, negative, and cognitive symptoms in some healthy individuals. Also clear is that in individuals with an established psychotic disorder, cannabinoids can exacerbate symptoms, trigger relapse, and have negative consequences on the course of the illness. The mechanisms by which cannabinoids produce transient psychotic symptoms, while unclear may involve dopamine, GABA, and glutamate neurotransmission. However, only a very small proportion of the general population exposed to cannabinoids develop a psychotic illness. It is likely that cannabis exposure is a “component cause” that interacts with other factors to “cause” schizophrenia or a psychotic disorder, but is neither necessary nor sufficient to do so alone. Nevertheless, in the absence of known causes of schizophrenia, the role of component causes remains important and warrants further study. Dose, duration of exposure, and the age of first exposure to cannabinoids may be important factors, and genetic factors that interact with cannabinoid exposure to moderate or amplify the risk of a psychotic disorder are beginning to be elucidated. The mechanisms by which exposure to cannabinoids increase the risk for developing a psychotic disorder are unknown. However, novel hypotheses including the role of cannabinoids on neurodevelopmental processes relevant to psychotic disorders are being studied.

Keywords Cannabis · Cannabinoids · THC · Psychosis · Schizophrenia · Cognition

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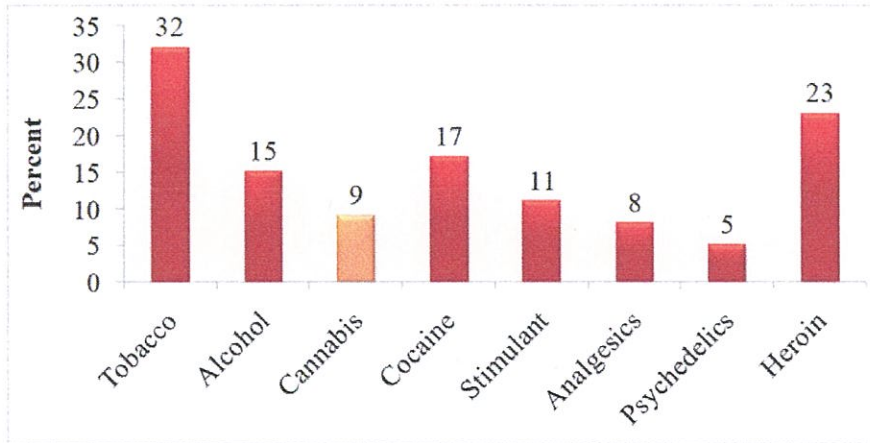
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Long Term Effects of Marijuana

Addiction: About 9% of users may become dependent, 1 in 6 who start use in adolescence, 25-50% of daily users

Estimated Prevalence of Dependence Among Users

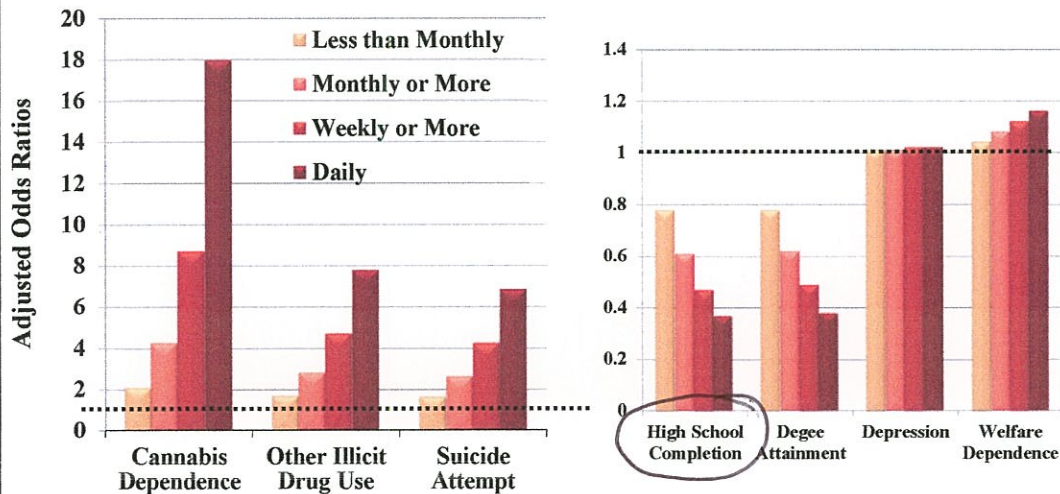


* Nonmedical Use

Source: Anthony JC et al., 1994

Frequency Of Cannabis Use Before Age 17 Years and Adverse Outcome (30years age) (n=2500-3700)

Consistent and dose-response association were found between frequency of adolescent cannabis use and adverse outcomes



Silins E et al., The Lancet September 2014.

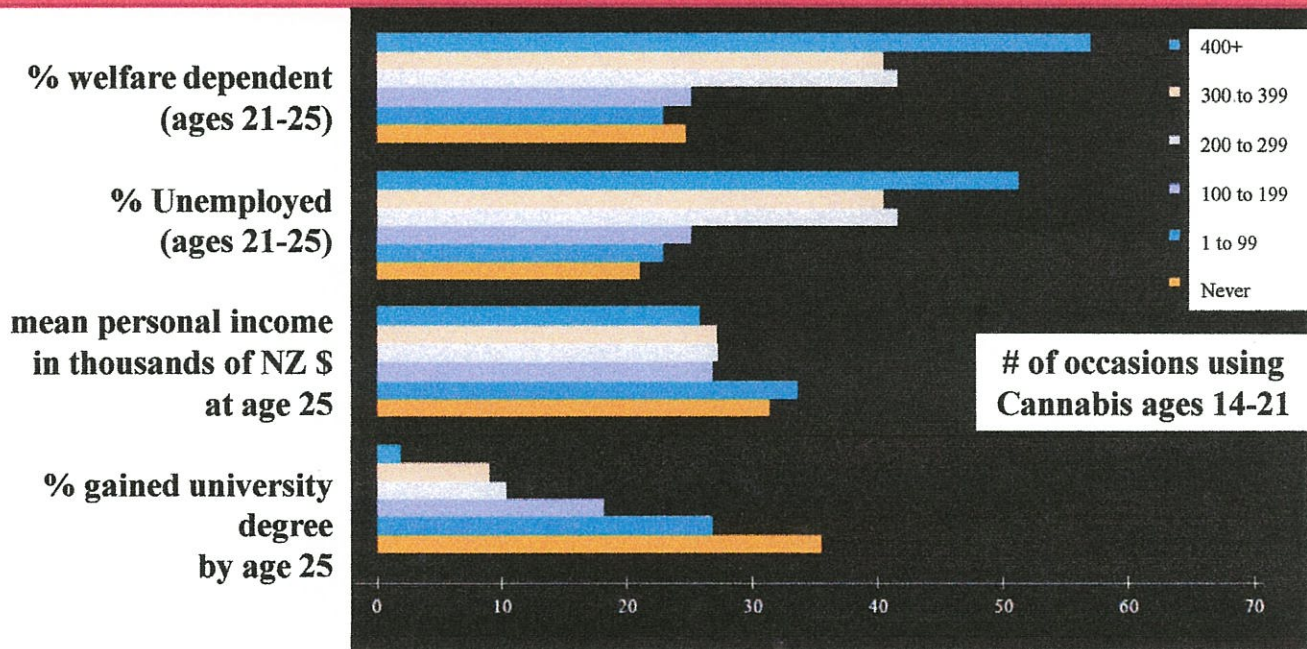
Effect of long-term cannabis use on axonal fibre connectivity

Andrew Zalesky Nadia Solowij Murat Yücel Dan I. Lubman Michael Takagilan H. Harding Valentina Lorenzetti Ruopeng Wang Karissa SearleChristos Pantelis ... Show more
Brain, Volume 135, Issue 7, 1 July 2012, Pages 2245–2255,

Abstract

Cannabis use typically begins during adolescence and early adulthood, a period when cannabinoid receptors are still abundant in white matter pathways across the brain. However, few studies to date have explored the impact of regular cannabis use on white matter structure, with no previous studies examining its impact on axonal connectivity. The aim of this study was to examine axonal fibre pathways across the brain for evidence of microstructural alterations associated with long-term cannabis use and to test whether age of regular cannabis use is associated with severity of any microstructural change. To this end, diffusion-weighted magnetic resonance imaging and brain connectivity mapping techniques were performed in 59 cannabis users with longstanding histories of heavy use and 33 matched controls. Axonal connectivity was found to be impaired in the right fimbria of the hippocampus (fornix), splenium of the corpus callosum and commissural fibres. Radial and axial diffusivity in these pathways were associated with the age at which regular cannabis use commenced. Our findings indicate long-term cannabis use is hazardous to the white matter of the developing brain. Delaying the age at which regular use begins may minimize the severity of microstructural impairment.

Cannabis Use and Later Life Outcomes Are Dose Dependent

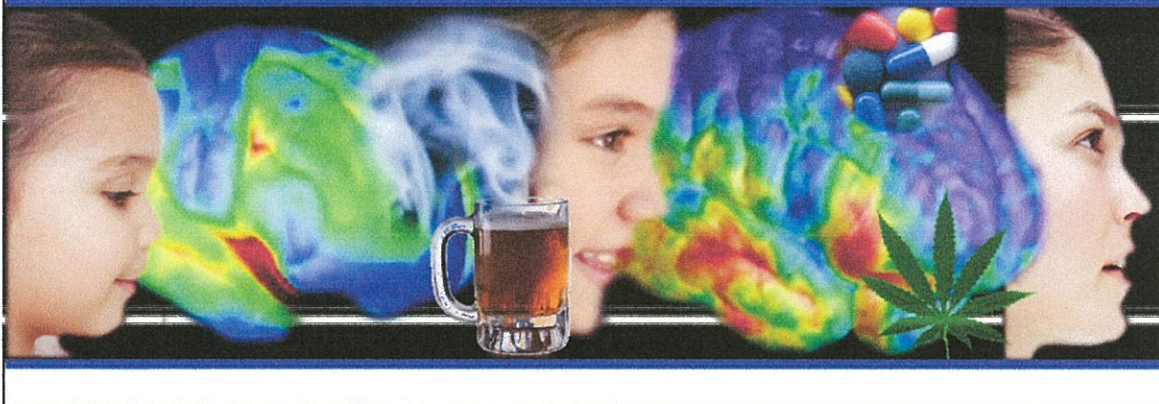


Source: Fergusson and Boden. Addiction, 103, pp. 969-976, 2008.

Adolescent Brain Cognitive Development National Longitudinal Study

NIDA, NIAAA, NCI, NICHD, NIMHD, NIMH, NINDS, OBSSR

*Ten year longitudinal study of 10,000 children from
age 10 to 20 years to assess effects of drugs on
individual brain development trajectories*



WHY MUST WE HURRY?

THIS IS A 10 YEAR STUDY STARTED 2017.

THIS IS WHAT WE SHOULD WAIT FOR.

March 27, 2018

Hello my name is Dr Kristine De Jesus and the owner of The Wellness Cooperative a professional recovery coaching practice based in Rahway, NJ. I have a doctorate in Clinical Psychology with specializations in Health and Cross Cultural Psychology. My passion is the intersection of culture, health and social justice. I have spent most of my professional career working in college mental health, working with young people whose lives have been affected by alcohol and other drugs. Let me go on the record as saying when looking at substance use in the USA, the most commonly misused drugs in the USA are alcohol and marijuana. Countless lives have been negatively affected by marijuana possession and use. Despite similar rates of marijuana use across race and ethnicities, Blacks and Latinos have overwhelmingly been targeted by police and the criminal justice system. Instead of providing compassion, treatment and support for those found in possession of or using marijuana we as a nation choose to incarcerate these men and women. Those supporting the movement to legalize marijuana say this is a social justice matter, however if we look at the data from states that have decriminalized and legalized, some interesting trends emerge, and we find that their narrative is flawed, based on privilege, and centered around wealth. Legalization is not about social justice, it is a get rich quick scheme thought up by the Ivy League grads and others with access to wealth (<https://www.forbes.com/sites/jicolao/2013/03/26/meet-the-yale-mbas-trying-to-tame-the-marijuana-industry/amp/>). Commercialization is about legally making money from selling a drug that people of color have (and continue to be) arrested, and incarcerated for using and selling, while systematically removing them from access to the process. Are we as a state willing to legalize marijuana when thousands of people remain behind bars for engaging in this same enterprise? Without the research about the long-term effects of this increasingly potent on developing brains? Without setting parameters around where these drug dealing storefronts will be located? Legalization is a complex issue, fraught with risks, especially to youth and people of color. Why are we as a state in such a rush to legalize? Could it be money?

Those in favor of legalization are minimizing the complexities of related to the use of recreational marijuana, and bolstering the idea that the financial gains associated with legalization are enough of a motivator to overlook some of the issues, and for those with access to wealth and privilege that may be the case. The likelihood that a dispensary will be placed in wealthy communities like Summit, Upper Saddle River, or Moorestown is low, they have the resources to enact laws to ban dispensaries being built in their towns. People in middle and working class may have resources to move if the climate of the neighborhood changes and the insurance necessary to send a loved one to treatment if they were to develop a Cannabis Use Disorder. Those in lower SES communities don't have the same resources and are less likely to have the resources to fight the Big Marijuana lobby. So instead those with access to wealth and power have used the social justice argument to get communities of color on board the legalization train by suggesting that legalization is the key to social justice. Reduced rates of incarceration, access to wealth, new job creation are all promising benefits to the community. Unfortunately they do not benefit all members of our society equally.

AK

Owning a dispensary has the potential to be a lucrative business. Unfortunately it does not provide equal access to everyone interested in creating wealth on the enterprise of selling marijuana. The NJ CannaBusiness slyly encourages everyone who wants to see legalized marijuana to join. For just \$42 a year you can rub elbows with wealthy folks who can afford a one time payment of \$20,000 which allows them lifetime membership of this cannabis lobbying organization. By providing access to membership there is the illusion of equality. The cannabis lobby can claim inclusion, get a few spokespeople from marginalized groups, all while peddling the American dream of social mobility despite the fact that the costs associated with owning a dispensary is well outside the reach of the person who pays for a \$42 yearly membership.

Recently the NJ cannabis lobby hosted an event at NJPAC with an admission cost in the hundreds of dollars the hosts offering a generous \$100 savings for early registrants. This event brought out over 700 people. WABC7 reporter CeFaan Kim tweeted "Lawyers, accountants, real estate experts all poured into the NJ cannabis Symposium..." The folks investing in the cannabis industry have access to wealth. How can we be sure? The cost of opening a dispensary is upwards of a million dollars including licences, security, real estate costs, permits, and stocking merchandise.

[\(https://cannabusinessplans.com/costs-open-cannabis-dispensary/\)](https://cannabusinessplans.com/costs-open-cannabis-dispensary/). As doctor (and a woman of color) that cost is well outside of my price point, and I imagine it is outside of most average folk. Take into account wealth distribution across races and ethnicity and I am betting it excludes most Blacks and Latinos, yet the pictures on the NJ Cannabusiness website would have us believe that those involved with the legal solicitation of marijuana are from diverse backgrounds, despite the fact that their board is overwhelmingly of Euro-American ancestry. While one might say this is a fluke if we look at those who own dispensaries in other states, there is a noticeable trend, a vast majority of those who own dispensaries are of Euro-American ancestry, 80% to be exact.

[\(https://mjbizdaily.com/chart-19-cannabis-businesses-owned-founded-racial-minorities/\)](https://mjbizdaily.com/chart-19-cannabis-businesses-owned-founded-racial-minorities/).

The US Census data says "white non-hispanics" make up 60% of the population, while Latinos and African Americans make up 31% of the population. This is America the "land of opportunity" if you have access to wealth that is. With the cost of owning a dispensary topping a millions dollars only a small subset of the population can afford to enter into this pay to play industry. In the USA access to wealth is correlated with race. 12.5% of Whites are millionaires compared to less than 2% of Blacks or Latinos.

[\(https://www.cbsnews.com/news/so-you-want-to-be-a-millionaire-here-are-the-odds/\)](https://www.cbsnews.com/news/so-you-want-to-be-a-millionaire-here-are-the-odds/) For the 2% of Blacks and Latinos that can afford to own a dispensary they have access to buy in and reap the wealth. Considering that less than 2% of Blacks and Latinos are millionaires It is surprising to me that combined Blacks and Latinos own 10% of the dispensaries in the nation. However, this is not altering the wealth gap. It also does not mean equal access to dispensary ownership. In NJ (and other states) anyone who has ever been convicted of a crime (or has been arrested) is banned from applying for a license. As Blacks and Latinos are arrested/incarcerated at twice the rate of their white counterparts there is a bias against Blacks and Latinos being allowed to own dispensaries. Meanwhile many of those with arrest records

are for histories of simple possession, while others were arrested for being visionaries and selling marijuana before it became, en vogue. Tell me, how do we make sense of this, or claim that legalization is a form of social justice?

Again looking at the Cannabis lobby, we see that access to wealth plays a part in the marijuana industry, and in a capitalist country, money is the name and commercialization is the game. Mass marketing, targeting different groups (such as youth with "pot tarts" and marijuana laced gummy bears), and selling an experience is par for the course. For those with access to wealth a vacation to a tropical island or a family trip to Disney is part of life, escape from the daily drudge of life is easy. For those who struggle to come up with \$5000 to take their family to Disney or even go out of town for a weekend to attend a family reunion, vacations are a luxury many just can't afford. Alcohol and marijuana are a great temporary break. Look at the amount of mommy memes on facebook about wine, or the recent story about the "marijuana mom" who claims marijuana makes her a better parent.

(<https://www.today.com/parents/marijuana-moms-say-smoking-pot-makes-them-better-parents-t-114510>) It isn't hard to imagine that with legalization many will spend a few bucks on a dime bag to smoke their worries away. Not shockingly the alcohol industry has recognized the cash cow that is the marijuana industry and has started investing.

(<https://www.newjerseycannabusiness.com/news/the-company-behind-corona-beer-just-bought-into-the-marijuana-business>) This infulturation of the "big business" into the marijuana business just about ensures that there will be a pot shop on every corner, right next to the liquor store selling loosies, and one of a number of fast food joints. This is a phenomenon we don't see in Chatham, Westfield, or HoHoKus. Where when a substance use disorder develops, there are the resources to send loved ones to treatment, pay for a sober living community, hire a professional recovery coach like myself, and cultivate a community that supports life in recovery. What happens to those who live in Elizabeth, Union City, Camden or any urban city in NJ and don't have access to health insurance or quality addiction treatment?

Rates of Substance Use Disorder is approximately the same across race and cultures, however how it is treated can vary greatly. Participation in treatment is equally low among all racial and ethnic groups. Those with access to wealth or good insurance tends to yield higher quality care, and more expedient access to treatment. As a college student at Rutgers I worked full time to pay for college. During the welfare to work reform of the Clinton era I worked at the Middlesex County Board of Social Services in General Assistance. When welfare recipients were in need of treatment it could take days or even weeks to find a bed. Even in my work in college mental health, it has taken upwards of two weeks to get clients with medicaid or NJ Family care a bed for treatment. With the opioid crisis, beds are in high demand, because Cannabis Use Disorder is less likely to result in death than an Opioid Use Disorder inpatient beds are hard to come by, and quality intensive outpatient programs that accept medicaid and NJ Family care like Clarity Treatment Services in Perth Amboy are hard to come by. Free recovery support services like the ones offered by Woodbridge Township are even more rare. Access to treatment and recovery services is a social justice issue. For many people of color their access to treatment has come through the process of incarceration. The 1980's war on drugs was the answer to

treating addiction. We incarcerated people who used drugs and those who sold drugs to finance their addiction. The vast majority of those people were from urban areas, could not afford good legal representation. As a country we have learned from the War on Drugs and have cultivated a kinder, gentler approach to treating Substance Use Disorder. So while access to treatment will potentially remain a challenge, legalization advocates promise lower incarceration rates and social justice.

Looking at the data from states that have legalized, incarceration rates for marijuana related offenses are in fact down. However, as we know statistics are a funny thing and data can be manipulated to tell the story we want to tell. The Drug Policy Alliance touts the social justice impact of legalization noting a reduction in the rate of incarceration. This is true! Rates of incarceration are down among Euro-Americans as well as Blacks and Latinos over the age of 21. However if we look at incarceration rates for the 18-20 crowd we see the data tells a different story. For those of Euro-American ancestry under 21 years of age arrests and incarceration rates have decreased. However if we look at the rate of incarceration for Blacks and Latinos under the age of 21, there is an increase in arrests 50% and 20% respectively. (<https://www.npr.org/2016/06/29/483954157/as-adults-legally-smoke-pot-in-colorado-more-minority-kids-arrested-for-it>) The social justice panacea promised by those well meaning liberal venture capitalist isn't a reality. Not to mention that I have yet to hear a meaningful discussion about releasing those incarcerated for marijuana offenses or who got caught up in the reactionary "3 strikes your in policy" of the 1990's. I have to say as a woman of color who grew up in Irvington, NJ and has seen many lives irrevocably altered by these policies, I find these claims of social justice reform almost laughable.

Legalization of marijuana is not about equal access, improving quality of life, reducing risk related to the Opioid crisis, and it certainly isn't about social justice. It is about commercialization and creating wealth for those who already have access to it. It is about getting buy in from people of color to let the Wall Street types, cultivate a prosperous new income source. Worst it is about the dark side of capitalism. It is about creating American wealth on the backs of poor marginalized people in America. Just like the Astor and Forbes families did by selling opium during what was known as the China Trade, just like the Sacklers family of Purdue Pharma has done pushing prescription Opioids that flood our streets today, and just like the Cannabis lobby will do if given the opportunity to set up shop in poor urban areas across the state of NJ. I implore you, if you care about the urban and working class communities across our state, if you care about the developing brains of minors who may grow up impacted by second hand marijuana smoke, if you care about reparations to individuals and families who were victims of the war on drugs, slow this process down. Do your due diligence, Set stringent standards on legalization that address releasing those incarcerated on marijuana related offenses, not selling products geared towards the under 30 crowd, and ensure that profits fund evidence based prevention efforts, as well as evidence based treatments for Substance Use Disorder, The health and well being of our fellow citizens are at stake.

Thank you.

March 26, 2018

To: Hon. Ronald L. Rice, Chair
Members of the NJ Legislative Black Caucus

From: Wayne Smith
President/CEO of Wayne Smith & Associates



RE: Protecting the African American Community's Interest in the Marijuana Debate

My testimony today is to encourage the New Jersey Legislative Black Caucus to play a major role in shaping the legislative and regulatory environment around the marijuana debate to protect the African American community interest. As the former Mayor of Irvington, New Jersey (the longest serving Mayor in Irvington's history), having chaired both the New Jersey Urban Mayor's Association and the New Jersey Conference of Mayor's, I certainly bring a unique perspective. I am not addressing the hearing to say legalize or not legalize but I am for decriminalizing marijuana. There are too many young people, specifically African American young people who have had their lives destroyed by the loss of school and job opportunities due to having a criminal record for small quantities of marijuana. I am currently the Board Chairman of The International Youth Organization that is based in Newark, New Jersey and we deal with young people who are challenged by many of these issues every day.

Senator Rice remembers when I served as Confidential Assistant to the first African American to serve as Mayor in Irvington, New Jersey. During that time I wrote a grant that was funded by the Governor's Council on Alcohol and Substance Abuse. Does the state increase its effort on the prevention side of the equation if marijuana is legalized? Are we going to have the age limit at age 21 just like tobacco? During the 90's the Visiting Nurses of Union County which was headquartered here in Elizabeth, New Jersey received a federal grant for Essex and Union County which was called **ASSIST** (The American Stop Smoking Intervention Study). Tobacco was identified as a gateway drug which led to other forms of substance abuse. Also, the question is will marijuana affect health outcomes like tobacco.

How will auto insurance rates be affected in urban markets in particular? As I stated previously I am more on the decriminalization side of this debate. However, if the state legislature decides that legalization of marijuana is the best course of action for the state then it will become law. Please try to get in front of the unanticipated consequences and mitigate them as much as possible. Lastly, on the business side of the legalization, will there be a provision in the law that minority firms will be able to participate in what some think will be an economic boom and how do we ensure such participation? Thank you for your consideration.

Please see attached documents.

Sincerely,
Wayne Smith
Wayne Smith

President/CEO
Mayor Emeritus

39 Ellery Avenue
Irvington, New Jersey 07111
waynesmith442@gmail.com

01/20

Issues to consider on marijuana legalization

Regarding "Marijuana a safe alternative" (Longer View, March 18):

In this piece authored by Assemblyman Tim Eustice, he makes a comparison between the uses of opioids vs. marijuana for pain relief. First, both can kill you, one way or another. Most opioids are a controlled substance and prescribed by a physician.

The current opioid problem stems from prescriptions that are given out too freely or drugs being readily available in the home. If the recreational use of marijuana is approved and made into law, we are headed for another problem with drug addiction. Those in support of this type of legislation have blinders on. They see only dollar signs.

A recent study on the legalization of marijuana in Colorado and its consequences cites some issues that should be considered in Trenton:

Let's consider that many Colorado homes are being used for cultivating marijuana. In many cases these operations have caused house fires, blown electrical transformers, or created mold throughout the residences, as well as environmental damage. Growing conditions also consume high levels of power and water and result in the drainage of chemical-laden waste water often disposed of improperly. In some cases, growers steal electricity by tapping directly into utility lines.

New Jersey's Legislature needs to go slowly and weigh all the pros and cons of marijuana legalization. Not just look at the revenue it generates but at the problems it will and can create. If anything, the Legislature needs to put this recreational use of marijuana on the November ballot for the voters to decide.

Democrats are quick to condemn guns as weapons killing our kids. Marijuana is also a weapon, and it will be much easier to get than a gun.

Sam Casiello

Paramus, March 22



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State of New Jersey - Social Equity Program

The emergent marijuana industry provides opportunities at promoting equitable ownership and employment opportunities that decrease disparities in life outcomes for marginalized communities disproportionately impacted by the nation's failed "War on Drugs". The burgeoning marijuana industry in the State of New Jersey combined with this **Social Equity Program** offers the probability of successful creation of wealth and support longevity of small businesses, resulting in greater employment and an increase of tax revenue in the communities in which these businesses operate.

In response to New Jersey Senate draft bill S3195 sponsored by Senator Nicholas P. Scutari, the Law Offices of Hunt, Hamlin and Ridley (HHR), a New Jersey based law firm established in 1995, offers the following written recommendation regarding the development and implementation of the **Social Equity Program** as part of any Adult Use Marijuana legislation for the State of New Jersey.

HHR's focused perspective relative to the **Social Equity Program** should not be construed as an expression of the firm's lack of interest, knowledge, or expertise regarding wider issues relative to the marijuana industry or draft bill S3195. To the contrary, our intense focus on a **Social Equity Program** is rooted in our deep understanding and expertise of the marijuana industry as an emerging market not only in the State of New Jersey but also throughout the United States.

The ACLU-NJ published a watershed report in 2017 titled **Unequal and Unfair: New Jersey's War On Marijuana Users** which exposes the stark realities of how New Jersey's criminal justice system's marijuana enforcement has disproportionately impacted Black and Hispanic communities. For both impact and convenience for the reader, HHR has documented many of these statistics herein. The key findings in the report are as follows:

- *New Jersey is making more arrests for marijuana possession than ever before.*
- *Police make marijuana possession arrest in New Jersey on average every 22 minutes.*
- *Racial disparities in New Jersey marijuana arrests are at an all-time high.*

Established in 1995



100

- *New Jersey wastes more than a \$143 million a year to enforce its marijuana possession laws.*
- *9 out of 10 arrests are of users, not dealers.*

These findings are particularly troubling when one understands the potential collateral: jail, loss of one's job, a criminal record for at least 3 years, driver's license suspension, up to \$1,255 in fines and fees, and potential consequences for one's immigration status, financial aid eligibility, eviction from and access to public housing, and adverse effects on the ability to adopt children.

It should be noted, S3195 does speak to inclusion of minorities and women (Page 13 Line 16-21):

"The division shall analyze the number of licenses issued in each county and compare that analysis to the number of qualified minority and female owned businesses that applied in each County. The Division shall make good faith efforts to meet the goals it establishes for licensure of minority-owned and female owned businesses."

However, a **"good faith effort"** does not meet the needs of marginalized and distressed communities. What is needed is a concerted, substantive and programmatic initiative to ensure success.

Further, S3195's use statistics referencing data on how Black and Hispanic communities in New Jersey are severely damaged by discriminatory arrest and sentencing practices by the nation's failed "War on Drugs" to legitimize the legalization of adult use marijuana. Unfortunately, S3195 offers no restorative measures via licensing/ownership and employment for these same communities. In short, in its current form, **S3195 identifies the problem but fails to render a solution for those mostly negatively impacted** by past practices of New Jersey's criminal justice system.

The **Social Equity Program** model outlined in this document is the solution for S3195.

There are legal challenges to government programs that preferences race, ethnicity, gender, religion, etc. That said, **HHR offers a race-gender-ethnicity neutral means of administering this Social Equity model by capitalizing on the large overlap between socioeconomic hardship and those disproportionately impacted by the nation's failed War on Drugs.** The **class-based Social Equity Program** model shown here will contribute substantially toward restorative justice in the emergent New Jersey marijuana industry.

In its current form, S3195 notes "licensing goals for minority owned and female owned businesses" (Page 13 Line 14-15) rather than race or ethnicity. While it may be well intentioned, this is the type of language that initiates legal challenges. To be clear, we believe S3195 should adopt a Social Equity Program based on socio-economic and

geographical areas disproportionately impacted by the failed War on Drugs to avoid these legal challenges.

Like public elected officials and social justice advocates in other parts of the country, HHR strongly recommends the establishment of a state-sponsored **Social Equity Program** as a component of S3195 to be administered by the Division of Marijuana Enforcement specified in S3195. The mission of the following **Social Equity Program** must be to provide equitable ownership and employment opportunities in the cannabis industry in order to decrease disparities in life outcomes for marginalized communities.

Reports from cities engaged in medical use marijuana and adult use marijuana have identified common barriers to entry into the marijuana industry including, but not limited to: unavailability of real estate within areas eligible for permitting; unavailability of start-up capital and banking infrastructure; unavailability of skills training to develop industry-specific knowledge; prior drug-related convictions; and limited awareness of marijuana equity programs among affected communities. In this regard, this **Social Equity Program** can provide appropriate licenses, application processing prioritization, application eligibility criteria, and other development programs it considers appropriate to carry out the purpose of the program.

Studies by the U.S. Small Business Administration and U.S. Department of Commerce indicate 80 percent of all new independent businesses fail in the first year, and 92 percent of them fail in the first five years. Conversely, only 20 percent of all new businesses fail in the first five years of business when afforded initiatives such as social equity programs. This is attributable to social equity programs mitigating many of the stumbling blocks of small business ownerships, such as 1) lack of marketing, 2) undercapitalization, 3) patronage, and 4) the ability of smaller businesses to compete with larger or pre-existing businesses in the industry.

By encouraging business development in the cannabis industry via the following **Social Equity Program**, the State of New Jersey can build a base of minority entrepreneurs with strong business skills. Such a reserve has a positive impact on the state and local economies. The result of successfully implementing a **Social Equity Program** will stimulate economic growth and employment opportunities within distressed communities.



NJ IMPACT ZONE IDENTIFIER CONCEPTUAL MODEL

The following proposed **Social Equity Program** module is premised on the context of class-based restorative approach and is guided by socioeconomics. To do so, a metric is shown below called the **NJ Impact Zone Identifier (IZI)**. The IZI pinpoints geographical areas whose socioeconomic characteristics have reduced the probability that an individual from that area would benefit from a burgeoning marijuana business, employment, and other related opportunities.

NJ Impact Zone

The Impact Zone is based on the premise of the need to stimulate growth and employment opportunities in areas impacted by the nation's failed War on Drugs. That is, the State of New Jersey shall establish a prioritization of issuing marijuana licensure to applicants who: 1. Meet all licensing requirements, and 2. Have residency (or have had a residence for a consecutive period) in New Jersey impact zones designated as distressed areas as defined in the ACLU study, **Unequal and Unfair: New Jersey's War on Marijuana Users**, or some variation thereof.

A NJ Impact Zone shall be defined as a geographical area with **socioeconomic IZI's** as specified below:

1. Communities that have disproportionate rates of arrests for non-violent offenses and disorderly persons offenses stemming from marijuana possession.
2. Communities with disproportionate rates of families that falls below the local area median income.
3. Communities with substantial levels of students in the school system eligible receiving free or reduced-price lunch (FRL).
4. Communities with a substantial percentage of recipients on Medicaid and government assisted food programs.
5. Communities with substantial levels of low income public housing.
6. Communities with an unemployment rate greater than national average.

Applicants who meet the socioeconomic IZI's specified by above will be eligible for the **Social Equity Program**.

Tiered System For Applicants: Understanding the non-monolithic makeup of impact zones, the **Social Equity Program** shall have two types of applicants:

- **Tier 1 Social Equity Applicant**

At the time of applying for a License, a Tier 1 applicant shall meet the following criteria: Be defined as: 1. A Social Equity Applicant meeting the IZI criteria; and 2. Applicant is entirely self-funded or from additional funding sources meeting the IZI criteria.

- **Tier 2 Social Equity Applicant**

At the time of applying for a License, a Tier 2 applicant shall meet the following criteria: Be defined as: 1. A Social Equity Applicant meeting the IZI criteria; and 2. funded, in part, by sources who do not meet Social Equity requirement. All Tier 2 Applicants shall own no less than 51 percent of equity share of the business that would benefit from the issuance of the License for the entirety of the licensing period.

Types of Licenses: Social Equity Program participants will have the option, like all other applicants, to apply for the following licenses outlined in S3195:

- Class 1 Marijuana Cultivation Facility License
- Class 1 Marijuana Product Manufacturing License
- Class 2 Marijuana Wholesaler License
- Class 3 Marijuana Retailer License
- Class 4 Marijuana Transportation License
- Marijuana Testing Facilities

All Social Equity Licensee's shall comply with all of the following:

1. May only transfer control or ownership to persons who meet the same Social Equity Program ownership and local requirements as when the license was issued and only upon prior written approval of Division of Marijuana Enforcement (DME);
2. Shall provide to Division of (DME) bylaws or operating agreements which specify the percentage of ownership and control by each Person;
3. Shall not borrow any money or take out any loan without first disclosing to DME the sources and terms of the loan and obtaining DME approval;
4. Prior to approval of a License, shall disclosed to DME any encumbrances or debt held by the applicant and disclose the conditions, responsibilities of the borrower and lender and liabilities of the debt held by Applicant;
5. If DME deems the debt to interfere with the Applicant's ability to be successful, then DME may deny the Applicant's Social Equity Tiered status;
6. After issuance of a License, all future changes in ownership or control or intention to take on debt shall first be disclosed and approved by the DME;
7. Shall disclose to DME any management or employee staffing agreements it has or will enter into during the period of the License; and
8. Shall disclose DME any options to purchase equity or control of the Applicant.

Approved Social Equity Licenses - Ownership: Non Transferable

- All Social Equity Program Licenses can only be sold to a person who also qualifies for Social Equity Program.



- All owners must maintain at least 51% ownership of licensed/business.
- All owners must never lose majority ownership license.
- Loss of at least 51 percent ownership will result in automatic revocation.
- Revoked licenses are returned to reservoir for Social Equity Program applicants.

Additional requirements for Social Equity Applicants: Applications submitted via the **Social Equity Program** should include the following information and will be required to maintain compliance, if License is granted, to remain eligible:

1. Business Location

Social Equity Program Applicants are encouraged to establish business locations directly in a NJ Impact Zone.

2. Applicant Residency

Social Equity Program Applicants must reside or have resided in an impact zone, or has family members (as defined as: mother, father, siblings, grandparent(s)) for at least 10 years of the last 20 year at the time of submittal.

Social Equity Program Applicants shall submit an application fee of \$20,000.

3. Social Equity Workforce

Social Equity Applicants must have no less than 50 percent of the weekly hours of the Licensee's workforce performed by Employees whose primary place of residence is within a three-mile radius of the Business Premises. Of those Employees, 20 percent shall be Social Equity Workers. Social Equity Worker shall be defined as Person who is low income and has a prior NJ marijuana related conviction or low income and have resided for at least 5 years in a disproportionately impacted area.

4. Employment Outreach and Reporting

At a minimum Social Equity Applicants, if licensed, are required to contact local community based organizations, municipality sponsored employment and training programs, and other such organizations to facilitate job outreach, development, and placement services. Social Equity Applicants, if licensed, are required to provide a detailed semiannual report on the first business day of January and the first business day of July every year that provides evidence of its outreach efforts, including but not limited to details of which organizations were involved in outreach, number of persons interviewed and details of who was hired.

5. Community Reinvestment

Social Equity Program applicants, if licensed, shall certify under penalty of perjury to contribute no less than 1 percent of their annual budget to either a community beautification/cultural project, youth recreational or educational program or drug abuse recovery or treatment facility.



6. Letter of Intent – Real Estate

Social Equity Applicants shall have a fully notarized Letter of Intent from a building owner specifying the specifications of the lease details including but not limited to: Certification of ownership, zoning designation, square footage, annual cost per square foot, current condition, buildout needs.

7. Letter of Credit– Funding sources

Social Equity Applicant shall provide a financial statement identifying their funding sources.

8. Business Plan

Social Equity Applicants shall submit a complete business plan demonstrating a standard operating procedures, security plan, cohesive operational structure as well as strategies for marketing, sales, manufacturing, and supply chain.

Social Equity Priority Application Review

Social Equity Applicants shall receive priority review for all marijuana licenses at a 1:1 review ratio with applicants from the general population.

1:1 Social Equity Licensing Ratio

The **Social Equity Program** shall have a **1:1 licensing ratio** between Social Equity Program Applicants and the general population of all other applicants. **The 1:1 ratio ensures parity by leveling the playing field.** The lack of minority representation in the marijuana industry throughout the country is disturbing, given that research shows Blacks were disproportionately arrested and incarcerated during the failed War on Drugs. Now that marijuana can be a legitimate business, the barriers to entry that potential applicants face from those communities still experience is, in effect, a subtle and hideous continuation of the War on Drugs. Both privilege and marginalization are at play when barriers to entry include licensing through appointed commissions and directors that industry researchers say reward the politically connected who by and large are wealthy and white, and setting high investment requirements. These barriers to entry are roadblocks that ensure that economically disadvantaged individuals and communities remain in that condition. Marijuana legalization without a social equity programs risks being an extension of white privilege.

Priority Application Processing

Social Equity Applicants shall receive priority processing for all marijuana licenses at a processing rate on a 1:1 ratio with applications from the general application pool.

Acknowledgements

HHR would like to thank the following organizations for their contribution to this document.

New Jersey Minority Alliance

California Minority Alliance

Mr. Virgil Grant, Owner/Operator – California Cannabis

City of Los Angeles – Office of the Council President

City of Los Angeles – Department of Cannabis Regulation

American Civil Liberties Union of New Jersey



S3195 – Legalizing NJ Adult Use Marijuana

Additional Recommendations – Not Specific to Social Equity

1. Remove Legally Challenging Minority Participation Language

S3195 notes “licensing goals for minority owned and female owned businesses” rather than race or ethnicity. While it may be well intentioned, this is the type of language that initiates legal challenges. To be clear, The State of New Jersey should adopt a Social Equity Program based on socio-economic and geographical areas disproportionately impacted by the failed War on Drugs to avoid these legal challenges. (Page 13, Line 14-15).

2. Remove Prohibiting Sponsorship of Community Activities

Sponsorships of Youth Activities or other Community Re-investments by Licensees should be allowed. S3195 prohibits licensed marijuana establishments from sponsoring community events/programs. Specifically, it states:

“No licensed marijuana establishment May sponsor a charitable, sports, musical, artistic cultural, social, or other similar event or engage in advertising at or in connection with such an event unless it has reliable evidence that no more than 20% of the audience at the event is reasonably expected to be under the legal age to purchase marijuana items;” (Page 17, Line 31)

While prohibiting advertising a marijuana business at an event as outlined above may be appropriate, allowing a business to sponsor an event, but prohibiting any advertising as a result of the sponsorship, should be encouraged. This is type of **corporate responsibility** and **community reinvestment** should be encouraged AND IS MANDATED IN THE PROPOSED SOCIAL EQUITY PROGRAM FRAMEWORK.

3. Adding a “Class 5 On Site Consumption License” (Lounges)

Thus, regulated On Site Consumption venues provides a safe, legal and taxable space for cannabis users to consume.

- Prevents the proliferation non regulated spaces and non-taxable residential and commercial as “smokehouses”.
- Provides consumption location for those who reside in Public Housing Facility or Section 8 Housing

In its current form S3195, marijuana consumption is **understandably prohibited** in public places. Specifically, it states:

“Public place” means any place to which the public has access that is not privately owned or any place to which the public has access where alcohol consumption is not allowed, including but not limited to a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, playground, swimming pool, or shopping area, public transportation facility, vehicle used for public transportation, parking

lot, public library, or any other public building, structure, or area.”
(Page 6, Line 25-32)

Further, S3195 prohibits on site consumption, stating,
“Provide that no licensed marijuana establishment or employee of a marijuana establishment shall consume, or allow to be consumed, any marijuana items on the establishment's premises, except as otherwise permitted by the division.” (Page 15, Line 45-48)

If On Site Consumption is allowed, need to permit other basic items to be sold i.e. coffee, basic dry good foods. So clarify language “A requirement that only marijuana items and marijuana paraphernalia are available for sale at an establishment;” (Page 18, Line 12-14)

4. First Point of Sale Tax for Cultivators, Manufacturers and Wholesalers

It is already understood that retail facilities will be taxed. However, it is not clear in s3195 there will be a tax levied upon first point of sale, i.e. Marijuana Cultivation, Manufacturing and Wholesale facilities. (Page 21, Line 32-43)

5. Jobs Not Available For Those with Convictions

In S3195 “Marijuana Handlers”, i.e. facility employees, must have permits provided by Div. of Marijuana Enforcement. However, permits are not granted to applicants with convictions. This blocks employment opportunities for those most impacted by the failed War on Drugs. (Page 38, Line 19-23) and (Page 39, Line 16-32)

6. Change “Good Faith Efforts” language to “Create Measurable Predictors”

S3195 notes licensing goals to ensure minority participation done via “good faith efforts. Unfortunately, the history of the “good faith effort” approach has been dismal for Black and Hispanic employment participation in the construction/trades fields. This type of language is problematic because whenever goals are not met for Black and Hispanic communities, administrators can simply say speak to the “good faith effort” made by the office and how the community fell short on the requirements. Language such as “create measurable predictors” is more substantive, especially when these predictors are connected to **Social Equity Programs**. (Page 12, Line 33-43) (Page 13, Line 16-21)

7. Change “Expungement” to “Automatic Expungement”

Those who were impacted by the War on Drugs should not have to apply for an expungement. It should be done via the “Automatic Expungement” process where the actor receives a letter stating the arrest and/or conviction has been removed from their record. (Page 41, Line 36-43).

8. Adding Diversity To Regulatory Committees

All panels, commissions and offices to have a **Social Equity Program** representative.



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**TESTIMONY IN SUPPORT OF THE LEGALIZATION, TAXATION, AND
REGULATION OF MARIJUANA FOR ADULTS**

**DIANNA HOUENOU, POLICY COUNSEL
AMERICAN CIVIL LIBERTIES UNION OF NEW JERSEY**

NEW JERSEY LEGISLATIVE BLACK CAUCUS

March 27, 2018

Thank you Chairman Rice, Vice-Chair Green, and other members of the Legislative Black Caucus for holding this important hearing and for the opportunity to submit testimony today. My name is Dianna Houenou and I am the Policy Counsel of the American Civil Liberties Union of New Jersey. Founded in 1960, the ACLU-NJ is the state's leading organization dedicated to defending and advancing civil rights and liberties. We are a non-profit, non-partisan organization with more than 45,000 members and donors across New Jersey. The ACLU of New Jersey is a proud member of the steering committee of New Jersey United for Marijuana Reform, a broad-based coalition driven by leaders in the law enforcement, medical, and civil rights communities to work together to support the legalization, taxation, and regulation of marijuana for adults.

The ACLU has opposed marijuana prohibition since 1968. It has helped lead the movement for legalization of marijuana for adults in other states and is working for reform around the country. Reform of our marijuana laws is a civil rights priority and a key component of reforming our broken criminal justice system.

It's Time to Legalize, Tax, and Regulate Marijuana for Adults.

It's time to move our state forward: New Jersey's marijuana laws have long been an abject failure and it's time to legalize, tax, and regulate marijuana for adults. We have used our police officers to make hundreds of thousands of arrests in the past decade, yet have little to show for it. In its wake we find a trail of often devastating collateral consequences in peoples' lives after an arrest.

Not all communities are impacted equally by the enforcement of marijuana laws. Black New Jerseyans are arrested for marijuana possession at a rate three times higher than white New Jerseyans,¹ despite government research showing marijuana use is similar among whites and

¹ American Civil Liberties Union of New Jersey, *Unequal & Unfair: New Jersey's War on Marijuana Users*, 24 (2017), available at https://www.aclu-nj.org/files/6614/9744/1887/2017_06_14_mj_rpt.pdf.

Blacks.² In 2010, our state wasted more than \$127 million in police, courts, and corrections costs enforcing our marijuana possession laws.³ In 2013, we wasted more than \$143 million,⁴ even though nearly 60 percent of New Jerseyans believe it should be legal.⁵ These are resources that would be better spent focusing on serious crime and public safety issues and investing in community services and programs.

We have squandered more than \$1 billion in the past decade on arresting New Jerseyans for an activity that several recent United States presidents have engaged in.⁶ The status quo has failed and is causing continued damage to New Jersey communities—it's time to begin fixing our criminal justice system by legalizing, taxing, and regulating marijuana for adults.

A Growing Consensus Supports Legalization, Taxation, and Regulation of Marijuana

Legalization of marijuana is wise public policy and a growing consensus of the public and policymakers demonstrates this support. Three years ago, a Rutgers-Eagleton Poll found that a clear majority—58 percent—of New Jerseyans support legalization, taxation, and regulation of marijuana for adults; up nine points from the year before.⁷ The trends are showing increasing support, with national Gallup polling from last fall showing 64 percent support for the policy change—the highest number on record in the history of the poll.⁸

Today, nine states—Washington, Colorado, Oregon, Alaska, California, Massachusetts, Maine, Nevada, and Vermont—and Washington, D.C. have legalized marijuana for adults. This support is not limited to one side of the political spectrum. Conservative and progressive leaders and prominent business figures have endorsed legalization. New Jersey should do the same. Nationally, 72% of Democrats, 51% of Republicans, and 67% of Independents support legalization.⁹

² According to the 2013 National Survey on Drug Use and Health (NSDUH), Blacks and whites use marijuana at similar rates. See http://www.icpsr.umich.edu/quickttables/quicksetoptions.do?reportKey=35509-0001_all%3A7 (In “Measures of Marijuana Use” drop-down menu, select “Ever Used Marijuana.” In “Respondent Characteristics” drop-down menu, select “Race and Ethnicity,” then click “Create the Table”). In 2013, 42.1 percent of Blacks reported having ever used marijuana, while 48.9 percent of whites reported having ever used marijuana. Similarly, 5.3 percent of Blacks reported having used marijuana in the past year, while 5.2 percent of whites reported using marijuana in the past year.

³ American Civil Liberties Union, *The War on Marijuana in Black and White*, 165 (2013), available at https://www.aclu.org/sites/default/files/field_document/1114413-mj-report-rfs-re11.pdf.

⁴ See *Unequal & Unfair*, supra note 1 at 6.

⁵ Brent Johnson, *What N.J. thinks of hiking minimum wage, legalizing pot*, NJ Advance Media (Sept. 15, 2017), http://www.nj.com/politics/index.ssf/2017/09/what_nj_thinks_of_hiking_minimum_wage_legalizing_p.html (finding 59 percent of voters support legalization).

⁶ See Ryan Teague Beckwith, *The Next President May Not Have Tried Pot*, TIME MAGAZINE (Feb. 3, 2015), <http://time.com/3633921/president-marijuana-hillary-rubio-rand/>.

⁷ See Rutgers Eagleton Institute of Politics, Press Release, *Marijuana Legalization for Adults With Taxation and Regulation Supported by Most New Jerseyans: Rutgers-Eagleton Poll* (June 18, 2015), available at <http://eagletonpoll.rutgers.edu/rep-marijuana-apr2015/> (finding 59 percent of voters support legalization).

⁸ Justin McCarthy, *Record High Support for Legalization Marijuana Use in U.S.*, GALLUP (Oct. 25, 2017), <http://news.gallup.com/poll/221018/record-high-support-legalizing-marijuana.aspx>.

⁹ Id.

New Jersey's marijuana arrests present a racial justice crisis

New Jersey's enforcement of marijuana possession laws has long been a civil rights crisis and is growing worse by the year. Last year, the ACLU of New Jersey issued a report that takes a close look at the arrests New Jersey police made for marijuana possession between 2000 and 2013. The report shows the state is making more arrests than ever before, the racial disparity of those arrests has gotten worse over time, and nearly 90 percent of marijuana arrests are of every-day people for possession of small amounts.

In 2015, New Jersey law enforcement agencies made 24,985 marijuana possession arrests,¹⁰ the most ever on record. This is nearly double the number of arrests made in 1993.¹¹ To put that in perspective, somebody is arrested for marijuana possession in New Jersey approximately every 21 minutes. Marijuana possession arrests make up nearly half of *all* drug arrests in New Jersey each year and is currently the most frequent offense police arrest people for in the state.¹²

But those arrests are not made proportionally across racial groups. National data shows that whites and Blacks use marijuana at similar rates,¹³ however, New Jersey arrests are disproportionately made against Black people. Even though Blacks represented only about 14 percent of the overall population in 2013, they made up 36 percent of the state's possession arrests.¹⁴ That year, the statewide Black arrest rate was three times higher than the white arrest rate.¹⁵

Blacks were disproportionately arrested for marijuana possession in every New Jersey county, but in four counties—Hunterdon, Ocean, Monmouth, and Salem—Blacks were arrested at four or more times the rate of whites.¹⁶ In four legislative districts—Districts 10, 33, 36, and 21—the rate of Black arrests was eight or more times the rate of white arrests.¹⁷

The legislative districts represented by all members of the Legislative Black Caucus made a total of 7,317 marijuana possession arrests in 2013 alone, or 30% of total possession arrests made in New Jersey.¹⁸ Districts 28 and 37 each made more than 1,000 arrests that year.¹⁹ All but four

¹⁰ New Jersey State Police, *2015 Uniform Crime Report* 71 (2015), http://www.njsp.org/ucr/2015/pdf/2015_sect_3.pdf.

¹¹ New Jersey State Police, *1993 Uniform Crime Report* 69 (1994), http://www.njsp.org/info/ucr1993/pdf/1993_sect_3.pdf.

¹² See 2015 Uniform Crime Report, *supra* note 9.

¹³ See 2013 NSDUH, *supra* note 2.

¹⁴ See *Unequal & Unfair*, *supra* note 1 at 24.

¹⁵ *Id.*

¹⁶ *Id.* at 31.

¹⁷ *Id.* at 37.

¹⁸ See *id.* As of this writing, the Legislative Black Caucus is comprised of: Senators Rice (District 28), Turner (District 15), Gill (District 34), Cunningham (District 31), and Singleton (District 7); and Assemblymembers Green (District 22), Sumter (District 35), Barclay (District 5), Conaway (District 7), Jasey (District 27), Tucker (District 28), Speight (District 29), McKnight (District 31), Timberlake (District 34), Holley (District 20), Wimberly (District 35), Johnson (District 37), and Taliaferro (District 3).

¹⁹ *Id.*

Caucus members represent districts in which Blacks are disproportionately arrested for marijuana possession.²⁰

A single marijuana possession arrest can have devastating consequences for someone and their family. Under our current laws, potential penalties for one offense include up to six months in jail;²¹ \$1,255 in fines and fees; a driver's license suspension of up to two years;²² deportation;²³ eviction from public housing for an entire family;²⁴ a three-year ban from public housing;²⁵ loss of student financial aid;²⁶ a five-year ban from adoption;²⁷ and a criminal record that makes getting a job much more difficult.

These extensive penalties can make it extraordinarily difficult for individuals to move past a marijuana arrest and carry on with their lives. Due to our appalling racial disparities in enforcement, these collateral consequences have a disproportionate impact on communities of color. For instance, a number of studies conducted over the years show that among those with criminal records, Black people fare worse in the job market than whites, despite having the same or similar skills and qualifications.²⁸

With so many New Jerseyans arrested each year for marijuana possession, these laws have taken their toll on our communities. New Jersey must stop using the criminal justice system to prop up racial injustice. It's time to legalize, tax, and regulate marijuana, and to do so in a way that supports those communities hit hardest by the unjust war on marijuana users.

Savings and Revenue Should be Reinvested in New Jersey Communities

New Jersey stands to bring in more than \$300 million per year in tax revenue from legalizing, taxing, and regulating marijuana.²⁹ The state will face an important question about how to use that revenue and enforcement cost savings.

The ACLU of New Jersey, and our partners in New Jersey United for Marijuana Reform, believe that, at a minimum, revenue should be dedicated to at least two important purposes. The first is

²⁰ See id.

²¹ N.J.S.A. 2C:43-8.

²² N.J.S.A. 2C:35-16.

²³ U.S.C. § 1227(a)(2)(B)(i) (note that while there is an exception for 30 grams or less of marijuana possessed for personal use, this limit is lower than the 50-gram threshold under New Jersey law and the federal exception only applies to a first offense).

²⁴ *Dep't of Hous. v. Rucker*, 535 U.S. 125, 130 (2002).

²⁵ 42 U.S.C. § 13661(a).

²⁶ 20 U.S.C. § 1091(r).

²⁷ N.J.A.C. § 3A:51-5.4(a)(8)(iii).

²⁸ See, e.g., The Council of State Governments, *Researchers Examine Effects of a Criminal Record on Prospects for Employment* (Aug. 20, 2014), <https://csgjusticecenter.org/reentry/posts/researchers-examine-effects-of-a-criminal-record-on-prospects-for-employment/>; Devah Pager, *The Mark of a Criminal Record*, AMERICAN JOURNAL OF SOCIOLOGY, 108, no. 5 (March 2003): 937-975, available at http://scholar.harvard.edu/files/pager/files/pager_ajs.pdf.

²⁹ See American Civil Liberties Union of New Jersey, *NJ Policy Perspective & NJ United For Marijuana Reform Analysis Projects \$300 Million In Annual Sales Tax Revenue To Come With Legalization For Adults* (May 24, 2016), <https://www.aclu-nj.org/news/2016/05/24/marijuana-legalization-would-bring-100s-millions-nj-tax-reve>.

on drug abuse prevention and treatment. We should use revenue from legalization to invest in evidence-based prevention programs that work, focused on our youth. We can and should boost our youth drug prevention efforts to make sure young people understand the risks associated with using drugs. Further, as New Jersey continues to suffer from a significant lack of treatment beds³⁰ to tackle the troubling increase in opioid addiction in our state, revenue from legalization of marijuana could be put toward ensuring the state is able to better help those suffering from addiction with more and better treatment beds and programs.

The second is a strategy of justice reinvestment. As not all communities have faced enforcement of marijuana possession laws at the same rates, we believe it is important to reinvest savings and revenue into our communities, including communities of color, that have suffered disproportionately from the war on marijuana users in New Jersey. Investing in treatment, re-entry, job training, affordable housing, and related programs in communities that have borne the brunt of enforcement practices will help ensure that justice, equity, and economic empowerment guide reform of our marijuana laws.

Policy Considerations for Legalizing, Taxing, and Regulating Marijuana for Adults

The ACLU of New Jersey looks forward to working with all lawmakers interested in advancing these critical reforms. Legalizing, taxing, and regulating marijuana is a large undertaking and will necessarily implicate hundreds of policy choices involving criminal justice, taxation, public health, business, agriculture, employment, and more.

Under legalization, strict rules would be developed concerning labeling, packaging, potency, portion-size, inspection, and product testing and quality control, which will help shape a regime that prevents children from accessing marijuana and safeguard everyone's health and safety. Other critical policy reforms that must come with legalization include:

Automatic Expungement of Marijuana Possession Records: If the state legalizes marijuana possession for adults, we should not leave behind the many thousands of New Jerseyans who will continue to have a marijuana possession arrest, charge, or conviction on their record. As has been well documented, a criminal record can have devastating consequences for individuals and hiring an attorney to file an expungement petition is out of reach for many. Automatic expungement for conduct the state decides should be legal is important to ending the overreach of the criminal justice system in this area and demonstrates lawmakers' commitment to justice.

Home cultivation for personal use: Once legal, New Jerseyans should not have to rely on companies or the marijuana industry to possess or use marijuana. The right of New Jerseyans to grow a limited amount of marijuana for personal use, with appropriate regulation, should be protected under the law. Allowing limited home cultivation will allow those with limited mobility to access marijuana and prevent "Big Marijuana" monopolies over the industry supply.

³⁰ Stephen Stirling, *Dying for help: Treatment options don't meet demand of growing N.J. heroin and opiate epidemic*, NJ.COM (July 27, 2014), http://www.nj.com/news/index.ssf/2014/07/dying_for_help_available_treatment_doesnt_meet_need_of_growing_nj_heroin_and_opiate_epidemic.html.





Filomena Frantantoni
Belleville, NJ 07109

March 27, 2018

To Honorable Governor Phil Murphy &
the 120 NJ State Legislators

My name is Filomena Frantantoni from Belleville, NJ.

I am here today to speak in OPPOSITION to the legalization of recreational marijuana. Through personal knowledge, I am convinced that marijuana is a dangerous gateway drug. I have witnessed the terrible effects this drug has had on a few of my family members and friends.

One of my cousins started smoking marijuana as a young teenager. When the high he experienced no longer satisfied him, he moved on to more potent and dangerous drugs. Eventually, he became addicted and an overdose took his life at the young age of 17. Sadly, his parents and our family, witnessed him receiving his high school diploma in his coffin.

It is common knowledge we have a severe drug addiction problem in our state and nation. Legalization of recreational marijuana will increase its use by youngsters who may believe if it is legal, it may be O.K. IT IS NOT O.K. !

I do not want to see anyone wind up like my cousin who was found dead, all alone, on the bank of an Essex County Park Lake. Would any of you want your child or a relative to suffer the same fate?

There is no benefit to society from the use of recreational marijuana other than the income you will receive from the high taxes you will impose on this drug. This high tax will also have a detrimental economic effect on the users of this drug. To avoid the high tax, users will resort to the black market. However, purchasing from the black market creates more problems, as the quality of the drug is questionable..

Please tell Governor Murphy no matter how much revenue the state may raise from taxing this horrible drug, it is NOT worth one single life. The costs of medical, lost income, and deaths will outweigh any revenue it creates.

Thank you for hearing me. DO THE RIGHT THING! NO RECREATIONAL MARIJUANA!

Sincerely,

Filomena Frantantoni
Filomena Frantantoni

Belleville, NJ 07109

.com

TO: The Honorable Members of the New Jersey Legislative Black Caucus

FROM: Roseanne Scotti, New Jersey State Director, Drug Policy Alliance

DATE: March 27, 2018

RE: Marijuana Legalization

Drug Policy Alliance (DPA) would like to thank Senator Rice and Members of the Legislative Black Caucus for holding a hearing on the important topic of marijuana legalization. Drug Policy Alliance is committed to working together to make legalization beneficial to all New Jerseyans. We believe it is essential to add certain provisions to any legislation to ensure that it creates a fair and equitable marijuana market and repairs the harms that have disparately impacted communities of color in New Jersey. The Drug Policy Alliance and the *New Solutions Campaign*, a broad coalition of faith leaders, civil rights and racial justice advocates, are advocating for fair and equitable marijuana reform in New Jersey.

Marijuana laws in New Jersey have a disproportionate impact on communities of color. African Americans are three times more likely to be arrested for marijuana possession than whites even though both use marijuana at the same rates. Anecdotal evidence suggests similar disparities for Latinos. Marijuana legalization cannot be considered in a historical vacuum. For decades, marijuana criminalization has disproportionately impacted communities of color. Marijuana legalization must address these historical disparities and ensure fairness and equity moving forward. In many states, the benefits of marijuana legalization have not been equally realized by all residents. Too often, the individuals that profit from a legalized market and the jobs generated do not reflect the diversity of the state in question. We cannot let this happen in New Jersey.

Fair and equitable reform must include the following policies:

- Protections for those who apply for a license or employment in the industry who have prior arrests and/or convictions;
- Access to the industry for individuals from different socioeconomic backgrounds, including a licensing structure that provides a path for small business owners to enter the market and scaled fees for applications and other costs for entering the industry;
- Requirement that the state shall actively seek to achieve a diverse industry, including encouraging applicants who qualify as minority or women's businesses to apply for licensure and no location restrictions on marijuana businesses that result in a lack of business opportunity and job creation in urban areas;
- Provisions intended to repair communities most harmed by marijuana prohibition, including automatic and retroactive expungement and investment of tax revenue generated into communities; and
- Civil penalties for marijuana activities that occur outside the new legal system to avoid the continued arrests of youth of color and the continuation of a criminal system that disproportionately harms communities of color.

We also believe that, similar to alcohol, there must be an allowance for small amounts of home cultivation of marijuana, just as there is an allowance for small amounts of home brewing for personal use in the alcohol market.

Marijuana prohibition is costly, unfair and ineffective. New Jersey arrests more than 24,000 people a year for marijuana possession at a cost of more than \$140 million to New Jersey taxpayers. A conviction for

marijuana possession can have severe long-term consequences. The resulting criminal record subjects a person to a system of legal discrimination that can last a lifetime and can make it difficult or impossible to secure employment, housing, student loans, or even a driver's license. Even without a conviction, the consequences of an arrest can include untold stigma and humiliation, the financial burden of a criminal court proceeding and lost hours at work or school. Marijuana laws have also been used to support biased policies like stop and frisk, racial profiling and the deportation of people of color.

A majority of New Jerseyans support legalization. A Quinnipiac poll found support at 59 percent. Supporters of marijuana legalization include a broad coalition of faith leaders, civil rights and racial justice advocates (see attached list). New Jersey should enact common sense and popular reform to create a responsible, safe and controlled system for marijuana. Nine states (Alaska, California, Colorado, Maine, Massachusetts, Nevada, Oregon, Vermont and Washington) and the District of Columbia have now legalized marijuana. These states have created new jobs and generated millions of dollars in tax revenues without negative consequences. These states have also seen a large drop in arrests for marijuana and thus fewer people labeled as criminals simply because they use marijuana. And legalizing, regulating and controlling marijuana is a more effective way to keep marijuana away from youth.

Legalizing marijuana will create new jobs and generate millions of dollars in tax revenue to fund projects that help all New Jersey residents. Otherwise law-abiding people will no longer be labeled as criminals and racial disparities and harms will be reduced. Resources that are currently wasted on marijuana prohibition will be freed to use for projects that support our families and communities. The time has come for New Jersey to legalize marijuana and we must take a fair and equitable approach.

We look forward to working with members of the New Jersey Legislative Black Caucus to make sure marijuana legalization legislation benefits all New Jerseyans.

Thank you for your time and consideration.

New Solutions Campaign

Promoting Fair & Effective Criminal Justice • Strengthening Families & Communities

Action Together – Burlington County	New Jersey Tenants Organization
Action Together New Jersey	New Jersey Working Families Alliance
African American Chamber of Commerce of New Jersey	Prison Watch Program, American Friends Service Committee
Anti-Poverty Network of New Jersey	Salvation and Social Justice
Asbury Park Education Justice Collective	Sheridan Street Block Association
Asbury Park Transformative Justice Project	Students for Prison Education & Reform (SPEAR)
Cannabis Cultural Association	Unitarian Universalist Congregation of Palisades
Community Improvement Association of the Oranges	Unitarian Universalist FaithAction New Jersey
Doctors for Cannabis Regulation	Volunteers of America – Delaware Valley Chapter
Drug Policy Alliance	Women Grow
Faith is Our Pathway	Women Who Never Give Up
GreenFaith	The Rt. Rev. Mark Beckwith
Immigrant Rights Program, American Friends Service Committee	Rev. Charles Boyer, Bethel AME Church of Woodbury
Latino Action Network	Rev. Michael Corso, Sophia Inclusive Catholic Community, Newton
LatinoJustice PRLDEF	Rev. Maria Crompton, Elmwood Presbyterian Church, East Orange
My Brother's Keeper/My Sister's Keeper East Orange	Pastor Willie Dwayne Francois III, Mount Zion Baptist Church of Pleasantville
NAACP – New Jersey State Conference	Rev. Dr. Lanel D. Guyton, St. Matthew AME Church, Orange
National Organization of Women – New Jersey	Rev. Timothy Jones
New Jersey Association on Correction	Rabbi Rachel Kahn-Troster, T'ruah: The Rabbinic Call for Human Rights
New Jersey Citizen Action	Rabbi Marc Aaron Kline, Monmouth Reform Temple
New Jersey Institute for Social Justice	Rev. Robin Tanner, Beacon Unitarian Universalist Congregation
New Jersey Parents' Caucus	
New Jersey Policy Perspective	

MARIJUANA REFORM IN NEW JERSEY GET THE FACTS



Marijuana prohibition in New Jersey has failed. It's time for common sense.

Legalizing, taxing, and regulating marijuana for adults will put an end to the tremendous harms caused by our current laws, create jobs, increase public safety, and generate hundreds of millions of dollars in revenue to fund projects that help all New Jerseyans.



New Jersey police make nearly
25,000 ARRESTS PER YEAR
for marijuana possession.



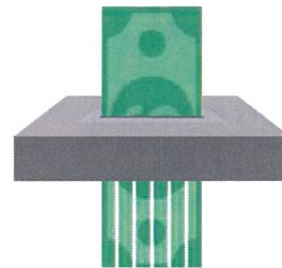
From 2000-2010, police arrested New Jerseyans
nearly 210,000 times for an offense that
SEVERAL U.S. PRESIDENTS
have admitted to doing.



Someone is arrested for
marijuana possession in New Jersey
EVERY 22 MINUTES.



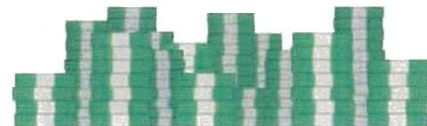
**BLACK NEW JERSEYANS ARE ARRESTED
AT 3X THE RATE OF WHITES**
for marijuana possession,
despite similar usage rates.



**OVER THE PAST DECADE, NEW JERSEY
WASTED MORE THAN \$1 BILLION**
on police, courts, and jails enforcing
marijuana possession laws.



New Jersey's
MEDICAL MARIJUANA SYSTEM FAILS
to provide patients with the medicine they need.



Taxing and regulating marijuana could
GENERATE MORE THAN \$300 MILLION
per year in revenue for New Jersey.



www.NJMarijuanaReform.org

[fb.me/NJU4MR](https://www.facebook.com/NJU4MR)

[@NJU4MR](https://twitter.com/NJU4MR)

MARIJUANA ARRESTS HAVE SERIOUS CONSEQUENCES



An arrest for a single marijuana cigarette in New Jersey can create devastating consequences for someone's life. With over 200,000 marijuana possession arrests in the past decade, our marijuana laws have done serious damage to our family members, neighbors, and friends.

Consequences for one adult marijuana possession arrest could include:



UP TO 6 MONTHS IN JAIL



LOSS OF EMPLOYMENT



DRIVER'S LICENSE SUSPENSION FOR UP TO 2 YEARS



CRIMINAL RECORD FOR AT LEAST 3 YEARS



ARREST WARRANT FOR FAILURE TO PAY FINES



UP TO \$1,255 IN FEES AND FINES



LOSS OF IMMIGRATION STATUS



LOSS OF STUDENT FINANCIAL AID



3-YEAR BAN FROM PUBLIC HOUSING



5-YEAR BAN FROM ADOPTION



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MARIJUANA REFORM IN NEW JERSEY: A NECESSITY & AN OPPORTUNITY



Marijuana prohibition doesn't work. New Jersey is making more arrests for marijuana possession than ever before: nearly 25,000 arrests in 2015, a 27% increase from 2000. Between 2000 and 2015, New Jersey police made more than 300,000 total marijuana possession arrests.

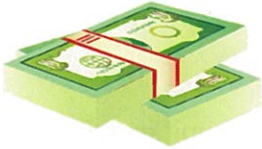


Marijuana prohibition harms people. For the vast majority of people who consume marijuana, the greatest harms associated with consumption are potential criminal and civil sanctions. A marijuana arrest can limit opportunities for employment, housing, and education.



Marijuana prohibition is unjust. Black communities bear the brunt of enforcement. Black New Jerseyans are nearly three times more likely to be arrested for possession of marijuana than white New Jerseyans, despite similar usage rates.

Marijuana prohibition wastes New Jerseyans' tax money. New Jersey's government wasted more than \$143 million enforcing marijuana laws in 2012 and more than \$1 billion enforcing marijuana laws in the past decade.



Legalizing marijuana is an opportunity for New Jersey. Our state has the chance to grow a new industry and tax base and to invest in the communities hit hardest by criminalization. It is estimated that legal sales will generate \$300 million in annual tax revenue. This tax revenue can go toward justice reinvestment such as re-entry services and job training programs, along with drug prevention and treatment programming.



Regulation is the only way to effectively undercut the illegal market and reduce the injustices of prohibitionist policies. With regulations, New Jersey will be able to create broad rules covering things like licensing, advertising, portion sizes, and financial conflicts of interest. Regulation is the best way to ensure quality control over marijuana, including its potency. None of these safeguards will exist if marijuana is isolated in the underground economy.



Change is coming. Legalization is coming to New Jersey. Multiple bills have been introduced in the Legislature, and the Governor has expressed a strong commitment to reforming our current prohibition laws. It is imperative that New Jersey legalize smartly, fairly, and safely.

ABOUT NJUMR

New Jersey United for Marijuana Reform (NJUMR) is a partnership of organizations committed to changing New Jersey's marijuana laws. Although we come from different perspectives – civil rights, law enforcement, faith, criminal justice, and medicine – we have all arrived at the same conclusion: New Jersey must legalize, tax and regulate marijuana to end the harms caused by our current laws. By legalizing marijuana, we can create jobs, increase public safety, and generate revenue to fund projects that help all New Jerseyans.

The steering committee of New Jersey United for Marijuana Reform directs the statewide campaign to legalize, tax, and regulate marijuana like alcohol for adults.

American Civil Liberties Union of New Jersey

The ACLU of New Jersey works to defend liberty throughout the state of New Jersey.

Jon-Henry Barr, Esq.

Outgoing Secretary of the New Jersey State Municipal Prosecutors Association

A former Clark Township Councilman, Mr. Barr serves as the municipal prosecutor for the Township of Clark and has served as President and Secretary of the New Jersey State Municipal Prosecutors Association.

William J. Caruso, Esq.

Managing Director, Archer Public Affairs; Former Executive Director, New Jersey Assembly

Mr. Caruso is of counsel at the law firm Archer & Greiner.

Latino Action Network (LAN)

The Latino Action Network is a grassroots organization composed of individuals and organizations that are committed to engaging in collective action at the local, state, and national level in order to advance the equitable inclusion of diverse Latino communities in all aspects of United States society.

Law Enforcement Action Partnership (LEAP)

LEAP envisions a world in which drug policies work for the benefit of society and keep our communities safer.

NAACP New Jersey State Conference

The mission of the National Association for the Advancement of Colored People New Jersey State Conference is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate race-based discrimination.

Doctors for Cannabis Regulation

Doctors for Cannabis Regulation (DFCR) is a nonprofit organization of physicians dedicated to advocacy for the legalization, taxation and—above all—the effective regulation of marijuana in the United States.

NORML NJ

NORML NJ is a nonprofit corporation dedicated to uniting the millions of New Jersey supporters of marijuana reform.

To learn more about NJUMR, visit us on the web or find us on social media:

Website: www.NJMarijuanaReform.org | [fb.me/NJU4MR](https://www.facebook.com/NJU4MR) | [@NJU4MR](https://twitter.com/NJU4MR)



MARIJUANA LEGALIZATION IS A MATTER OF RACIAL AND SOCIAL JUSTICE

New Jersey's war on marijuana has failed, and according to a 2017 Quinnipiac poll nearly 60% of New Jerseyans support legalization. Elected leaders must establish a legal marijuana system that is strong, fair, equitable, and representative of our shared values of justice. New Jersey has the potential to enact legislation with a real racial justice impact that can be used as a model in other states and establish New Jersey as a national leader on marijuana reform.

Legalizing recreational marijuana is just a start. Legislation must account for the harms people have endured as a result of our unjust prohibition laws.

We need new marijuana laws that:

- Provide for automatic expungements of prior records. Otherwise, an expungement costs hundreds of dollars and requires a long, complicated process.
- Provide meaningful ways for New Jersey's entrepreneurs and small business owners to participate in the legal market.
- Provide concrete measures that ensure reinvestment in communities, including low-income communities and communities of color that have disproportionately been the targets of the drug war.
- Allow for home grow, which provides people with limited mobility or low incomes greater opportunity to access marijuana and allows medical patients to grow the strains they need.
- Use the projected \$300 million in annual tax revenues for education, drug treatment and prevention, and justice reinvestment, such as re-entry and job training programs.

Current marijuana laws have devastating impacts for individuals and communities of color.

Marijuana is less addictive and less harmful than alcohol, tobacco, and many other substances.¹ For the majority of people who consume marijuana, the greatest harms associated with consumption are not health-related, but the effects of criminal and civil sanctions. A marijuana arrest limits opportunities for employment, housing, and education.

New Jersey police are making more arrests for marijuana possession than ever before: In 2015, police made nearly 25,000 arrests.

¹ Matt Ferner, Marijuana may be the least dangerous recreational drug, study shows, Huffpost (Feb 24, 2015), http://www.huffingtonpost.com/2015/02/24/marijuana-safer-than-alcohol-tobacco_n_6738572.html.

Being arrested for a single marijuana cigarette can mean:

- Up to six months in jail
- Loss of job and driver's license suspension
- Up to \$1,225 in fees and fines
- If you're an immigrant, you can face deportation
- If you're a student, you can lose your student loans
- If you live in public housing, you can face eviction

Black communities bear the brunt of enforcement. Black New Jerseyans are arrested for marijuana possession at a rate 3 times higher than white New Jerseyans,² despite similar usage rates. In 20 cities, Black people are arrested at a rate 8 or more times higher than whites.

Taxing and regulating marijuana will:

1. Help fix our broken criminal justice system by ending unjust marijuana arrests.
2. Enhance public safety by freeing up law enforcement.
3. Create jobs in construction, agriculture, retail, product innovation, and other industries that can boost our state and local economies.
4. Generate millions of dollars in state and local tax revenue to reinvest in our communities.
5. Make New Jersey a leader in social and racial justice, if laws account for the harms inflicted on low-income communities and communities of color.

ABOUT NJUMR

New Jersey United for Marijuana Reform (NJUMR) is a partnership of organizations committed to changing New Jersey's marijuana laws. Although we come from different perspectives – civil rights, law enforcement, criminal justice, and medicine – we have all arrived at the same conclusion: New Jersey must legalize, tax, and regulate marijuana to end the harms caused by our current laws. Legalizing marijuana would help create jobs, increase public safety, and generate revenue to fund projects that help all New Jerseyans.

To learn more about NJUMR, visit us on the web or find us on social media:

Website: www.NJMarijuanaReform.org

 fb.me/NJU4MR

 [@NJU4MR](https://twitter.com/NJU4MR)

² Even though New Jersey's Black population has consistently been approximately 14% of the State's population overall, Black people make up about 35% of arrests for marijuana possession.



Why Legalization?

DECRIMINALIZATION

vs

LEGALIZATION

Removes criminal penalties for use and possession.

Removes **criminal and civil penalties** (i.e. citations) for use and possession.

Police give tickets for possession and make arrests if tickets aren't paid.

New Jersey regulates and taxes marijuana like alcohol.

NJUMR supports the legalization of marijuana in New Jersey. It is a better way to protect New Jerseyans from the harms of marijuana than relying on our criminal justice system. **New Jersey makes nearly 25,000 marijuana possession arrests every year.**

ARRESTS IN STATES WITH DECRIMINALIZATION



NEW YORK

Decriminalized in 1977



OHIO

Decriminalized in 1975



NEBRASKA

Decriminalized in 1979

Decriminalization fails to put an end to thousands of unjust marijuana arrests and does nothing to curb the illegal market.



What Regulation Looks Like

QUESTION	AFTER: REGULATED	NOW: UNREGULATED
Who can legally buy marijuana?	Only adults 21 and over.	No one.
Where can you buy it?	New Jersey licensed stores.	Street corners, parks and playgrounds.
Who gets the money?	Communities, schools, and drug addiction, treatment and prevention programs.	Drug dealers and the illegal market.
Who regulates marijuana?	The State of New Jersey with sensible rules and regulations.	No one.
How do we know what's in marijuana?	A tested, labeled product in a safe container with clear indication of strength, and appropriate warnings on it.	We don't.
How many people are arrested for marijuana possession?	Adults over the age of 21 can legally possess one ounce of marijuana.	New Jersey makes nearly 25,000 marijuana arrests per year for simple marijuana possession
What happens if you drive under the influence of marijuana?	You are arrested.	You are arrested.
How will this impact drug prevention programs for youth?	Funded through marijuana tax revenue.	Woefully underfunded.

ADDITIONAL APPENDIX MATERIALS
SUBMITTED TO THE
NEW JERSEY LEGISLATIVE BLACK CAUCUS

for the
March 27, 2018 Meeting

Submitted by J. Calvin Chalos, MD, representing New Jersey Responsible Approaches to Marijuana Policy (NJ RAMP)

“Marijuana Is Not A Harmless Herb: Summaries of the scientific studies that demonstrate some of the effects of Marijuana,” various journal articles and abstracts from *Society for the Study of Addiction* (main source), *American Academy of Addiction Psychiatry*, and *Elsevier*.

Submitted by Wayne Smith, Chairman of the Board, International Youth Organization; and Mayor Emeritus, Township of Irvington

Laura Kerkes, “Clearing the Haze About Marijuana in the Workplace,” *Rough Notes*, March 2018. ©The Rough Notes Company.

AJ Sabath, “OP: How can N.J. legalize pot before fixing liquor laws?” *ROI-NJ*, March 19, 2018. © 2018 ROINJ.