



Legislative Testimony  
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**Written Testimony Supporting  
Senate Bill 134, An Act Concerning Consumer Privacy,  
Senate Bill 137, An Act Concerning Data Privacy Breaches, and  
House Bill 5174, An Act Concerning Anti-Trust Issues and the  
Palliative Use of Marijuana**

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

My name is Kelly McConney Moore, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in support of Senate Bill 134, An Act Concerning Consumer Privacy, Senate Bill 137, An Act Concerning Data Privacy Breaches, and House Bill 5174, An Act Concerning Anti-Trust Issues and the Palliative Use of Marijuana.

**Senate Bill 134, An Act Concerning Consumer Privacy**

Senate Bill 134, which provides for new consumer privacy protections is an important measure that the ACLU-CT supports. We encourage this Committee to support it, as well.

This bill would give consumers new rights, including the rights (1) to require that any business that collects their personal information disclose the categories and specific pieces of information that the business has collected; (2) to access their personal data collected by a business; (3) to request the business delete the consumer's personal data; (4) require that any business that sells the consumer's personal data must disclose details of the sale to the consumer; and (5) require a business to opt them out of selling their data upon request. Senate Bill 134 also grants a consumer whose data is breached a private right of action or the ability to

seek an opinion from the Attorney General. As an organization that fights to ensure Connecticut residents are afforded the right to privacy, the ACLU-CT supports this bill's attempts to protect privacy, but we also encourage this Committee to amend the bill to require the same standards for the state and for Connecticut municipalities. This would further protect the privacy of Connecticut residents' information. We encourage the committee to amend Senate Bill 134 and support the amended bill.

### **Senate Bill 137, An Act Concerning Data Privacy Breaches**

The ACLU-CT supports Senate Bill 137, which amends existing state law regarding data breaches to include additional categories of information, including taxpayer numbers, passport numbers, military ID numbers, medical information, and biometric information, when in conjunction with name; as well as usernames and email addresses in conjunction with a password or security question. The ACLU-CT is an organization that fights for individuals' privacy rights. As technology evolves, Connecticut should revisit existing privacy guarantees to make sure they encompass the latest technologies. We appreciate this Committee's efforts to do that very thing via Senate Bill 137. This bill, however, should clarify that the data breach requirements are imposed equally on state and local governments and agencies as they are on other people who maintain digital personal information. We support Senate Bill 137, An Act Concerning Data Privacy Breaches, and urge this Committee to support it as well.

### **House Bill 5174, An Act Concerning Anti-Trust Issues and the Palliative Use of Marijuana**

We encourage the Committee to support House Bill 5174. This bill proposes to give the Attorney General power to oversee material changes to the ownership of a medical marijuana business to prevent consolidation of ownership of dispensaries. We also encourage the Committee to strengthen this bill by expanding opportunities for people who were previously impacted by the war on marijuana to participate in

the medical marijuana industry and to live a life free from collateral consequences of those impacts.

Currently, the only legal market for marijuana in this state is for people who require it for medical purposes. Business owners in that industry see robust sales, and the state sees a solid taxation stream.<sup>1</sup> But while some profit from medical marijuana, people with convictions are effectively locked out of the process. In Connecticut, the initial application to operate a dispensary facility asks about criminal records and mandates criminal background checks.<sup>2</sup> The regulatory body evaluates applications based on the “character and fitness” of the dispensary facility backers.<sup>3</sup> Screening out people with marijuana-related convictions will have racially disparate effects, given the racist enforcement of marijuana offenses in this state’s past.<sup>4</sup> Being locked out of participation in the medical marijuana industry is but one of the more than 550 legal barriers a person with a criminal record faces in Connecticut.<sup>5</sup>

When operation and ownership of medical marijuana facilities is consolidated in a monopolistic way, it further exacerbates the exclusion of people and communities previously targeted by the war on marijuana. This bill, designed to prevent monopolies from forming in this industry, would provide one path to decreasing the barriers to participation by communities and people targeted by biased enforcement of marijuana laws in Connecticut. Amending the bill to remove other obstacles to participation in the medical marijuana industry will make House Bill 5174 even stronger.

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<sup>1</sup> Andrew DePietro, “Here’s How Much Money States Are Raking in from Legal Marijuana Sales. Forbes (May 4, 2018), available at <https://www.forbes.com/sites/andrewdepietro/2018/05/04/how-much-money-states-make-cannabis-sales/#bb8c142f1811>.

<sup>2</sup> See Medical Marijuana Program Dispensary Facility License Information Form, available at [https://portal.ct.gov/-/media/DCP/drug\\_control/MMP/pdf/DF\\_RFA-2018.pdf?la=en](https://portal.ct.gov/-/media/DCP/drug_control/MMP/pdf/DF_RFA-2018.pdf?la=en).

<sup>3</sup> Connecticut State Agency Regs., § 21a-408-14.

<sup>4</sup> “The War on Marijuana in Black and White” at Tables 7 and 8. ACLU (Jun. 2013), available at [https://www.aclu.org/sites/default/files/field\\_document/1114413-mj-report-rfs-rel1.pdf](https://www.aclu.org/sites/default/files/field_document/1114413-mj-report-rfs-rel1.pdf); see also Jaqueline Smith, “Examining Racial Disparity in Marijuana Arrests.” Middletown Press (May 31, 2019), available at <https://www.middletownpress.com/opinion/article/Jacqueline-Smith-Examining-racial-disparity-in-13907837.php>; 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), available at <https://www.samhsa.gov/data/sites/default/files/NSDUH-DetTabs-2016/NSDUH-DetTabs-2016.pdf>.

<sup>5</sup> National Inventory of Collateral Consequences of Conviction, available at [https://niccc.csgjusticecenter.org/database/results/?jurisdiction=260&consequence\\_category=&narrow\\_category=&triggering\\_offense\\_category=&consequence\\_type=&duration\\_category=&page\\_number=1](https://niccc.csgjusticecenter.org/database/results/?jurisdiction=260&consequence_category=&narrow_category=&triggering_offense_category=&consequence_type=&duration_category=&page_number=1).

House Bill 5174 will remove barriers to participation in the medical marijuana industry by imposing anti-trust measures to prevent monopolies. To further increase access, we encourage this committee to strengthen this bill to expand opportunities for people with marijuana-related convictions to participate in the medical marijuana industry. Another way this Committee could remove these obstacles is by providing a pathway for people who have a conviction for a marijuana-related offense to remove those convictions from their records. Connecticut has the opportunity to create equity for people impacted by the invasive, racist, entirely ineffective war on marijuana by passing the strongest possible version of this bill. We encourage the Committee to support House Bill 5174 and to amend it to create additional opportunities and justice for people with marijuana-related offenses in their histories.