



To: Connecticut Municipal and State Police

Date: Thursday, July 1, 2021

Re: Marijuana possession becomes legal in Connecticut on July 1

As you are aware, on July 1, 2021 Marijuana possession becomes legal for adults 21 and older in the state of Connecticut.

The ACLU of Connecticut and the Connecticut Justice Alliance write you today with a review of the new law and how it will impact the state's law enforcement. These are the highlights of the new law as they relate to you:

- **Legalizes Possession and Use of Cannabis:** Adults 21 and older will be able to possess up to 1.5 ounces on their person and 5 ounces in their home or locked car. People under age 18 can not be arrested for simple cannabis possession. Adults 18 to 20 years old who are caught with small amounts of cannabis could be subject to a \$50 civil fine. This law eliminates suspected possession or possession of up to five ounces as a basis to stop or search.
- **Eliminates Odor as a Basis to Stop or Search:** Under the new law, the smell of marijuana alone will no longer be legal grounds to stop and search people. Although the law prohibits smoking, inhaling, or ingesting marijuana while driving or riding in a motor vehicle, drivers cannot be stopped solely on that basis. Preventing this type of pretextual stop is crucial because vehicle occupants may legally be smoking a cigarette or a non-cannabis vape. This often-used ploy for traffic stops has led to tragic results for innocent people of color and it will no longer be tolerated.
- **Home Use and Growing:** Home cultivation would be permitted—first for medical marijuana patients and later for adult-use consumers.
- **Public Consumption:** Every community with a population of 50,000 or more must designate at least one public space for cannabis consumption.

In 2010, before the decriminalization of marijuana possession in certain amounts, Black Connecticut residents were three times more likely to be arrested for cannabis possession than whites, despite similar rates of cannabis use. The war on drugs began in a racist framework by President Richard M. Nixon in 1968 and has served as generational shackles for many living in this country. The criminalization of cannabis has been selectively enforced for decades, and enforcement has relied on entrapment, illegal searches, and other methods that violate civil liberties. It has torn apart families and decimated communities, all while acting as a vehicle for racial injustice.

We are committed to assuring this country's disastrous war on drugs ends, that will only happen by ensuring the equitable enforcement of this law. It is within this context the ACLU and CTJA write this letter to assure you that we will be observing the adherence to the new law.

The ACLU and CTJA fully supported decriminalizing the cultivation, delivery, sale, and possession of cannabis, especially given the racist ways in which the war on marijuana, like the war on drugs overall, has disparately harmed people of color in our state. Laws criminalizing cannabis impose the hardships of an arrest and arrest record, and often convictions and prison terms, on otherwise law-abiding people, who are disproportionately young, poor, and people of color. Black people, particularly, have been harmed by this disparity. The cannabis laws mirror cigarette smoking and should be enforced with no more rigor than those.

Incarcerating people for drug-related offenses has been shown to have little impact on substance misuse rates. Instead, incarceration is linked with increased mortality from an overdose. In the first two weeks after their release from prison, individuals are almost 13 times more likely to die than the general population.

We want to be sure that the language in the legislation calling for new police officer standards and increased access to drug recognition training is not abused to continue to over-police Black, Latinx, and low-income communities.

We are eager to work together to ensure the rights of Connecticut residents as strides are made toward equity and liberty with a strong and equitable cannabis legalization law. The war on cannabis, like the war on drugs overall, ruined millions of lives. We will stand by, ready to act to ensure all residents' rights are protected.

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Executive Director, ACLU of Connecticut

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Executive Director, Connecticut Justice Alliance

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The American Civil Liberties Union of Connecticut is a nonpartisan, non-profit membership organization that defends, promotes, and preserves individual rights and liberties under the U.S. and Connecticut constitutions in state and federal court, the General Assembly, and the state's 169 towns and cities.

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The Connecticut Justice Alliance (CTJA) is a youth/adult partnership working to end the criminalization of youth. The Alliance works to disrupt and dismantle the pathways that funnel children and youth into the juvenile justice system by using organizing, advocacy, and policy tools to protect the rights, futures, and well-being of potentially, currently, and formerly incarcerated youth, while also ensuring youth who are detained, incarcerated, and involved in the courts and legal systems receive safe, fair, and dignified treatment.