



Legislative Testimony
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Written Testimony Opposing House Bill 5434, An Act Concerning the Regulation of Cannabis

Senator Maroney, Representative D'Agostino, Ranking Members Cicarella and Rutigliano, and distinguished members of the General Law Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in opposition to House Bill 5434, An Act Concerning the Regulation of Cannabis.

At the ACLU-CT, we believe in the complete decriminalization of cannabis—from cultivation to sale and delivery to possession and use. Our support for full decriminalization is strengthened by the racist history of enforcement of cannabis offenses in Connecticut.¹ Laws criminalizing cannabis impose the hardships of an arrest and arrest record, and often prison terms, on otherwise law-abiding people,² who are disproportionately young, poor, and people of color.³ Black people, particularly, have been harmed by this disparity. In 2010, prior to decriminalization, Black Connecticut residents were three times more likely to be arrested for cannabis possession than whites,⁴ despite similar rates of cannabis use to white residents.⁵ Criminalization of cannabis has been selectively enforced, and this enforcement has relied on entrapment, illegal searches, and other methods that violate civil liberties.⁶

¹ *The War on Marijuana in Black and White*, ACLU (June 2013),

https://www.aclu.org/sites/default/files/field_document/1114413-mj-report-rfs-rel1.pdf

² *Marijuana Arrests & Punishments*, ACLU, (accessed Feb. 22, 2023), <https://www.aclu.org/other/marijuana-arrests-punishments>.

³ ACLU, *supra* note 1.

⁴ *Id.*

⁵ Center for Behavioral Health Statistics and Quality, *2016 National Survey on Drug Use and Health: Detailed Tables*, at Table 1.32B. Substance Abuse and Mental Health Services Administration (Sept. 7, 2017),

<https://www.samhsa.gov/data/sites/default/files/NSDUH-DefTabs-2016/NSDUH-DefTabs-2016.pdf>.

⁶ ACLU, *supra* note 1.

Connecticut made a massive leap forward in ending the war on drugs by legalizing cannabis in 2021. House Bill 5434 is an attempt to repeal key aspects of cannabis legalization in Connecticut. First, it would repeal the rule that odor is no longer probable cause or reasonable suspicion to stop and search a person or their vehicle. The odor of cannabis alone does not indicate that a person is intoxicated from cannabis: relying on solely odor is bound to dramatically increase unwarranted searches and seizures which, as we have learned during the War on Drugs, disproportionately harms people of color. Additionally, House Bill 5434 would suspend the retail sales of cannabis until the drug recognition expert certification program is operational. After an already delayed start to recreational cannabis sales, this bill is a shameful attempt to roll back the progress this legislature made in 2021 by legalizing cannabis. As such, the ACLU-CT opposes House Bill 5434, and urges this Committee to do the same.