
Public Hearing

before

ASSEMBLY OVERSIGHT, REFORM, AND FEDERAL REGULATIONS COMMITTEE

*“The public hearing will be held in accordance with Article IX, paragraph 1
of the New Jersey Constitution and Rule 19:3 of the General Assembly”*

Assembly Concurrent Resolution 840

*“Proposes constitutional amendment to legalize cannabis for personal, non-medical use
by adults who are age 21 years or older, subject to regulation by
Cannabis Regulatory Commission”*

LOCATION: Committee Room 16
State House Annex
Trenton, New Jersey

DATE: December 12, 2019
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Joe Daniels, Chair
Assemblyman Eric Houghtaling, Vice Chair
Assemblywoman Yvonne Lopez
Assemblywoman Annette Quijano
Assemblyman Ronald S. Dancer
Assemblyman Brian E. Rumpf



ALSO PRESENT:

Stephanie M. Wozunk
Office of Legislative Services
Committee Aide

Martin Sumners
Assembly Majority
Committee Aide

Natalie Ghaul
Assembly Republican
Committee Aide

Hearing Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey



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Chairman

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New Jersey State Legislature
ASSEMBLY OVERSIGHT, REFORM
AND FEDERAL RELATIONS COMMITTEE
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REVISED
PUBLIC HEARING NOTICE

The Assembly Oversight, Reform and Federal Relations Committee will hold a public hearing on Thursday, December 12, 2019 at 10:00 AM in *Committee Room 16, 4th Floor, State House Annex, Trenton, New Jersey.

The public may address comments and questions to Stephanie M. Wozunk, Committee Aide, or make bill status and scheduling inquiries to Sophie Love, Secretary, at (609)847-3890, fax (609)777-2998 or e-mail: OLSAideAOF@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.

The public hearing will be held in accordance with Article IX, paragraph 1 of the New Jersey Constitution and Rule 19:3 of the General Assembly on the following Assembly Concurrent Resolution:

ACR-840 Quijano/Holley/ Timberlake/McKnight	Proposes constitutional amendment to legalize cannabis for personal, non-medical use by adults who are age 21 years or older, subject to regulation by Cannabis Regulatory Commission.
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Persons wishing to testify should submit 15 copies of written testimony to the committee on the day of the hearing.

Issued 12/2/19

*Revised 12/4/19 – Room changed to 16, 4th Floor

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**ASSEMBLY CONCURRENT
RESOLUTION No. 840**

**STATE OF NEW JERSEY
218th LEGISLATURE**

INTRODUCED NOVEMBER 18, 2019

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

SYNOPSIS

Proposes constitutional amendment to legalize cannabis for personal, non-medical use by adults who are age 21 years or older, subject to regulation by Cannabis Regulatory Commission.

CURRENT VERSION OF TEXT

As introduced.



ACR840 QUIJANO, HOLLEY

2

1 A CONCURRENT RESOLUTION proposing to amend Article IV,
2 Section VII of the New Jersey Constitution by adding a new
3 paragraph.

4
5 BE IT RESOLVED by the General Assembly of the State of New
6 Jersey (the Senate concurring):

7
8 1. The following proposed amendment to the Constitution of
9 the State of New Jersey is agreed to:

10
11 PROPOSED AMENDMENT

12
13 Amend Article IV, Section VII by adding a new paragraph 13 to
14 read as follows:

15 13. The growth, cultivation, processing, manufacturing,
16 preparing, packaging, transferring, and retail purchasing and
17 consumption of cannabis, or products created from or which include
18 cannabis, by persons 21 years of age or older, and not by persons
19 under 21 years of age, shall be lawful and subject to regulation by
20 the Cannabis Regulatory Commission created by P.L.2019, c.153
21 (C.24:61-5.1 et al.), or any successor to that commission.

22 (1) The commission's or successor's regulatory authority
23 concerning legalized cannabis shall be authorized by law enacted by
24 the Legislature.

25 (2) The receipts from retail purchases of cannabis or products
26 created from or which include cannabis shall only be subject to the
27 tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30
28 (C.54:32B-1 et. seq.), as amended and supplemented, or any other
29 subsequent law of similar effect; provided, however, that a
30 municipality, subject to authorization by law enacted by the
31 Legislature, may adopt an ordinance to impose an additional
32 municipal tax on the sale, or any other form of transfer, of cannabis
33 or products created from or which include cannabis by an
34 authorized party located in a municipality. The municipal tax rate
35 shall not exceed two percent of the receipts from each sale of
36 cannabis or products created from or which include cannabis by an
37 authorized party or the equivalent value from any other form of
38 transfer by an authorized party.

39 As used in this paragraph:

40 "Cannabis" means all parts of the plant Genus Cannabis L.,
41 whether growing or not, the seeds thereof, and every compound,
42 manufacture, salt, derivative, mixture, or preparation of the plant or
43 its seeds. "Cannabis" does not include: cannabis dispensed and
44 consumed for medical purposes pursuant to any law enacted by the
45 Legislature; hemp or hemp products subject to regulation under the
46 "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.),
47 or any successor enactment thereto; or unregulated cannabis.

1 referred to as marijuana, and products created from or which
2 include marijuana.

3

4 2. When this proposed amendment to the Constitution is finally
5 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
6 shall be submitted to the people at the next general election
7 occurring more than three months after the final agreement and
8 shall be published at least once in at least one newspaper of each
9 county designated by the President of the Senate, the Speaker of the
10 General Assembly and the Secretary of State, not less than three
11 months prior to the general election.

12

13 3. This proposed amendment to the Constitution shall be
14 submitted to the people at that election in the following manner and
15 form:

16 There shall be printed on each official ballot to be used at the
17 general election, the following:

18 a. In every municipality in which voting machines are not used, a
19 legend which shall immediately precede the question as follows:

20 If you favor the proposition printed below make a cross (X), plus
21 (+), or check (✓) in the square opposite the word "Yes." If you are
22 opposed thereto make a cross (X), plus (+) or check (✓) in the
23 square opposite the word "No."

24 b. In every municipality the following question:

	YES	<p>CONSTITUTIONAL AMENDMENT TO LEGALIZE MARIJUANA</p> <p>Do you approve amending the Constitution to legalize a controlled form of marijuana called “cannabis”?</p> <p>Only adults at least 21 years of age could use cannabis. The State commission created to oversee the State’s medical cannabis program would also oversee the new, personal use cannabis market.</p> <p>Cannabis products would be subject to the State sales tax. If authorized by the Legislature, a municipality may pass a local ordinance to charge a local tax on cannabis products.</p>
	NO	<p>INTERPRETIVE STATEMENT</p> <p>This amendment would legalize a controlled form of marijuana called “cannabis.” Only persons at least 21 years of age could use cannabis products legally.</p> <p>The Cannabis Regulatory Commission would oversee the new adult cannabis market. This commission was created in 2019 to oversee the State’s medical cannabis program. The scope of the commission’s new authority would be detailed in laws enacted by the Legislature.</p> <p>All retail sales of cannabis products in the new adult cannabis market would be subject to the State’s sales tax. If authorized by the Legislature, a municipality may pass a local ordinance to charge a local tax on cannabis products.</p>

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SCHEDULE

This constitutional amendment shall take effect on January 1 next following the general election at which it was approved, and the Legislature may take such anticipatory legislative action as may be necessary to effectuate the provisions of the amendment.

STATEMENT

This concurrent resolution proposes a constitutional amendment to legalize cannabis for personal, non-medical use by adults who are 21 years of age or older. The Cannabis Regulatory Commission,

1 created by P.L.2019, c.153 (C.24:6I-5.1 et al.) to oversee the State's
2 medical cannabis program, primarily set forth in the "Jake Honig
3 Compassionate Use Medical Cannabis Act," P.L.2009, c.307
4 (C.24:6I-1 et al.) (or any successor to that commission), would also
5 oversee the new personal use market. The scope of the
6 commission's regulatory authority would be established in law by
7 the Legislature.

8 As set forth in the proposed amendment, the term "cannabis"
9 would not include: "cannabis dispensed and consumed for medical
10 purposes pursuant to any law enacted by the Legislature; hemp or
11 hemp products subject to regulation under the 'New Jersey Hemp
12 Farming Act,' P.L.2019, c.238 (C.4:28-6 et al.), or any successor
13 enactment thereto; or unregulated cannabis, referred to as
14 marijuana, and products created from or which include marijuana."
15 Passage of the amendment would not affect the State's regulation of
16 medical cannabis and hemp, and unregulated marijuana would
17 remain illegal under the State's laws.

18 The amendment provides that all receipts from the retail
19 purchases of cannabis or products created from or which include
20 cannabis would only be subject to the tax imposed under the "Sales
21 and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.) (or a
22 subsequent enactment of similar effect); provided, however, that a
23 municipality, subject to authorization by law enacted by the
24 Legislature, may adopt an ordinance to impose an additional
25 municipal tax on the sale, or any other form of transfer, of cannabis
26 or products created from or which include cannabis by an
27 authorized party located in a municipality. The municipal tax rate
28 could not exceed two percent of the receipts from each sale of
29 cannabis or products created from or which include cannabis by an
30 authorized party or the equivalent value from any other form of
31 transfer by an authorized party.

TABLE OF CONTENTS

	<u>Page</u>
Karen O’Keefe, Esq. Director State Policies Marijuana Policy Project	5
William J. Caruso, Esq. Trustee New Jersey Cannabis Industry Association	8
Sarah Fajardo Policy Director American Civil Liberties Union of New Jersey (ACLU)	11
Scott Rudder President New Jersey CannaBusiness Association	11
Barbara Eames Representing Morris Patriots	15
Shawn Hyland Director of Advocacy Family Policy Alliance of New Jersey	18
Justin Escher Alpert, Esq. Private Citizen	21
Monica B. Taing, Pharm.D. Board Member and Membership Director Doctors for Cannabis Regulation (DFCR), and National Director Research and Clinical Education Minorities for Medical Marijuana, Inc. (M4MM)	24

TABLE OF CONTENTS (continued)

	<u>Page</u>
Jon-Henry Barr, Esq. Representing Law Enforcement Action Partnership (LEAP), and Municipal Prosecutor Township of Clark, and President Emeritus New Jersey State Municipal Prosecutors Association	24
Chris Goldstein Representing National Organization for the Reform of Marijuana Laws (NORML), and Coalition for Medical Marijuana-New Jersey, Inc.	37
Charlana McKeithen Executive Director Garden State National Organization for the Reform of Marijuana Laws (NORML)	37
Melissa Robbins Private Citizen	41
Reverend Alexander E. Sharp Executive Director Clergy for a New Drug Policy	47
Reverend Erich Kussman Vicar Saint Bartholomew Lutheran Church	48
Edward “Lefty” Grimes Representing Sativa Cross	59
Michael Brennan Board Member Coalition for Medical Marijuana-New Jersey, Inc., and Member Patient Advisory Board Green Thumb Industries (GTI),and Associate Garden State National Organization for the Reform of Marijuana Laws (NORML)	59

TABLE OF CONTENTS (continued)

	<u>Page</u>
Edward N. Tobias, Esq. Private Citizen	64
APPENDIX:	
Testimony, plus attachment submitted by Sarah Fajardo	1x
Testimony submitted by Justin Escher Alpert	11x
Testimony submitted by Monica B. Taing, Pharm.D.	13x
Testimony submitted by Chris Goldstein	16x
Testimony submitted by Charlana McKeithen	18x
Testimony submitted by Reverend Alexander E. Sharp	23x
Testimony, plus attachments submitted by Wilbert Yeung, MD President New Jersey Council Child and Adolescent Psychiatry (NJCCAP), and Debra E. Koss, MD President New Jersey Psychiatric Association (NJPA)	26x
Testimony, plus attachment submitted by Marlene M. Kalayilparampil Manager Government Relations Medical Society of New Jersey (MSNJ)	31x

TABLE OF CONTENTS (continued)

APPENDIX (continued)

	<u>Page</u>
Public Policy Statement submitted by American Society of Addiction Medicine (ASAM)	33x
Testimony submitted by Sanjay Chaudhari Private Citizen	44x
pnf:1-68	

ASSEMBLYMAN JOE DANIELSEN (Chair): Good morning.
Could everyone please stand for the Pledge of Allegiance? (all
recite the Pledge of Allegiance)

Please take the roll call.

MS. WOZUNK (Committee Aide): Assemblyman Rumpf.

ASSEMBLYMAN RUMPF: Here.

MS. WOZUNK: Assemblyman Dancer.

ASSEMBLYMAN DANCER: Here.

MS. WOZUNK: Assemblywoman Quijano is present.

Assemblywoman Lopez.

ASSEMBLYWOMAN LOPEZ: Here.

MS. WOZUNK: Vice Chair Houghtaling.

ASSEMBLYMAN ERIC HOUGHTALING (Vice Chair):
Here.

MS. WOZUNK: Chairman Danielsen.

ASSEMBLYMAN DANIELSEN: Here.

MS. WOZUNK: We have a quorum.

ASSEMBLYMAN DANIELSEN: Good morning, ladies and gentlemen, and thank you for being here for what promises to be an interesting and lively informative discussion on Assembly Concurrent Resolution 840.

Today is an important day. It was my hope, and the hope of many in my caucus, that we could have legalized adult-use cannabis legislatively; but unfortunately, that was not to be. We have to explore another avenue, and that is to ask the voters of the State of New Jersey if we should amend the Constitution to allow the growth, cultivation, process and

manufacture, retail purchasing, and consumption of cannabis for those 21 years of age or older.

Today, the Bill will be heard and ready for a full floor vote on December 16, where it would then require the house to vote, by a supermajority, prior to the end of this legislative session, January 14, 2020, at noon, to appear on the November 2020 ballot. Or, should the Bill only receive a simple majority vote for the passage, the legislation would, again, have to pass the new 219th session, again, by a simple majority in both houses, to appear on the November 2020 ballot.

Polls tell us that more than 6 in 10 New Jersey residents support legalizing marijuana. Should this question be placed on the 2020 ballot, voters will have the final say, and I am confident they will support this amendment.

The current policy that criminalizes cannabis, also known as *marijuana*, has created an unregulated illegal market, and that has failed in many respects. The enforcement of our cannabis prohibitions has resulted in disproportionate arrests of our black and brown New Jersey residents, nearly three times that of white New Jerseyans. And that, to me, is absolutely unacceptable.

As a leading author of the medical cannabis legislation, and the non-medical legislation, the real question before us is whether we wish the voters of our state to make the ultimate decision on this issue, as they have done so in 11 other states and the District of Columbia.

The constitutional amendment would give the Legislature the authority to establish the regulatory structure of a cannabis market for

adult personal use, and open the door to legislation providing for social justice reforms to overcome the past discriminatory laws and policies.

The fact remains very concerning to me that it is our people of color are arrested for marijuana possession at a rate that is three times higher, despite similar usage rates for white citizens. That disparity continues to skyrocket, according to recent reporting by the ACLU in New Jersey, that reports that, in 2017, over 37,623 arrests were made, or almost one arrest every 14 minutes, on average.

There's also a positive financial component. Legalizing cannabis and authorizing the taxation of its sales could also, eventually, generate revenue to reinvest in New Jersey communities. In addition, the State would significantly reduce the cost that is approximated at \$127 million per year, to enforce the current marijuana possession offenses.

Finally, I will limit the speakers to 3 to 5 minutes, with some flexibility as needed. I ask that if you presented written statements that you just hand them to the Committee; and instead, if you're going to come up, have a discussion with us so we can have a two-way dialogue.

I'd like to begin by calling up my colleague to speak on this, Chairwoman Quijano.

ASSEMBLYWOMAN QUIJANO: Thank you, Chairman Danielsen; and thank you to everyone who took the time from their busy schedules to be here with us today and to speak about ACR-840.

The goal of this constitutional amendment is to provide the opportunity for the people of New Jersey to allow this State to adopt a new approach to our cannabis policies. By taxing, regulating, and legalizing

cannabis sales and consumption for adults 21 years of age, it would be very similar to how alcohol is regulated.

We've seen a recent survey that support for the legalization of adult-use cannabis is growing. We had hoped to get this done legislatively, but that proved to be too tall of an order. We are now seeking to allow the voters of New Jersey to have the final say. With this amendment, we hope to place this question on next year's ballot.

In addition to the financial benefits that would come with the legalization of adult-use cannabis, there are critically important social justice components. Under our current laws, an unacceptably disproportionate number of black and brown New Jersey residents are arrested for minor marijuana-related offenses. This discriminatory treatment unfairly impacts employment prospects, housing access, financial health, family integrity, immigration status, and educational opportunities. One potential remedy for this could be an expedited expungement process for offenses that would no longer be illegal, and offenses related to small amounts of marijuana. With this constitutional amendment, the Legislature will have the authority to make this expedited expungement process a reality.

There would also be enhanced opportunities to enter the cannabis industry for those residents and communities negatively impacted by past policies and practices. This point can't be stressed enough.

I look forward to hearing from those not only in support of ACR-840, but also those in opposition. This is a seismic shift; we would be creating, regulating, and taxing a new industry. I do not take that lightly.

Thank you, Chairman.

ASSEMBLYMAN DANIELSEN: Thank you, Chairwoman.

Okay, I have Deb Koss, from the New Jersey Psychiatric Association, who is opposed but no need to testify. Also opposed, no need to testify, is Marlene Kalayilparampil. Marlene, thank you for submitting.

I'd like to call up, to testify, Karen O'Keefe, from the Marijuana Policy Project; and Bill Caruso.

KAREN O'KEEFE, Esq.: Good morning, Chairman and members of the Committee.

ASSEMBLYMAN DANIELSEN: Good morning.

MS. O'KEEFE: Good morning.

My name is Karen O'Keefe. I'm the Director of the State Policies Department at the Marijuana Policy Project.

We are a nationwide nonprofit that works to end the prohibition of marijuana and to replace it with sensible, thoughtful, and equitable regulation.

MPP has played a leading role in passing 8 of the 11 legalization laws, including Illinois' recent one, which had a strong focus on social equity.

We believe that prohibition has been a spectacular failure. It's caused a great deal of suffering while failing to stop marijuana use. Prohibition denies the State the ability to control where, who, when, and how marijuana is produced and sold.

When marijuana is produced in the illegal market, it harms the environment, it harms workers, it harms communities, and it harms consumers. I live in California, and there's a lot of marijuana being grown in the national parks and the state parks to feed the illicit market in other states. Illegal pesticides are used on it, there's rodenticides that are getting into the water systems and polluting wildlife. They're causing -- endangering a

threatened species called the *fisher*. And as long as we have prohibition, cannabis will continue to be cultivated in places that are environmentally sensitive, instead of in regulated facilities.

Workers are also endangered when you have prohibition. People who are selling marijuana are vulnerable to violence, they're vulnerable to exploitation. There was an investigative report by *Revealnews.org* that found that people who were trimming cannabis in the unregulated market were subject to sexual exploitation, violence, and wage theft. None of that happens when you have a regulated market. When you regulate cannabis, you have protections for workers, you don't have people at risk of violence and at risk of having their livelihood and their freedom taken away from them.

We also have a risk for consumers. I know multiple people who have been mugged, held up, and robbed buying cannabis on the illicit market. As long as cannabis is prohibited, consumers are also vulnerable to untested products. Cannabis on the illicit market often is tainted with dangerous pesticides. A lab in California, called *CannaSafe*, tested illegal and legal marijuana products. They found that 13 out of the 15 products that were cartridges for vape cartridges that were illegal had vitamin E acetate in them. That's a thickening agent that the CDC has identified as the likely cause of the vaping illnesses that we're seeing.

In addition, all of the products that they tested that were illegal had illegal pesticides that are okay if they're on things like shrubs, but they're not safe to be ingested by humans. When they're heated, one of the pesticides they found turns to hydrogen cyanide.

So as long as cannabis is illegal, we cannot protect workers, consumers, and the environment. Only regulation allows all of that to happen.

Opponents have claimed, sometimes, that prohibition does not do away entirely with the illegal market. And it's true that the transition is not overnight. In Colorado, after a couple of years of a regulated market, about 75 percent of all of the consumption was satisfied with the legal market. In 2017, a report commissioned in Colorado found that Colorado's pre-existing illicit market for residents and visitors has been fully absorbed into the regulated market. As long as there's demand in other states, there will still be supply for that demand. But the internal market in Colorado is now being satisfied by the legal market. And as long as there's a sensible regulatory structure that doesn't have exorbitant taxes or too onerous regulations, you can expect the same thing in a little bit of time.

In addition to supporting-- MPP is here in support of ACR-840. We believe, at this point, it is the only path to legalization. We also would have preferred the statute, which had wonderful social equity language, but we do think this is just one piece of the puzzle. It's very important that in addition to this Resolution passing that it be accompanied by, ideally, nearly immediate decriminalization. Everyday 95 people in New Jersey are arrested for cannabis possession. Those harms could stop almost immediately by decriminalizing simple possession in the interim so we don't end up jailing, arresting, and marking people with a criminal record for life.

Also, we urge the passage of robust expungement language. And when it comes time for implementation, provisions that are similar to the statute that was considered to make sure that there's inclusion of those

communities that have been most hard hit by the war on drugs; and that there's equitable licensing, and diversity in ownership management, and staffing of all the businesses.

Illinois had some really good provisions. They provided funding for community colleges to have training programs for people, and low income communities in particular.

And thank you very much.

ASSEMBLYMAN DANIELSEN: Ms. O'Keefe, thank you very much. I appreciate those helpful words.

William, good morning.

Unfortunately, Ms. O'Keefe took all your time. (laughter)

WILLIAM J. CARUSO, Esq.: That's fine; she did well.

ASSEMBLYMAN DANIELSEN: You sit next to a strong women, you know, you have to stay awake.

But again, we'll give you an extra 3 minutes. (laughter)

MR. CARUSO: Chairman, I appreciate that.

I drove here this morning, dwelling on words that my mother taught me -- that if you don't have anything nice to say, don't say anything at all. So you may have given me an out by the using of my time. (laughter)

But I do have some nice things to say. I have some nice things to say about you, Chairman. Your leadership is shown here. You've helped make this a better process; you've had an open process. I think that's important. There are a lot of folks out in this audience who are new to this process. Your conducting of public hearings around the state I think improved the quality of this debate and discussion. Your efforts helped to

change hearts and minds, and that's the biggest thing we're fighting right now.

So to that end, I want to thank you for that.

Chairwoman Quijano, we sat in this very lonely committee room when you took up the initiative on the expungement issues and other racial social justice concerns. No one else had really taken time to delve into those issues. Those are the key components of legalization. That is why we're here, that is what we're talking about. The money -- all the other economic benefits are important; but those issues are the profound ones. I think everyone is galvanized around those, and we stand ready to support you in both your decriminalization efforts and your expungement efforts, because those are the profound issues and they're not getting resolved while we wait for this constitutional amendment.

I'd also like to give a shout-out to a staff. Your staff, here, has been outstanding, led by the efforts of Dan Smith. We don't normally call out staffers, but I think it's important that we do. Dan has been an outstanding help to the advocates and the people driving this. And I just wanted to take some time to point him out and give him a shout-out on this.

For us, I think Karen said it best. The arguments are compelling as to why we do this. I am concerned that we are waiting, again. I'm concerned that we are going to be behind the curve, again, as a state, for economic development, for racial and social justice, for all the things we've talked about.

But I'm more concerned, right now, about the confusion around this constitutional amendment. There's a reason why we don't amend our Constitution. It is not a pure process here. People don't understand what

they're voting on. There is no tax rate, because there can't be. There is no racial and social justice set-asides, because there can't be. We have a very vague process. We do not have an initiative or referendum that other states have utilized to adopt this.

So it will be our challenge, with you, to educate the public on what is the intent of this next Legislature -- next year, when it's seated -- on what they intend to adopt if the public sees fit to approve this constitutional amendment. We stand ready to work to get expungement reform done in the meantime. We stand ready to get decriminalization -- real decriminalization done in the meantime. And for those who have been fighting to remove the tax on medicine -- because it is important that we stop taxing medicine in our state -- we need revenue to do that. And there is revenue that comes with legalization that can offset those costs. Not out of my property tax dollars, even though I would support that; not out of income tax revenue, not out of Transportation Trust Fund money. Out of cannabis legalization money that can offset prices and, maybe -- maybe help to subsidize some of the costs for patients.

So I want to leave on a high note. In the wisdom of some key philosophers of our time, Crosby, Stills, Nash, & Young (laughter), "If you can't be with the one you love, love the one you're with." (laughter) I will love this constitutional amendment, but we have work to do to convince the public to do that.

Thank you for my time; I appreciate it. (applause)

ASSEMBLYMAN DANIELSEN: Thank you.

Thank you, Bill.

I was going to give you an extra 3 minutes because of all the compliments. (laughter)

MR. CARUSO: They're well earned, they're well earned.

ASSEMBLYMAN DANIELSEN: Let that be a lesson to everybody coming up.

All right; thank you.

I'd like to call up Sarah Fajardo.

S A R A H F A J A R D O: Fajardo (indicating pronunciation).

ASSEMBLYMAN DANIELSEN: Fajardo. (indicating pronunciation).

MS. FAJARDO: Thank You.

ASSEMBLYMAN DANIELSEN: ACLU New Jersey, in favor; and Scott Rudder, New Jersey CannaBusiness Association.

ASSEMBLYMAN DANIELSEN: I didn't say your last name as elegantly as Chairwoman Quijano.

MS. FAJARDO: You got it; thank you. Fajardo; thank you.

S C O T T R U D D E R: I just call her *Sarah*; it's easier.

ASSEMBLYMAN DANIELSEN: It sounded much different when Assemblywoman Quijano said it.

MS. FAJARDO: Thank you, Chairman, and Vice Chair, and all of the members of the Committee for the opportunity to testify today on this important issue.

You know, we're really grateful for the framing that was put forward at the beginning of this hearing, and a lot of my testimony that is written before you is very much aligned.

The ACLU is a founding member of NJUMR, New Jersey United for Marijuana Reform; and we have been fighting for years to legalize cannabis through legislation, alongside many folks who are sitting here before us today.

And we're grateful for the partnership of the Legislature to date. We are in support of the constitutional amendment; I think Bill said it very well. We will love the one that were with today (laughter), alongside many of our partners; but we do have real concerns about amending the New Jersey Constitution. We were hopeful that this would happen legislatively. We are interested in working together to advance legislation, alongside this constitutional amendment, to provide robust decriminalization provisions.

We are also very grateful for Assemblywoman Quijano, who advanced a bill last spring that contained a number of really important provisions that would help us actualize decriminalization in a way that would begin to address, as a stopgap measure, some of the racial and social justice issues that have really amounted to a civil rights crisis in the State of New Jersey.

The Chairman has already quoted some of the ACLU numbers, so I won't restate. But I do want to urge the Legislature to consider a few amendments to the decriminalization advanced by Assemblywoman Quijano to remove all civil penalties from her decriminalization bill. So explicitly decriminalize paraphernalia and explicitly state that the personal possession of cannabis is a non-arrestable offense. We urge the Legislature to raise the amount allowed for personal possession to 100 grams. We urge the Legislature to extend legal protections to people committing civil violations. We also urge the Legislature to consider additional non-discrimination

protections for prior offenses, and bar the categorization of cannabis possession and positive drug testing violations as parole, probation, or pretrial release violations.

The ACLU would welcome an opportunity to work together, and continue to work together on this important issue. And we just want to thank you for your leadership today on this, and thank you for the opportunity to testify.

ASSEMBLYMAN DANIELSEN: Thank you, Ms. Fajardo.

I want to thank the ACLU of New Jersey, because I would not have gone as far as I did without you. Your organization spent a lot of time with me and Committee members. The first step was educating us; I didn't realize how horrible some of the statistics were, and I was further shocked that my own District has some of the worst statistics. I just -- I can't tolerate that, and I'm impatient to solve it and make it better, in large part because of the work you've done.

MS. FAJARDO: Thank you.

ASSEMBLYMAN DANIELSEN: But the same compliment of working with us goes to Scott Rudder's organization. We've done -- your members spent a few all-nighters with me and Bill Caruso -- weekends -- and it's an educational process.

On that note, Scott, would you like to--

MR. RUDDER: Thank you, Mr. Chairman.

And it goes back to you; we're all giving compliments. But your leadership, this Committee's leadership on the subject matter for the past two years, has been inspiring; it's been inspiring for lots of folks.

And it is kind of neat, as a business organization, to be sitting side-by-side with the ACLU; and we have been, on this issue, from the beginning. That's a rare thing, I think, and I think it shows how important this issue is.

So I won't repeat a lot of what other people said, but I do want to point out some facts. Like, you don't have to be pro-cannabis to recognize that cannabis prohibition has failed. You don't have to be pro-cannabis to recognize that arresting 94 people every day, more than 34,000 people every year, has also failed. We have seen, across the country, that when cannabis is legalized, regulations, education, and enforcement does work. The Colorado Division of Criminal Justice issued a report last year; and what did they show? They showed that teenage use is down, they showed that DUIs, across the board, have gone down. They have shown -- the Colorado Division of Criminal Justice has shown that traffic fatalities of those proven to be THC-impaired have gone down.

Regulations work, education works, and enforcement works. So why are we arresting tens of thousands of people every year, when we can be providing tens of thousands of new jobs? Why are we spending \$145 million annually arresting those people, when we could be generating \$200 million to \$300 million per year in additional and new revenue?

So let's take the money out of the hands of drug dealers, and let's put it in the hands of small business operators who hire employees and pay taxes.

So to keep it very short, again, I'm going to leave you with two truths. Cannabis prohibition has caused far more harm than cannabis itself ever could. No one has ever died of a cannabis overdose, and yet people have

died through the cannabis prohibition, through the enforcement, through bad things happening. Crime has happened, invasions have happened. Cannabis itself, cannabis prohibition by itself has caused far more harm than cannabis ever could by itself.

So another truth is this: Drug dealers don't care. They don't care if someone is 15, they don't care if someone is 12, they don't care if you're 55. Dispensary operators do. So you can't step inside of a dispensary until you've already proven that you're 21 or over.

So the fact of the matter is, cannabis prohibition has failed, cannabis regulations have proven to be effective, and that's what I leave with you with today.

Thank you.

ASSEMBLYMAN DANIELSEN: Thank you.

Any questions from the Committee? (no response)

Thank you, Scott.

MR. RUDDER: Thank you.

ASSEMBLYMAN DANIELSEN: I'd like to call up Barbara Eames from Morris Patriots, who is opposed; and Shawn Hyland, from the Family Policy Alliance of New Jersey, also opposed.

Good morning.

BARBARA EAMES: Good morning.

My name is Barbara Eames. I am from Morris County; I'm a lifelong New Jersey resident.

And I'm here to be the voice in the wilderness, I guess, this morning.

I find it very interesting to sit here and listen to someone from California talk about marijuana use, because California is a disaster; I think anybody who listens to the national news is aware of that -- their drug use, their homelessness. I remember just a few months ago that they called in the Federal authorities because their unregulated market -- their illegal market was so out of control that they had to call on the Federal authorities to try to get it under control. I mean, I find it laughable to be using California as an example of how this is going to bring such wonderful things to New Jersey.

Now, I have to qualify all of this; I have to say I'm a Christian, I'm a conservative, and our community of conservatives do not think, and Christians do not think, that -- just give our society more drugs; that will be helpful. That's not our position.

There is a book out by a *New York Times* author, just recently, entitled, *Tell Your Children*, that documents how marijuana use leads to mental illness and to violence. And we're seeing that, in spades, in California; we're seeing lots of facts coming out of Colorado. Now, we're going to disagree on that, because a gentleman just cited something that I disagree with, from what I've heard out of Colorado. There is lots of evidence coming out of Colorado, including how children are becoming addicted. And one of the things that this *Tell Your Children* book talks about is -- because children's brains are developing -- young adults' brains are in development until somewhere in their early 20s -- that when middle school kids and high school kids get started on this, as young as 14 or so, that it affects the development of your brain. We're talking about permanent injury. And I guess you folks who think this is okay -- I guess you don't either know that, or you think surely we'll be able to take kids off of -- keep them off on marijuana. Just like

we're keeping them off of alcohol, and we always have until they're 21. Sure; and if you believe that, I have a bridge to sell you somewhere.

ASSEMBLYMAN DANIELSEN: Excuse me, Barbara, I don't mean to interrupt. But you realize this amendment and the following legislation is for adults--

MS. EAMES: Yes.

ASSEMBLYMAN DANIELSEN: --not children--

MS. EAMES: Yes; no, I clearly--

ASSEMBLYMAN DANIELSEN: --or teenagers.

MS. EAMES: Yes. Well, I don't think in Colorado they made it legal for children to have marijuana either, but they're getting it.

I sat next to the Weedman when I testified -- I don't know; whenever it was last year; I didn't know who this gentleman next to me was -- and he essentially laughed at Senator Scutari for saying that they were going to shut down the illegal drug market. He said, "At \$42 an ounce, I'm going to be able undercut that anytime I want." And we all know that the illegal market is laced with all sorts of things, including Fentanyl and everything.

So if he's telling you -- not this gentleman (indicates), but the man who was over there when I testified before, who's head of the marijuana illegal drug trade in New Jersey -- he's laughing at the Senator, the Chairman of the Committee, thinking he's going to shut down marijuana use, the illegal market -- I kind of have to go with him.

ASSEMBLYMAN DANIELSEN: Okay; your 3 minutes are up, ma'am.

MS. EAMES: Yes, okay.

It's bad news. We know that the real reason behind all of this is because all of the politicians are going to get all the money from all the blue suits who are behind me, who work for all these organizations who think this is wonderful, and they're going to donate to your campaign. This is not about what's good for children, it's not about what's good for people, it's what is good for politicians and their campaigns.

It's bad news; we shouldn't be doing it.

ASSEMBLYMAN DANIELSEN: Okay.

MS. EAMES: It violates Federal law, it puts businesses in a conflict between what the State allows and what the Feds allow. A lot of technical problems.

ASSEMBLYMAN DANIELSEN: Thank you, Ms. Eames.

Mr. Hyland.

SHAWN HYLAND: Yes, thank you.

My name is Shawn Hyland; I'm the Director of Advocacy for Family Policy Alliance of New Jersey. We represent 1,500 churches and pastors across the state.

I want to share with you this morning that ideas have consequences and bad ideas have victims. And legalizing recreational marijuana is a bad idea, because it has a long track record of victims. From Colorado to California and other states, the statistics that come in -- it shows the damaging effect that legalized recreational marijuana has on these states. If you continue to support this measure, you're ignoring the historical trends of harmful youth usage and the extensive negative effect legalized marijuana has had on underserved, urban communities.

And you're proposing, this morning, to abandon your responsibilities, as elected officials, to do the tough work and to legislate; and instead, put it in the hands of the New Jersey residents. And just like Pontius Pilate in the scriptures, who washed his hands of his responsibilities, this morning you're washing your hands of your responsibility of doing the tough work. And you're abandoning those responsibilities that we have sent you to Trenton to actually handle.

And why is that? Because, after almost two years of expert testimony, committee hearings, white paper research, and data analysis from other states, you understand and you realize the serious negative impact legalized recreational marijuana will have on this state.

And unfortunately, the New Jersey residents will not have the privilege of hearing that information or digesting it as you have had over the past two years. Furthermore, we understand that legalizing recreational marijuana ultimately is a tax upon the urban areas of our state. Because you will not see pot shops opened up in upper class neighborhoods throughout New Jersey. You will see them saturated in neighborhoods in urban areas. And that shouldn't be, because big corporations, big tobacco, big investment firms will profit off of the people of New Jersey at the expense of our youth in underserved urban areas.

So I want to encourage you this morning to go back to the drawing board, go back to the legislation, start a new session, and work this out as elected leaders, and not put it in the hands of big tobacco to buy radio, TV, and billboards to communicate a false narrative to the people of New Jersey.

Thank you.

ASSEMBLYMAN DANIELSEN: Thank you.

Any questions? (no response)

Thank you; have a nice day.

MR. HYLAND: I appreciate it.

ASSEMBLYMAN DANIELSEN: I'm going to interject a comment here.

So, first of all, I take exception to anyone telling me -- saying me or my Committee members have abandoned anything, starting with our responsibility. I take exception to that.

What we are trying to do, among many agenda items, is stopping the illegal market; stopping the illegal money from cartels, and gangs, and other illegal actors.

But the truth of the matter is, the war on drugs has never been successful. Our children today have an unfettered supply of illegal drugs, including marijuana. They have unfettered access. If you've raised teenagers, the likelihood is marijuana has been in your home.

What we are trying to do, among other things, is make sure that there is a legal market where well-minded adults have an opportunity to participate in this without being turned into criminals. A product, when they buy it legally, they know is not laced with other drugs.

A community we need to build, where we're not taking people, who are black or brown, and for no other reason other than the color of their skin, we turn them into criminals, tattooing -- permanently marring their reputation and their future.

So if you want to talk about the lost lambs of Jerusalem and circle Jericho, this is what you need to be circling.

I'd like to call up John -- oh, no need to testify, and opposed -- John Tomicki; and no need to testify, in favor, Lorna O'Hara, Executive Director, New Jersey Marijuana Retailers Association.

Justin Escher Alpert would like to come up and testify.

J U S T I N E S C H E R A L P E R T: Thank you, sir.

Thank you, Mr. Chairman; thank you to this Committee.

Just rehashing what Mr. Caruso said, thank you, because you took the argument out into the public. And if the members of the Senate -- including the my own Senator in the 27th -- if they had seen and heard what you all saw and heard when you went out into the public, I am sure that they would have a very different feeling.

I have very mixed feelings about this, because I don't think it's a proper use of an amendment to the Constitution. If you were amending the Constitution to secure the blessings of liberty for free citizens to cultivate and use this God-given plant for personal purposes, that would make a lot of sense. This amendment doesn't create any power for the Legislature that it doesn't already have. What it does is, it underscores the fact that the people are not really in control in this state. We have a State motto of *Liberty and Prosperity*; we welcome a model that creates a broader sense of liberty and prosperity. I'm not sure that it needs to go to the people or that it's fair to the cannabis community to make this a popularity contest.

Nobody is asking for permission to use or cultivate this God-given plant; they already do. They already responsibly -- overwhelmingly responsibly exercise the personal liberty. They are looking for safe and legal access. Nobody really disagrees about what safe and legal access looks like. We all agree what a proper storefront should look like; we all agree what

people working behind the counter are earning -- what real, living wages should look like.

To the people who create a religious argument here -- there is a counter-religious argument in that this is a God-given plant and we need to respect each other's provisions. The people who lead with fear need to be brought into the conversation, because it's not all fear-based. You can't hang all of the problems of society on cannabis use. All the problems that California or Colorado-- It's a very, very complicated issue, and cannabis is not the leading cause of the issues.

The opportunity here is to look at the alternative treatment center model, track the cash flows, see how the management fees are flowing out of the state, see how the intellectual property licensing fees are flowing out of the state, see how rents are flowing out of the state, and develop a smarter model where commerce is organic to the community, where they're banking locally, where it's really accountable to the community, where it's one small part of broader health e-commerce. And we can use this as a stepping stone in defining what responsible adult-use looks like to create more opportunity, to create a broader set of commerce, generally, that is healthy, that employs our kids so they're not sitting around loitering.

I'm a parent of teenagers; I know what this is. I know the access that they currently have under prohibition. Prohibition has failed because nobody follows the unjust law. As we define responsible adult-use, we're going to have an opportunity to engage our children differently.

And once again, thank you to this Committee for all of its work that it's done. I have mixed feelings about this, but anything that moves us forward is a good step.

Thank you, sir.

ASSEMBLYMAN DANIELSEN: Mr. Alpert, I appreciate that you marked down here, very clearly, you had mixed feelings. I, too, have mixed feelings.

MR. HYLAND: Yes.

ASSEMBLYMAN DANIELSEN: And I'm not promoting marijuana, I don't promote cigarettes, I don't promote alcohol, I'm not promoting anything.

But what I can't live with is our current state. Every 14 minutes we're arresting a black man or woman, or a brown man or woman, for a market that, instead of creating entrepreneurs, we're creating criminals.

MR. HYLAND: And that's not an issue in western Essex County, because of--

ASSEMBLYMAN DANIELSEN: All because of a naturally grown weed, which is not the most dangerous weed. What I believe, my personal opinion, the most dangerous weed is sugar, but no one is talking about that.

MR. HYLAND: Or capsaicin peppers, which can cause a serious case of angina or be weaponized as an aerosol spray.

ASSEMBLYMAN DANIELSEN: In the beginning of the day, our State motto has only two words: Liberty and Prosperity. And this Bill is adding to the liberty and the prosperity, not law and prosecution.

Thank you.

MR. HYLAND: I cannot thank you enough. Thank you to the entire Committee.

Thank you.

ASSEMBLYMAN DANIELSEN: I'd like to call up Monica Taing.

Good morning, ma'am.

MONICA B. TAING, Pharm.D.: Good morning, Chairman, Vice Chair, and Committee members.

ASSEMBLYMAN DANIELSEN: Excuse me, Ms. Taing; hold on. I'm going to reset your clock.

I'd also like to call up J. H. Barr.

Mr. Barr, since Ms. Taing sat first, we'll let her go.

J O N - H E N R Y B A R R, ESQ.: That's no problem; thank you, Chairman.

DR. TAING: Thank you.

Good morning, Chairman, Vice Chair, and Committee members.

My name is Dr. Monica Taing; I'm a Doctor of Pharmacy and a Registered Pharmacist in the State of New Jersey.

I am here today to speak in support -- in cautious support of ACR-840, as I sit on the Board of Directors of Doctors for Cannabis Regulation, and I'm Director of Research and Clinical Education for Minorities for Medical Marijuana. Doctors for Cannabis Regulation is a coalition member of NJUMR.

So I'm speaking to you today in terms of the public health perspective, in favor of legalization and the benefits that would be derived from adhering to the bioethical directive of "do no harm"; and how there's been so many harms inflicted on the most marginalized communities, in terms of the potentiation of cannabis prohibition, which has lasted nearly 80 years.

So in my work as a clinical educator, I train medical professionals on the research, the scientific facts, and realistic approaches to optimize harm reduction in drug use. As a pharmacist, that makes sense because we understand that drug use is inevitable and a societal factor that's ubiquitous, despite any community, any civilization, any country.

So if we're thinking about "do no harm," we want to make sure that we are providing evidence-based education, not only to regulators and policymakers, but also medical professionals and the community, to all age groups. And specifically, when we're talking about adolescents and how legalization would harm them, that's actually not supported by the data; that's not supported by the fact that, since the 1970s, there has been education for specifically targeting youth groups around the harms of alcohol and tobacco consumption, and the data that's tracked with the education that's been provided has proven that use has gone down.

And we have to do that with cannabis legalization. We have to implement it so that they understand the difference between the different chemical compounds organic to the planet: THC versus CBD. They're different, and one is mind-altering. It's only delta-9-tetrahydrocannabinol, but there are still hundreds of components of the chemical plant that we are getting more research on. And to harness the scientific evidence that we have currently, that's available and coming down the pipeline, is going to be so effective in terms of, again, implementing harm reduction.

So I'm here in favor of ACR-840. I think that we shouldn't let *perfect* be the enemy of the *good*, in that, again, there are reservations; there are things that could be fixed and amended. But as has been mentioned -- and you had said it so eloquently earlier -- it's important that we move the

ball forward. We use this as a stopgap to address that we have to start addressing the way the plant is used as a means to incarcerate people, whether they have a criminal record that will disqualify them from a lot of liberties that they're entitled to as American citizens. And with a record that follows you for your lifelong endeavors -- that there are bureaucratic barriers that will inhibit people from getting access to health care. And all these issues are things that exacerbate quality of life for patients.

ASSEMBLYMAN DANIELSEN: Dr. Taing, thank you.

You brought up a good point. For scientists to do their job, to move us forward scientifically-- I mean, we have moved forward, over the last 30 years, scientifically, regarding cannabis and the human body. There have been discoveries, I'm sure you are aware of--

DR. TAING: Yes.

ASSEMBLYMAN DANIELSEN: --on both cannabis and the human body, and the relationship there.

But without data and being able to test, and experiment, and have trials -- you recognize without the market providing that, the scientific community is stymied.

DR. TAING: I agree with you that there is limited data.

ASSEMBLYMAN DANIELSEN: Now, did you say you were a pharmacist?

DR. TAING: Yes.

ASSEMBLYMAN DANIELSEN: From a pharmacist's perspective, do you have any concerns, specifically?

DR. TAING: Concerns are that we should educate all communities; that there is inadequate--

ASSEMBLYMAN DANIELSEN: Educate who?

DR. TAING: We need to educate all communities. My concern, as a pharmacist, is that we aren't providing adequate education currently, and that needs to be preemptive. We need to provide it to everyone: students; all youth groups; adults; medical patients who legitimately qualify, with a qualifying condition, for medical cannabis; but then in adult-use.

ASSEMBLYMAN DANIELSEN: And educate in the medical community as well: doctors, nurses--

DR. TAING: Absolutely; medical professionals--

ASSEMBLYMAN DANIELSEN: Sure.

DR. TAING: And that's starting.

While there is limited research, there is actually more data coming down the pipeline from international resources, Canada, Israel, the U.K., Australia--

ASSEMBLYMAN DANIELSEN: Australia.

DR. TAING: They have decades of data--

ASSEMBLYMAN DANIELSEN: Yes.

DR. TAING: --and they are publishing data on clinical trials. So we do know the safety and efficacy preliminarily, in terms of pharmacological properties. But that's actually enough data to implement effective harm reduction.

ASSEMBLYMAN DANIELSEN: Thank you.

DR. TAING: Thanks.

ASSEMBLYMAN DANIELSEN: Mr. Barr.

MR. BARR: Thank you, Mr. Chairman.

ASSEMBLYMAN DANIELSEN: Good morning.

MR. BARR: My name is Jon-Henry Barr. I come today as a member of LEAP, which is the Law Enforcement Action Partnership, a national organization of law enforcement officials, current and retired, who are interested in taking a different approach to the war on drugs.

I'm also a Steering Committee member of New Jersey United for Marijuana Reform.

I have a couple other credentials I wanted to tell the Committee about; it'll just take a minute to do that.

My law enforcement background is that I am a Municipal Prosecutor in the Township of Clark. I have held that position since 2001, January of 2001. In addition to that, I was a Municipal Prosecutor for the Borough of Kenilworth, from 2008 to 2014. From 2008 to 2015, I served as the President of the New Jersey State Municipal Prosecutors Association; and during my tenure, in 2014, our association passed a resolution supporting the legalization and regulation of marijuana.

I also want to point out I think it's important, in our hyper-partisan age, that I come before the Committee as a former Republican Town Councilman in the Township of Clark. I got elected to the Town Council when I was in law school, back in 1993. Today, I am a proud member of the Republican County Committee in Union County. And in addition to that, I'm also a certified Emergency Medical Technician, having been certified by the New Jersey Department of Health since 2003. I'm a life member of the Clark Volunteer Emergency Squad.

My message to the Legislature today is, marijuana prohibition is a disaster. I don't say that with any enthusiasm, I say that because it's simply

the truth. Marijuana prohibition is not simply unfair -- it is; it is not simply inefficient -- it is; it's a disaster.

I have been prosecuting potheads since 2001; and as I come to you today, I cannot get a laboratory report on almost any marijuana arrestee unless I am willing to wait three, four, five, and even six months, at which time the defendant's rights to a speedy trial is inevitably violated because local police, State Police, County Police, cannot possibly have their laboratories process all of these pots samples.

Arrests are not going down, lab reports are delayed, cases are held up, judges are frustrated; and candidly I, too -- like so many other speakers, and yourself mentioned, Mr. Chairman -- I'm not comfortable with amending the State Constitution under these circumstances, but I am willing to say we need to do something, and we need to do something now.

And I want to close with something of a confession.

When I first came out in favor of legalization in 2014, I had grave reservations. In fact, I'm comfortable telling you that if you had mentioned to me seven years ago that I would be testifying today before the Legislature in favor of decriminalizing or legalizing marijuana, I would have probably told you you're crazy. But I'm here, today, having not only not had any regrets about supporting legalization, in fact, I've doubled down my position. I am more confident than ever that it is the right way to go. That is why our neighboring country of Canada has done it, why an increasing number of states have done it.

And speaking strictly as a partisan for just a moment, Pew Research, in 2015, did a survey of Republicans across the country and found that 63 percent of Republicans, aged 18 to 34, supported legalizing

marijuana. Now, admittedly, the older ages did not have such support; but the younger ages in my party did. And ultimately, I am confident today, to urge the Legislature to go ahead with this, because the current system is a disaster and it's not working from a law enforcement perspective.

ASSEMBLYMAN DANIELSEN: Mr. Barr, thank you. I happen to agree with you.

Member Dancer.

ASSEMBLYMAN DANCER: Yes.

Thank you; thank you, Chairman.

Mr. Barr, in being a Prosecutor, one of my major concerns is public safety on the roads. And I know, probably, in your line of work as a Prosecutor, with respect to objectively quantitatively determining whether someone is impaired or under the influence, we can do that with a breathalyzer, and it's quantitative.

My concern for public safety and on the roads is, what-- I'm not aware of a credible test that can quantitatively determine if somebody is impaired, under the influence while on the highways, and potentially endangering the public and families that are driving down the road.

What are your thoughts there?

MR. BARR: Thank you, Assemblyman.

I candidly, absolutely, share your concern from a public safety standpoint. I have -- as I told the Committee moments ago, I have the unique added advantage of having addressed the issue of drug use and abuse as an Emergency Medical Technician. I now can tell you I have seen not dozens, but hundreds of cases of people who are impaired from drug use, instead of

alcohol or something else. It's true there is no objective standard tests, but I think technology is bringing us into that direction and will be there very soon.

But beyond that, it's been my experience as a municipal prosecutor for 19 years that-- And while I do not condone any type of impaired driving, my experience has been that alcohol-impaired drivers are far more dangerous, they are far more visibly inebriated, they are far more of a threat to themselves and others than a marijuana-impaired driver. I'm not suggesting that I'm supporting marijuana impairment. What I am saying is, I've concluded that the danger presented, from a public safety standpoint, marijuana is simply not significant enough for me to not go ahead with supporting the legalization of marijuana. And I say that with great confidence, that I have given a great deal of thought. The threat isn't there, and from what we've seen in the states that have legalized -- again, Assemblyman, I was afraid, back in 2014, when I came out in favor legalization, that the sky was going to fall in Colorado; that there would be stoned masses of people all over the streets, cars would be smashing into each other. It just hasn't happened; it hasn't materialized.

As other speakers have noted, when we legalize, and regulate, and educate the public, we are overall in a better position. And that's really the emphasis I'm trying to make.

Thank you.

ASSEMBLYMAN DANCER: Thank you.

Thank you, Chairman.

ASSEMBLYMAN DANIELSEN: Thank you.

Mr. Barr, as an expert, and this is based upon you being a prosecutor, did you have anyone who came into the court system who made

you aware that it was difficult for them to get the marijuana, or the supply was limited or non-existent? Or did you get the impression that it was easy to get marijuana and the supply was bountiful?

And the reason I ask that is because it's my opinion -- it's a loaded question, by the way -- it is my opinion that nothing is changing. There is supply now, but it's illegal and its unregulated; it's not safe, it comes, maybe, from other countries and you don't know what it's laced with.

Versus what we're proposing -- that the supply is going to continue; but in a scientific, safe, inspected, permitted, licensed, regulated, consistent community that doesn't put our black and brown men and women in jail.

MR. BARR: Mr. Chairman, I have--

ASSEMBLYMAN DANIELSEN: Do you agree with that?

MR. BARR: I have never been exposed to any defendant who I prosecuted -- and by now they are in the thousands, as far as marijuana possession -- who ever claimed or even had any type of evidence suggesting they were having any difficulty obtaining marijuana.

As someone who doesn't use marijuana, quite candidly, I'm kind of amazed at how many people are using it. It's stunning to me that I am constantly getting a flow of defendants charged with possession of under 50 grams. But it's definitely not a problem, and I'm completely satisfied we would be better off if there was a regulated environment.

ASSEMBLYMAN DANIELSEN: Thank you.

ASSEMBLYMAN RUMPF: Thank you, Mr. Chairman.

If I could turn my attention to the Doctor for a moment.

Thank you, Mr. Barr.

With regard to pharmacology, it brings up an interesting point. And respectfully, Mr. Chairman, perhaps we didn't spend enough time addressing the chemical compounds that are found within marijuana. What we are proposing to do is to introduce an entirely new substance into our communities. And frankly, I'm concerned about such things as pharmacological interaction.

I know you say there are studies coming from abroad. If Mr. Barr were to walk into a medical marijuana shop today, and place his order, would anyone be checking for interactions with all the other psychotropic medications he may be taking?

DR. TAING: So that's a great question, and a very real concern from both sides about drug interactions with cannabis, and all over the counters, herbals, prescription medications, supplements.

And I do want to point out, though, we wouldn't be introducing a new drug into society. Cannabis has been here for thousands of years. It will be here until the end of time. It crosses all countries, communities, civilizations. It's been used for non-medical and medical purposes.

ASSEMBLYMAN RUMPF: New legal, perhaps; a new legal drug.

DR. TAING: Well, if we legalize it, then we can test it, like you were saying. I'm in total agreement. We would have the potency on labels, and we would have the requirement for it to be regulated. And that would be a huge benefit, in terms of the harm reduction. But for drug-drug interactions, that's going to be a huge need for, again, the education. It's very redundant, but it's very important to highlight that there are ways, and we have approaches right now where pharmacists screen for drug-drug

interactions like they would with the conventional medication that people are taking.

And where I come into play, as a clinical educator -- and there's many more in the medical evolving field of patient care -- where we do train on drug-drug interactions. And the best way to avoid them is the start low, go slow approach, with introducing a drug into your body. And people are -- it's most widely "illicit" drug in use now. So people are probably consuming cannabis, and we want them to be using safe cannabis, tested cannabis. Like I said, properly packaged and labeled for the adequate sufficient potency that we know is right, and that it won't be adulterated or contaminated with mold or mildew, or even other harmful drugs or even synthetic cannabinoids.

But the risk of drug-drug interactions is actually comparable to-- There's more drug-drug interactions with the conventional prescription medications that are taken currently, and over-the-counter, and other things that people are introducing.

But the way to prevent that and the way to implement harm reduction is to do medication reconciliations and full work ups so that you can have a list of what any individual is taking at any given time. And when you're introducing cannabis consumption, or continuing cannabis consumption, then you would screen for therapeutic and toxic modern parameters.

ASSEMBLYMAN RUMPF: Would you envision a time in the near future whereby, prior to somebody being able to purchase marijuana, there would be a check to see what other medications they're on, much like when you go to the drugstore?

DR. TAING: Yes; it's absolutely happening now. That's what I meant by the medication reconciliation. That is the verification system in place right now. It's also otherwise known as *drug utilization review*. That's where pharmacists work through the list of medications and other drugs that patients are using, and then they'll screen them. So verifying before and ongoing, and it's like continuous follow-up. Different various checkpoints to screen for drug-drug interactions.

ASSEMBLYMAN RUMPF: And just one final question, if I may.

The FDA, prior to releasing cancer deterrent drugs, or preventative or any one of a number of prescriptive medications that may have enormous benefit to help people -- the FDA puts that drug through a several-year process of testing--

DR. TAING: Yes.

ASSEMBLYMAN RUMPF: --starting with animals, moving up to humans--

DR. TAING: Yes, clinical trials.

ASSEMBLYMAN RUMPF: It takes a very long time before we get to the point of introducing it to our communities based, I would hope, primarily upon safety reasons. Nothing like that is occurring with marijuana?

DR. TAING: The clinical trials that I mentioned earlier are happening internationally. So where it's legal to research it, that's where they're happening.

But with the clinical trials that we do need, in terms of-- You're right; we need to go through phase one through four trials with thousands of patients who are being tested for safety and efficacy.

But it's good to know that it's-- With the botanical plant, it's not scientifically possible to induce cardio respiratory depression, which is a fancy way to say to *arrest breathing*. And that's just physiologically due to the lack of the receptors in the part of the brain stem, where that can occur with the other legal drugs that are on the market.

So because we know that we can't induce a lethal overdose, there's actually a pretty relatively safe margin for therapeutically evaluating it in these upcoming clinical trials that will come down the pipeline.

ASSEMBLYMAN RUMPF: Thank you.

ASSEMBLYMAN HOUGHTALING: Chairman, I have a question.

ASSEMBLYMAN DANIELSEN: Go ahead.

ASSEMBLYMAN HOUGHTALING: Mr. Barr, I have a follow-up question to what Assemblyman Dancer had asked.

And I think some of the versions of the legislation that I've seen -- they're allocating funding for training police officers to be able to check impairment of -- on traffic stops. How do those impairments hold up in court?

MR. BARR: It's interesting you'd ask that, Assemblyman.

The New Jersey Supreme Court, as we speak, is wrestling with this very issue -- whether a police officer who is specifically trained as a drug recognition expert can have an adequate scientific basis to conclude that someone was impaired due to drug impairment.

The Supreme Court has already ruled that lay people are -- most lay people, as adults, are able to testify as to whether someone is alcohol

impaired, because it's such a common occurrence. People have seen other people drunk. Whereas, marijuana impairment is a bit different.

The courts are wrestling with that right now. I don't have an answer for you, as to whether or not the current training of the DRE is adequate. In my view, my personal view is, DREs are adequately trained, and that the test, the objective test that they perform of every arrestee -- meaning, their pulse, their respiratory rate, their blood pressure, their body temperature, along with another battery of tests, coupled with general observations of the individual -- in my view, it's enough for a trained police officer to conclude someone is impaired from marijuana. But the New Jersey Supreme Court is probably going to make a ruling on that in the next few months.

ASSEMBLYMAN HOUGHTALING: So we would have no test for anybody. Even if we make it legal, there would be no real, sure-fire test to see if anybody is driving under the influence of marijuana.

MR. BARR: As of right now, that is correct.

ASSEMBLYMAN HOUGHTALING: Thank you.

Thank you, Chairman.

ASSEMBLYMAN DANIELSEN: Thank you.

Thank you.

MR. BARR: Thank you.

ASSEMBLYMAN DANIELSEN: I'd like to call up Chris Goldstein, from NORML; and Charlana McKeithen.

CHRIS GOLDSTEIN: Good morning.

ASSEMBLYMAN DANIELSEN: Good morning.

CHARLANA McKEITHEN: Good morning.

MR. GOLDSTEIN: My name is Chris Goldstein. I'm a voter here in New Jersey, and I'm a marijuana consumer. We are the people you're talking about with this Bill; we're the people who are being arrested, at about 100 every single day. And it's out of our pockets that the billions of dollars in tax revenue are being counted.

Now, specifically, I did submit written testimony; but we support the concept, any concept, that will move us past prohibition. The problem we have with ACR-840 is the language today doesn't quite do that. When you read 840 it says we're going to legalize a controlled form of marijuana called *cannabis*. That's a little off, both legally and scientifically. And I'm here to tell you it's going to read off to voters at the polls.

What we really need is a definitive end to prohibition. We don't need a right-to-buy; we already have places to buy weed all over New Jersey. We just discussed that with Prosecutor Barr; and I can tell you, that's certainly true.

What we'd like is to have the language changed to something along the lines of, "Do you approve amending the Constitution to end marijuana prohibition?" Include the language, "All criminal penalties for personal possession, cultivation, and use will be eliminated. Only adults, at least 21 years of age, could purchase regulated products, with a tax."

Now, look, I've read all the amendments that have passed and failed around the country; and I'm here to say that ACR-840's language, and what will go before voters, is not going to enshrine the justice that you say you're looking for.

So as much as I'd like to see us legalize marijuana through the Legislature, I support decriminalization, and I support Assemblywoman

Quijano's decriminalization bill which failed to get any support this year -- we're all still being arrested. I have a record for marijuana; all of us drive around this state, terrified to see any police officers. And that's not how we should live in our communities. We are good people, we work at jobs, we own houses, we pay taxes. Why should we live in fear, especially when the rest of the country is evolving this policy, advancing it further every single day?

So, you know, we could talk-- I've been coming to this Legislature to testify for several years now. But what we'd like -- what we, the consumers of New Jersey -- and there are a million of us who smoke marijuana every year in this state -- what we want out of this Legislature is for our rights to be restored. You don't need to give us a place to buy expensive weed. And this Bill already says that the commission that oversees medical marijuana is set to oversee recreational cannabis. Look, we don't want to give former U.S. Speaker of the House John Boehner \$500 for an ounce of weed. That's not what we want. We want our current weed dealers in New Jersey to have a pathway to legitimacy. These are the future small business owners. We, as consumers, want our money going back to local pockets.

So we hope you'll hear us out. We welcome any opportunity to work with this Committee, and we encourage you-- And I really do appreciate you, Chairman Danielsen, for going out into the community. I hope more members of the Assembly will have Town Hall meetings and talk with us, the consumers, about how we want to spend our money on marijuana in the future.

ASSEMBLYMAN DANIELSEN: Thank you.

Thank you.

Good morning.

MS. McKEITHEN: Good morning.

My name is Charlana McKeithen; I'm a New Jersey resident, and the Executive Director of Garden State NORML, the National Organization for the Reform of Marijuana Laws in New Jersey.

I'm a medical patient who volunteers my time to fight for the rights of all cannabis consumers in New Jersey.

I wish to thank you, Chairman, and the members of the Committee for the opportunity to testify on behalf of cannabis legislation. This legislative action seeks to regulate and control the adult-use cannabis market, and we hope it will expand and protect the rights of consumers and our families.

NORML is the oldest marijuana consumer advocacy group in the country, with almost 50 years of experience fighting to protect responsible cannabis consumers in the U.S. and abroad. Here in New Jersey, 94 people are arrested for cannabis-related offenses every day, mostly for minor cannabis possession charges. This must end. We need to stop arrests now. We need to restore the rights and clear the records of hundreds of thousands of residents here in New Jersey, and we need to create a truly equitable open market, one that gives back to the communities deeply affected by prohibition; a market that puts small businesses for New Jersey locals first.

That's why we would like to see the first two sentences of the ballot question, as Chris stated, ACR-840 changed. Please consider the following language.

“Do you approve amending the Constitution to end marijuana prohibition? All criminal penalties for personal possession, cultivation, and use will be eliminated. Only adults, at least 21 years of age, could purchase regulated products, with a tax.”

We at Garden State NORML are ready to go to the polls and do our part. Tens of thousands of people will likely vote for the first time just to support marijuana reform. Now, we ask you to do your jobs here in the Legislature. Let’s deliver some real justice together. It is time for New Jersey to become a leader in sensible cannabis policy. Public sentiment and common sense demand that lawmakers move forward to enact necessary and long overdue changes in State-level marijuana policies to achieve the repeal of marijuana prohibition, so that the responsible adult use of cannabis is no longer subject to arrest and criminal penalty.

In conclusion, Garden State NORML supports the ballot referendum only if legislation, via the State Legislature, be unachievable next year. In the meantime, we encourage the New Jersey State Legislature to stop arresting and incarcerating our residents -- many of whom are people of color -- and work to regrade cannabis for all ages.

Thank you for considering my testimony.

ASSEMBLYMAN DANIELSEN: Thank you, ma’am.

Any questions? (no response)

Okay; Heather Lopez, no need to testify, in favor.

I’d like to call up Melissa Robbins, a concerned parent.

Good morning, ma’am.

MELISSA ROBBINS: Hi, good morning.

How is everybody?

ASSEMBLYMAN DANIELSEN: Excellent.

MS. ROBBINS: Good? Okay.

So my name is Melissa Robbins, and it's a good to be here to address this long-standing issue of marijuana legalization or not.

I'm a veteran of the United States Army.

ASSEMBLYMAN DANIELSEN: Thank you for your service.

MS. ROBBINS: Thank you.

I'm a mother, I'm a taxpayer, and I'm also an advocate for social and economic justice.

So the marijuana of yesterday was a marijuana that I suppose our parents' smoked, and had fun, and laughed, and went back to their happy lives. The marijuana that we see today is a bit different. We see a different impact on our children, on our teenagers, and definitely on our communities.

Most people sell drugs because it's a need. No one starts selling drugs because they actually want to. Either their families are suffering and they don't have access to money, and they go and do what they have to do.

You made a great point. Yes, many of our black and brown men and women are being arrested -- right? -- unlawfully. These people are out there, not because they want to be rock stars on the corner, in the cold, selling marijuana or whatever else they sell. But at the same time, they get these horrible records, they are unable to work, provide for their families, and lead good healthy lives.

So my question to you all today is, what is the rush to legalize marijuana if you know that black and brown men and women are being arrested at disproportionate rates? Why not lead, in the most responsible way? Because, one, as the gentleman said, we don't have any confirmed

mechanisms in place to properly test drivers who are behind the wheel, operating their vehicles, high on marijuana. We have no way of knowing the amounts of marijuana or the amount of THC that is in the marijuana that people are smoking today, because we know it's not your Woodstock weed, right?

We see high incidents of ER rates; you know, people are going to the ER because of edibles. We saw it spike after California legalized. So we know all these things are happening. We know that people are arrested, we know that people are currently sitting in jail as we speak now. So why is it that this State Legislature is not focused more on decriminalization, overturning convictions; why are we putting the cart before the horse? We do not know the actual societal impact of legalizing marijuana. What we do know is, a lot of people who don't stand on the corner, who don't have arrest records, who do have Ivy League educations, who do come to work in suits -- we know that this group of people stand to make millions, upwards to billions of dollars. We do know this for a fact, but we don't know the overall societal impact.

We do know that 2,300 cases have been confirmed, in the United States, of lung diseases because of vaping. We know that children all over America are vaping, and we know that some of the lung illnesses are irreversible. So I say to you, why would you put the families of the Garden State at risk, and risk this legislation knowing that most people who are going to vote, if it goes on the ballot, do not have, as the young lady said before, education? They don't have an education, they don't understand how this will actually impact their neighborhoods.

And if we look around the nation at the states that have legalized, most of the counties have opted out -- to have dispensaries placed in their districts. So the question is, if you do legalize, based on the model of medicinal marijuana nationwide, where would these dispensaries go? Will they go in the communities where we find alcohol in abundance, cigarettes in abundance?

ASSEMBLYMAN DANIELSEN: Ms. Robbins, one, your time is up. We appreciate your comments.

You asked-- I stopped counting after, like, six or seven questions.

MS. ROBBINS: But before you cut me off--

ASSEMBLYMAN DANIELSEN: You have a lot of questions.

MS. ROBBINS: --I just have one critical point that I want to make. It's very important that you hear this.

We, in America, black and brown people -- we suffered through crack cocaine. Many of our parents and grandparents are still in jail; their lives have been destroyed, right? Many of the babies of the crack cocaine era are 30 years old. They've come out of college, and they fought as little kids, raising themselves, to have a life as adults, right? Why would we now, irresponsibly, unleash marijuana into our communities? It's their children who are going to walk through their neighborhoods and see marijuana today, so why would we do that?

ASSEMBLYMAN DANIELSEN: Okay; all right.

Since that was your last question, I'll take the opportunity to answer that.

We're not unleashing, irresponsibly, marijuana into our communities. It's in our communities now. What you don't know is what's

also mixed in with the crack, or the fentanyl, or any other additive or manufacturer compound.

And not only is it in our communities, my children are not innocent when it comes to possessing marijuana. I've said before publically, I've found it in my own house. No one is shielded with absolute protection.

But what we do have are people whose lives are being ruined just because the law prohibiting the possession of marijuana, and the use of it, is unfairly exercised -- we know this statistically; it's a fact -- on black and brown people. If I knew my child was about to be arrested in 14 minutes, I would probably be extremely upset and want this law be changed right away.

We're not doing this irresponsibly. It's in our communities. However, this illegal market predominately is being run by gangs, cartels, illegal organizations that run internationally. Instead of making criminals, we hope to make entrepreneurs. We hope to inspire science, medicine; prioritize patients and local businesses. I don't see anything wrong with that.

MS. ROBBINS: What about the income gap, sir?

ASSEMBLYMAN DANIELSEN: The income--

MS. ROBBINS: Gap.

ASSEMBLYMAN DANIELSEN: Specifically in the marijuana market, or just the community?

MS. ROBBINS: In the marijuana market. The infrastructure, right now, for medicinal dispensaries, is primarily -- and the numbers are there -- run by white men.

ASSEMBLYMAN DANIELSEN: It is.

MS. ROBBINS: So once it becomes legalized--

ASSEMBLYMAN DANIELSEN: That's true internationally, and I have a problem with that. And I was the first and the loudest to fight over that. My neighbors, my colleagues, and leadership in the Legislature -- I was the first and the loudest. And if you look at the non-medical marijuana bill, you're going to see a lot of stuff that I wrote in that bill that put business opportunities in local, underserved, or not-served-at-all communities, where you have micro licenses, or specialty licenses from cultivating, processing, and dispensing. That's all in there.

The best opportunity in the country for a black person to have a license exists in New Jersey's bill for the non-medical marijuana. It is the most progressive, the most liberal material. I challenge anyone to show me differently.

MS. ROBBINS: The numbers don't lie. So the Legislature--

ASSEMBLYMAN DANIELSEN: Well, it's not legal yet, so we don't have numbers on it.

MS. ROBBINS: No, but what I'm saying is, the legislation is progressive; it is very progressive. And as a veteran, I'm all for medicinal for those who suffer from PTSD and need it.

As a parent, I do not agree with, right now, legalizing recreational marijuana. Because if we really, really care about our communities, we will wait, we will decriminalize, we will overturn convictions. We will let men and women -- black and brown women -- out, if we really care. We won't rush to put money in the pockets of the new drug dealers of America.

ASSEMBLYMAN DANIELSEN: I don't disagree with the overturning of convictions and expungement. I do disagree with you with decriminalizing.

MS. ROBBINS: Do you agree that the new drug dealers of America will now be white men in suits?

ASSEMBLYMAN DANIELSEN: Excuse me; say that again.

MS. ROBBINS: Do you agree that the new drug dealers of America will now be white men in suits?

ASSEMBLYMAN DANIELSEN: I'm not going to respond to that.

MS. ROBBINS: Thank you, sir.

ASSEMBLYMAN DANIELSEN: But I will agree with you that the majority of license holders throughout our country for marijuana are white.

MS. ROBBINS: Exacerbating the income gap.

Thank you.

ASSEMBLYMAN DANIELSEN: I'd like to call up Reverend Erich Kussman, from Saint Bartholomew Lutheran Church; and Reverend Sonia Waters, from Princeton Theological Seminary.

REVEREND ALEXANDER E. SHARP: (off mike) I can speak--

Reverend Waters could not be here. There are three or four clergy who would like to testify, but they can't be here; they are on record. Erich Kussman and I are speaking for clergy--

ASSEMBLYMAN DANIELSEN: All right, would you like to come up?

REVEREND SHARP: Sure.

ASSEMBLYMAN DANIELSEN: Just when you do, please state your name.

Are you all from a group together? I also have Reverend Alexander Sharp--

REVEREND SHARP: That's me.

ASSEMBLYMAN DANIELSEN: --Reverend Jeffrey Vamos, and Rabbi Ethan Prosnit

REVEREND SHARP: Right. I'm the Reverend Alexander Sharp.

The last two you mentioned, again, want to be on record in support, but cannot be here today.

ASSEMBLYMAN DANIELSEN: Okay, so you're Reverend Sharp, and you are Reverend--

REVEREND ERICH KUSSMAN: Kussman; and my first name is Erich.

ASSEMBLYMAN DANIELSEN: Erich Kussman; there you go. Thank you.

Proceed.

REVEREND SHARP: Erich--

REVEREND KUSSMAN: My name is Reverend Erich Kussman, and thank you for having us here today.

And I am for this, for the sole purpose-- Because I look at it as a civil rights issue, especially in the community that I serve. As we all know, when you look at mass incarceration, America incarcerates four times the

amount of people than any four civilized countries -- if you all did not know that. And most, in New Jersey, convictions are drug-related.

The State of New Jersey has more prisons and jails per square mile than any other state in the union (*sic*); and we're a little, itty bitty state. I think we have about 13, 14 State prisons; county jails all over the place, and whatever else.

So the main issue is, when you look at the statistics and the facts of who this actually affects, if somebody in an urban neighborhood gets caught with a bag of marijuana they're facing jail time. Yet, if you're somebody who gets caught with a bag of marijuana in a suburban community, you're going to get a treatment option.

I've seen this play out through the New Jersey Superior Courts over, and over, and over again. And to incarcerate somebody for a substance that is less dangerous than alcohol is absurd.

When you have people in the communities -- when they get drug convictions they cannot get certain student loans when they're older, they can't find certain employment, it becomes a social issue.

There are many people here in the City of Trenton-- I think the statistics in the City of Trenton is one out of six residents in the City of Trenton have a marijuana conviction; one out of six. That's a lot of people. So what are they barred from? What kind of full rights of citizenship are they not allowed to get?

And it's interesting, because I heard somebody quote the Advent scripture, being the "voice in the wilderness," right? If they actually looked at that scripture in the Bible, that was a voice crying out to say the filthy

rotten system that we have does not work; prepare for the new Messiah.
(applause)

So if you want to get biblical -- which I've studied for, and I serve a congregation -- that's the biblical meaning and interpretation of John the Baptist.

So what can we do? Can we decriminalize so people of color, black and brown skins, have the opportunity and rights as everybody else does? Because all it is-- Let's face it, if we continue to keep this illegal, all you continue to do is feed the prison system, which breaks our State. The cost of keeping people incarcerated is in the millions, upon millions, upon millions. You're tying up important police work with chasing around people who smoke marijuana, instead of going after the real criminals.

Our prison systems are filled with people getting caught with marijuana that over-floods our county jails, instead of actually putting our resources to actually be restorative towards incarceration, instead of punitive all the time. Because, let's face it, if everybody went to trial who gets caught for marijuana, it would bankrupt our judicial system. We can't afford for everybody go to trial all the time.

So this is why.

Thank you.

ASSEMBLYMAN DANIELSEN: Thank you, Reverend.

I tend to disagree with one of your statements.

You compared urban and non-urban neighborhoods; and I don't see that as being the difference on how things are enforced.

The biggest difference that I have seen, fact-based, is the color of one's skin.

REVEREND KUSSMAN: That was my nice way of saying that.

(laughter)

ASSEMBLYMAN DANIELSEN: Okay; because, you know, the treatment options I don't see changing from urban to non-urban neighborhoods.

REVEREND KUSSMAN: No, I see it all the time. There are statistics on that, because it's all about money and who you can afford--

ASSEMBLYMAN DANIELSEN: But I see the arrests and the charges being done in suburban communities and urban communities. The difference is, the color of your skin. That's the biggest difference.

REVEREND KUSSMAN: The difference is the outcome, absolutely; and your financial backing.

ASSEMBLYMAN DANIELSEN: True; your economic status.

REVEREND KUSSMAN: Because if you get incarcerated, and you're coming from a poor neighborhood and you're caught with marijuana, you can't afford the representation. Where, automatically, 91 percent of our convictions in New Jersey come from plea agreements.

ASSEMBLYMAN DANIELSEN: Okay.

Reverend, you're up.

REVEREND SHARP: Yes, I'm the Reverend Alexander Sharp.

I head an organization called Clergy for a New Drug Policy. We are national in scope. Our mission is to mobilize clergy nationally to end the war on drugs, to seek a health, not punishment, response to drug use.

So because we're based in Illinois, I have done a lot of my work in Illinois; but I've also been to at least 10 other states, trying to educate

clergy on the need for ending the war on drugs. And the first step in that is bringing legalization of marijuana forward.

I must say, your questions and the comments here have reflected a wonderful understanding of this issue. You have my written testimony; I don't need to go through all of those points. But let me highlight a few things that have occurred to me as the hearing this morning has unfolded.

The thing, first and foremost, is, we're not talking about legalization as much as we're talking about regulation and taxation, and a strong educational program. You got that; but I was struck. I wanted to give one illustration of what that really means in, kind of, common language, and the concerned parent provides that opportunity.

We hear so often, from the critics, that the marijuana today is not what our parents smoked. Well, if that's -- and it's much more dangerous now -- if that's true, the answer isn't prohibition -- let's just keep it out there -- let's regulate. Let's put a product on the market so that we know what people are using and what that product is. So that concern doesn't prove the point that people who make it really wanted to prove.

The second thing is, I was struck by the two folks who are opponents, one of whom said, "You know, I'm a Christian." Well, you know, I'm a Christian. Clergy for a New Drug Policy speaks to all faiths, but I am a Christian. And, you know, there's an unholy alliance between the argument that the Christian faith says prohibition is the only answer. That isn't necessarily the case. We saw, in the temperance movement and Prohibition in the 1920s and 1930s, that that connection was made. And, in fact, the Christian response I bring forward, and Clergy for a New Drug Policy brings forward, is that the Christian position and concern is to care about protecting,

especially our youth. And the way to do that is to accept the reality of drugs in our society and say the answer isn't drug use, it's drug abuse, and how do you respond to potential drug abuse.

Consider this: Cigarettes are legal, and use has been reduced by 50 percent over the last 25 years. And alcohol -- it's legal, and attitudes have changed dramatically; certainly, in my adult lifetime, the awareness of the dangers of drinking under the influence.

Marijuana is illegal and use has not gone down. So what's wrong with that picture? It's because prohibition simply doesn't work.

We have a responsibility to our youth. It's my sense, as a clergyperson, that we have to be honest with our youth. We have to talk in a way that means that they will trust us. They don't believe us on marijuana, especially when we say prohibition is the only answer.

There was the book mentioned, again, by the earlier testifiers, that talks about the dangers; the fact that we have children with developing brains. Again, the answer to that-- First of all, a lot of the evidence in that book is simply wrong, and I rely on the Doctors for Cannabis Regulation to speak to that. But, in fact, again, the answer is to regulate, and that's the way that we will affect use.

And I would point out, finally, that teen use in the 10 states that have legalized the -- 11 states -- has not gone up. So I think a lot of the arguments that are brought forward are simply wrong.

I could speak about the social equity part of the Bill; that's really what brings clergy forward more than anything else, but you said my time is up; I'll be happy to answer any questions you might have.

ASSEMBLYMAN DANIELSEN: Thank you, Reverend; I appreciate your comments.

You know, I am a concerned parent myself. When I found it my own home, I can't tell you how many things went through my head. I wanted to be a parent, a counselor, investigator, and prosecutor all in one. (laughter) You know, I'm still wrestling on how to say to my child -- everything. Well, she's a teenager so, you know, everything I do is wrong, right? But what do you say?

In the end, my heaviest concern was, what is in that marijuana?

REVEREND SHARP: Yes.

ASSEMBLYMAN DANIELSEN: What is in it? Because if it was fentanyl, you're done.

REVEREND SHARP: Yes, I couldn't agree more.

ASSEMBLYMAN DANIELSEN: There's no more. And taking it out of the house and giving it to my medical marijuana friend who said, "I'm not touching that. I don't know what's in it," was also shocking to me, because he's cheap. You would think he'd take some for free. (laughter)

So for the safety of our children, for the safety of our adults, for the safety of our businesses, and for the justice of my black and brown brothers and sisters, we have to do something. I'm impatient, because I think we're out of time.

REVEREND SHARP: Yes.

ASSEMBLYMAN DANIELSEN: And I'm going to make something in this community better, by any means necessary.

Thank you. (applause)

REVEREND SHARP: Thank you.

REVEREND KUSSMAN: Thank you.

ASSEMBLYMAN HOUGHTALING: Chairman, I just have one question.

ASSEMBLYMAN DANIELSEN: Yes, go ahead.

ASSEMBLYMAN HOUGHTALING: Actually, it's just how you think about, or feel about something.

You know, if marijuana is legal-- I'm in an organization where I have required drug testing if I want to work, as part of what I have to do.

So I would say most quality jobs that you would go for -- a lot of them do have drug testing. And even the fact that we have marijuana is legal-- Alcohol is legal, too. If you have alcohol in your system when you're drug tested at the job site, you can lose your job.

So what are your thoughts about legalized marijuana, because marijuana stays in your system for a long time. Quality jobs, sometimes, require going through drug testing. And the fact that we cannot make light of -- it's just okay to go ahead and use marijuana, because there are some consequences, different than alcohol.

REVEREND SHARP: Well, first I assume that any bill that passes, or the regulations after the ballot initiatives -- since that's what we're talking about today -- will provide or not limit employers in the area of drug testing.

ASSEMBLYMAN HOUGHTALING: No, it's not part of it.

REVEREND SHARP: No, but regulations, I assume-- And again, I'm not from New Jersey; but in Illinois, the bill that we passed -- which is a very progressive bill -- does not deny the possibility of drug testing on the part of employers.

ASSEMBLYMAN HOUGHTALING: It does not deny it. But what I'm saying is, people can casually smoke marijuana and think that it's okay. But when they want to try for a quality job -- if they have marijuana in their system, it could deny them that opportunity.

I mean, if you want to talk about awareness, I mean, I think that's part of what needs to be out there as well.

REVEREND SHARP: Yes, absolutely.

And it's education that makes the difference on how people respond. In many cases, it's not just the law that does that.

ASSEMBLYMAN HOUGHTALING: Do you have any views on that?

REVEREND KUSSMAN: It's kind of like if you look at my profession. I can't go around drinking all the time or even--

ASSEMBLYMAN HOUGHTALING: Wine.

REVEREND KUSSMAN: --smoke marijuana. That's just not accepted.

ASSEMBLYMAN HOUGHTALING: Yes.

REVEREND KUSSMAN: And then you're going to have certain professions in life where you're not going to be able to do what you think you can do. You can't fly a plane if you have marijuana in your system. They're not going to want you flying their plane; who knows what's going to happen? But that's why -- the importance of regulation is important for that. You know, you don't know what people have and what they're smoking now, which could, in a sense, kill them. Fentanyl, and all this other stuff -- it's being laced with everything. So why not have it as you know it; and, of

course, not every job is going to want you to smoke it, just like every job doesn't want you to drink all the time. It's the same thing.

ASSEMBLYMAN HOUGHTALING: But I still think there's still, no matter if legal or not legal -- and there will still be social consequences that people will have to deal with, and they'll have to make decisions--

REVEREND SHARP: Yes, I'm sure that's true.

ASSEMBLYMAN HOUGHTALING: --that they have to live with.

REVEREND KUSSMAN: I'm sure that's true.

ASSEMBLYMAN HOUGHTALING: And I don't think we can legislate away the fact that a manufacturer doesn't want someone under the influence of anything working on machinery or, in my case, construction worker.

REVEREND KUSSMAN: Yes, exactly.

ASSEMBLYMAN HOUGHTALING: So I still think we're going to have social issues that we're going to have to work through.

REVEREND SHARP: We surely will.

But what I would say is that the critics shouldn't make an argument that we can't deal with the issue that you're talking about. In Illinois, I had critic who I debated all the time. He said, "What about airline pilots? They're going to-- If we legalize it, there is going to be the possibility of flying under the influence." In fact, there's very strict testing in the airline industry, and that's not going to happen. It's a false fear to project that.

ASSEMBLYMAN HOUGHTALING: But, still and all, it's a reality.

ASSEMBLYMAN DANIELSEN: It is, it is.

REVEREND SHARP: It's a reality; of course.

ASSEMBLYMAN DANIELSEN: Our legislation does put in protections for employers and employees. But it's not an end-all; I agree with you. Because, if you look at protections for police officers who may be medical marijuana patients -- what if they're providing court security and they have to use their gun? What about a firefighter who has to do a search of a house on fire before the hose comes in, and they go to the left instead of the right? Or the forklift operator at a home improvement store -- a box falls and hurts somebody?

So our legislative protections, for the employer and the employee, only goes so far.

REVEREND SHARP: Right; of course.

ASSEMBLYMAN DANIELSEN: A lot is going to have to be borne out in our regulatory departments and the court system. It's not a perfect-- You know, we just can't legislate perfection on this issue.

REVEREND SHARP: Yes; nobody is making that promise.

ASSEMBLYMAN DANIELSEN: Yes.

REVEREND KUSSMAN: But also, if you look at the technological advances also -- when you get the science community to be able to get their hands on the regulated stuff. We're a very ingenuous people; we know how to do certain things. If we have a will, we can create it. So there's going to be new testing devices, there are going to be new things that are going to come up with the regulation. That just happens with everything.

ASSEMBLYMAN DANIELSEN: Yes.

All right, thank you very much, gentlemen.

REVEREND SHARP: Thank you.

REVEREND KUSSMAN: Thank you.

ASSEMBLYMAN DANIELSEN: I'd like to call up the last three individuals.

Edward "Lefty" Grimes, representing Sativa Cross; Michael Brennan, Coalition for Medical Marijuana New Jersey; and Edward Tobias, Esq.

Good afternoon, gentlemen.

EDWARD "LEFTY" GRIMES: Good afternoon.

MICHAEL BRENNAN: Good afternoon.

ASSEMBLYMAN DANIELSEN: You can go first; what's your name?

MR. GRIMES: Edward Grimes; my friends call me "Lefty."

I'm an advocate for medical cannabis. I'm also a Christian, a concerned Christian, and I'm happy to see Christians come up here in favor. Because when Christians come out and fear monger, that's the enemy talking; it is not Christian to fear monger. And we need to help each other.

I had a meeting with the Department of Health to talk about home grow for patients, and that's an issue that I'm very in tune with.

In this Bill -- there is a homegrown provision in this Bill. And I suggest that you leave it in there because, when they took out the home grow provision in 2010, we still don't know why they took it out. And for us to fix that issue, as patients now, to put home grow back into the medical program-- We don't even know why they took it out to fix the problem. So we need to find out why they took the home grow provision out in the first place so we can fix the problem, going forward, and get patients their home grow.

ASSEMBLYMAN DANIELSEN: I happen to have the same question. It was a simple question put to me, “Why would you not let people grow their own medicine? Why do we not automatically allow every pharmacy to be a dispensary?” But sometimes good business meets democracy.

Continue.

MR. GRIMES: So this home grow issue is a big deal.

And I also advocate for police to get their cards, because police are-- They have PTSD; they're on all kinds of pharmaceuticals right now. And because of HIPAA, we don't know. But I talk to a lot of cops, and they do want cannabis legalized, and they do want their cards. There are cops who are getting into issues where they're shooting heroin in their cars. We've seen it on the news. That cop didn't start just shooting heroin in his car; he started with pharmaceuticals. His doctor gave him pharmaceuticals.

We don't have drug testing for pharmaceuticals. When you get into an accident -- they're making such a big deal about cannabis testing. Well, why don't they test for oxycontin and fentanyl? Why don't we have such an outrage about fentanyl testing for drivers? I mean, we have such an outrage about cannabis testing -- I think fentanyl is a much bigger problem. My brother-in-law just died from fentanyl in June. He had fentanyl mixed in with his cocaine.

So take that for what it's worth.

ASSEMBLYMAN DANIELSEN: I agree; thank you.

Mr. Brennan.

MR. BRENNAN: Good afternoon.

First of all, thank you very much for this opportunity. I really appreciate this; I'm very grateful.

As it's been already mentioned by several people here, I'm born and raised in New Jersey. I'm a 61-year-old proud father of three young men, also born and raised in New Jersey. Yes, and a Christian conservative medical cannabis patient.

I'm a Trustee for the Coalition of Medical Marijuana in New Jersey, as well as an Associate of Garden State NORML, and a Patient Advisory Board member for GTI Paterson.

As far as my background -- as a patient, I began investigating therapeutic cannabis at the suggestion of a neurologist I was being treated by. And at the time he said, "It's a shame it's not legal yet." That was several years ago.

As a result of just being here, I was fortunate to be the first person who actually testified for *Kumka Kumma* (phonetic) back then, in 2009.

Looking at legalization, as you've already mentioned, as a public health issue, as well as the start of atonement for the Jim Crow drug war-- You know, we look at this damage that's been done since the early 1970s, and we look at the history of it and we see how it was set up to begin with. But we can read the history books about that; I won't take up your time with that today.

As a therapeutic cannabis patient in the New Jersey MMP, I run up all the time with just how well this medicine has worked for me in my life. I have a rod and 10 screws holding my neck together; another rod and

things-- A chronic pain patient -- spasticity tends to be an issue. So if I look like I'm having a seizure here, it's just normal for me.

To get back to this medicine that's wonderful -- I'm reminded by this AARP commercial that's been going around on the television now, that it's a wonderful medicine. Without it, I'd just jerk, and I'm in pain, and I can't function. My comorbidities affect every part of my day.

But medicine cannot work if you can't afford it. Legalization is a way of, hopefully, through supply and demand economics, reducing the cost -- not just available to the patients, but to their families' budgets as well.

Now, I'm disabled; I'm dependent on income from Social Security Disability. SSDI has an average benefit of under \$1,300 a month. If you look, the MMP alternative treatment centers' average cost is \$1,200 to \$1,500 per month, if you happen to be recommended for a 3-ounce limit.

So legalization significantly reduces the cost through supply and demand. But as Lefty had mentioned earlier, restoring home cultivation to Kumka reduces the cost for suffering families. You not only get the therapeutic benefit of horticulturally raising your medicine, but you're also given the accessibility to a strain that the ATC's can't afford to grow, if you happen to be looking at one cultivar that works for your body.

Now, through trial and error is the way we have it right now. We don't have the practitioner who can guide me on, "You know your spasticity, and your neuropathy, your myelopathy? These canna (indiscernible) may be good for that. THC -- maybe, maybe not."

But to be able to get honest consultations with a medical provider about this-- A doctor, pretty much, in New Jersey now says, "Here's your 2 ounces," or, "Here's your 3 ounces. Let me know how you make out."

You know, the 90-day follow-up was more of a screen for addiction issues, not so much-- I'm proud that I'm able to work as a volunteer in this field and educate my doctor -- you know? -- not just patients, and caregivers, and their families.

ASSEMBLYMAN DANIELSEN: And it's going to be the non-medical market that lifts up the medical market--

MR. BRENNAN: Yes.

ASSEMBLYMAN DANIELSEN: It's going to be the non-medical market that lifts up the scientific market. It's going to be the non-medical market that lifts up the collegiate curriculums that are being offered.

MR. BRENNAN: I agree.

ASSEMBLYMAN DANIELSEN: That's just the law of the numbers.

MR. BRENNAN: The legalization through-- The de-scheduling of this plant to allow the research to be done. Yes, it's being done internationally; it's been done internationally for years. Israel has been doing great work for us.

But to get back to New Jersey -- yes, the horticulture is therapeutic for a patient. And as was brought up earlier, that I have an issue with -- the legacy market, or the black market; decriminalization doesn't get rid of that. Through legalization, you have something we can build: a regulated market. Any consumer here -- the 600,000 estimated consumers in the State of New Jersey should be able to go into any CVS store and buy it over the counter. I agree with that. I've read a lot of work, and I'm educated, and not many people are.

The black market, though, depends on prohibition. And if we go back over recent history, 2,100 people have been injured permanently in their lungs from illicit cartridges; 42 people are dead from the black market.

ASSEMBLYMAN DANIELSEN: Just know your time--

MR. BRENNAN: And I'm done now.

ASSEMBLYMAN DANIELSEN: Okay.

MR. BRENNAN: The 11 states -- I guess I can have one -- of the 11 states that have legalized, none of them are looking to go back to prohibition.

And I want to congratulate Reverend Sharp on Illinois being the first state to do it through their legislation. Unfortunately, we are running out of lame-duck time to be able to get it done today.

ASSEMBLYMAN DANIELSEN: Thank you.

MR. TOBIAS: Thank you very much.

ASSEMBLYMAN DANIELSEN: Mr. Tobias, good afternoon.

I think we've met before, right?

EDWARD N. TOBIAS, Esq.: Yes, we have.

ASSEMBLYMAN DANIELSEN: You're from East Brunswick?

MR. TOBIAS: Yes.

ASSEMBLYMAN DANIELSEN: All right; there you go.

All right; 3 minutes is yours.

MR. TOBIAS: Good morning.

My name is Edward N. Tobias, and I am a New Jersey attorney who counsels New Jersey clients regarding the validity, scope, meaning, and application of existing and/or proposed cannabis law, subject to New Jersey Rule of Professional Conduct 1.2(d).

The Committee, this morning, is poised to vote on ACR-840, which does propose a constitutional amendment to legalize cannabis for personal non-medical use by adults, by asking the 9 million voters of New Jersey, “Do you approve amending the Constitution to legalize a controlled form of marijuana called *cannabis*?” Because, of course, being trite, if you can’t get a hundred people in the Legislature to agree on something, let’s ask the other 9 million in state. (laughter)

You may recall -- you do recall that I did testify before you, and the other members of the Committee, at Middlesex County College, when you all did take the time to listen to the public on the impact of prospective marijuana legislation on the public health, criminal justice system, and the economy in New Jersey. And I do thank you all for taking that time.

To kind of repeat what I said in my then-off-the-cuff remarks, I concluded to you that there must be thoughtful regulation leading towards legalization. And I thought New Jersey had had, at that time, a unique position to look to the other states to see where they made mistakes, to see where they did it right, and to forge a law and a series of regulations that the Federal government could look to, to provide model law for the entire United States so that we could have a cohesive policy regarding this issue of legal and responsible marijuana use.

Well, in the afternoon of November 18, I’m sorry to say that the leadership beat you. I know you, and many others here today on both sides, fought to have this done legislatively; but they did beat you, and the rest of us too, when the leadership just didn’t care to listen.

I’m here today to say what happened over three weeks ago was a travesty of justice, when Senate President Steve Sweeney decided that S-

2703 would not be brought up for a vote in the Legislature. And believe me, I read that he's not that keen on decriminalization or expungement either, in the papers.

Referenda in other states have been wonderful in theory, but disastrous in practice. Because after the people have their say, these things go back to the legislature to implement, and we all know how that usually works.

Referenda lead to litigation, because the legislatures of all the other states -- they try to listen, but they really do do things the way that they kind of have to anyway. And the lawsuits, they abound.

So I might as well start now with the lawsuit avalanche, because that's really how civil rights work in America. The courts have to step in to make the government protect its most vulnerable, to enforce social justice for those who have none. And this is a civil rights issue. It's been fun-and-games playing cannabis lawyer for about two years now, but people are still going to jail and people and patients are dying because they can't get the medicine because the Legislature, for some reason, has chosen to delay social justice on this issue for one reason or the other.

And justice delayed is justice denied. So look at the other states; referenda don't really work, proper legislation here is not very available. So I would like to do this by consent order and have the court oversee and investigate what happened last month and impose justice, like *Brown v. Board of Ed* and *Miranda v. Arizona*, and *Obergefell v. Hodges*. Social justice isn't granted *by* government, civil rights aren't requested *from* government, these things are demanded *of* government.

So I filed my lawsuit last night. It's not very well written, because I've had a (indiscernible) these two years, and had way too much time on my hands to edit and re-edit, thinking about these ever-changing circumstances. But I think, with the rest of the concerned citizenship and civil rights attorneys in the state, there's enough quality people on both sides that we can get some justice done for the citizens of New Jersey who aren't represented by the legislative leadership.

So thank you; and as they say, I'll see you in court.

ASSEMBLYMAN DANIELSEN: Thank you.

Any Committee members -- any comments? (no response)

All right.

Well, I want to thank everybody for your testimony and your patience today.

I think today's hearing was instructive, the debate was healthy and respectful.

In addition to, hopefully, eliminating the black market marijuana sales, it is my strong belief that amending the Constitution to allow for adult-use cannabis will lead to an increase in employment opportunities in New Jersey for New Jersey residents, and end the parade that we have of black and brown people into our court system over cannabis violations.

As new businesses emerge, existing State taxes -- like the Corporation Business Tax, the Gross Income Tax, and the local taxes -- should realize indirect growth, and that is good for New Jersey.

I want to close by reiterating something I mentioned in my opening statement.

The most recent Monmouth University poll on the topic shows 62 percent of the Garden State residents support the legalization of cannabis for adult use. If we are successful in placing this question on the ballot next year, the voters will make their final decision known.

I want to thank everyone, again, for their time, input, and passion into this discussion.

And with that, this meeting is adjourned.

(HEARING CONCLUDED)