My name is Carly Wolf and I am State Policies Coordinator for The National Organization for the Reform of Marijuana Laws (NORML). I wish to weigh in on the legislative debate regarding marijuana policy that is taking place in Rhode Island, and to emphasize that NORML is supportive of legislative efforts to regulate the use, possession, and retail sale of marijuana for adults.

Now more than ever there exists tremendous public support for ending our nation's nearly century-long experiment with marijuana prohibition and replacing it with a taxed and regulated adult market place. More than six in ten US adults now believe that “the use of marijuana should be made legal,” according to recently released nationwide polling data provided by Quinnipiac University. In Rhode Island, 56 percent of likely voters say that the state should legalize recreational marijuana for those over the age of 21, according to a WPRI/Roger Williams University poll.

But voters do not desire replacing nearly a century of criminalization with a marijuana free-for-all. They are aware of the reality that marijuana possesses some potential level of risk and that there exists the potential for abuse, particularly among young people. In fact, it is precisely because of this reality that NORML believes that society ought to regulate its use, production, and dispensing accordingly. By contrast, we believe that advocating for the plant’s continued criminalization and for the proliferation of the black market does nothing to offset these risks; it compounds them.

1 Quinnipiac University National Poll https://poll.qu.edu/national/release-detail?ReleaseID=2604
This is because marijuana prohibition drives markets underground and abdicates control of these markets to those who typically operate outside the boundaries of law. Regulation, by contrast, allows for lawmakers to establish legal parameters regarding where, when, and how an adult cannabis market may operate. Legalization also provides oversight regarding who may legally operate in said markets and provides guidelines so that those who do can engage in best practices.

Such regulations already exist for alcohol and tobacco – two substances that are far more dangerous and costly to society than is the adult use of cannabis.\(^3\) The imposition and enforcement of tobacco and alcohol regulations, coupled with public awareness campaigns highlighting these products' risks and acknowledging the distinctions between their use versus abuse, has proven effective at reducing the public's overall consumption of these substances, especially among teens.\(^4\)

Unfortunately, a legal environment in which marijuana is criminalized is not conducive to imposing such common sense, evidence-based practices. A pragmatic regulatory framework that allows for the legal, licensed production and retail sale of cannabis to adults, but restricts and discourages its use among young people best reduces the risks associated with the plant's use or abuse, and provides an environment whereby consumers can best learn the skills and knowledge to readily delineate between the two behaviors. That is why the majority of Rhode Island voters welcome the opportunity to bring necessary and long-overdue regulatory controls to the marijuana market, and why they support lawmakers' efforts to move in this direction.

Today, one in five Americans reside in a jurisdiction where the adult use of cannabis is legal under state statute, and the majority of citizens reside somewhere where the medical use of cannabis is legally authorized. Many of these latter programs have been in place for the better part of two decades. Were the societal impacts of these policies not preferable to those associated with criminal prohibition, or as dire to public health as some critics suggest, then public and political support in American for marijuana policy reform would be rapidly declining. Instead, just the opposite is true.

In short, neither science nor public opinion support the federal government's contention that marijuana meets the criteria of a schedule I controlled substance – a classification which misconstrues the plant's abuse potential as equal to that of heroin and that it lacks the therapeutic utility that science has acknowledged. Fortunately, America's federalist system does not mandate states to be beholden to this intellectually and morally bankrupt policy. The Tenth Amendment to the U.S. Constitution provides that all “powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or

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to the people,” leading former Supreme Court Justice Brandeis to famously opine, “[A] state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.”

That said, NORML’s support for House Bill 5851 is not without some reservations. Specifically, we are concerned that Article 20, as presently written, lacks many of the core attributes of a functional cannabis regulatory program.

Most importantly, this proposal lacks the legal option for adults to home cultivate limited, personal use quantities of marijuana. NORML supports the right of individuals to grow their own cannabis as an alternative to purchasing it from licensed retail producers, and maintains that provisions permitting this behavior should be codified in Rhode Island’s adult use access law. NORML maintains that the inclusion of legislative provisions protecting the non-commercial home cultivation of cannabis serves as leverage to assure the product available at retail outlets is high quality, safe and affordable. Additionally, permitting home cultivation provides adult consumers with an immediate source of cannabis -- providing an alternative to the illicit market. Such a source is necessary because it typically takes state regulators several months, or even years, following the law’s enactment to establish licensed retail operators.

At present, most statewide adult use laws permit this behavior and there exists no compelling state interest to infringe upon it. State regulations governing the alcohol market permit adults the option to legally brew non-commercial quantities of their own alcohol, and it is consistent with this policy to similarly permit home cultivation.

NORML further believes that the enactment of adult use access regulations ought not to amend or override Rhode Island’s existing medical use access laws. By contrast, passage of this proposal, as written, would arbitrarily eliminate home cultivation rights for registered medical cannabis patients. There exists no public health or safety justification for this policy change, as this long-standing policy in Rhode Island is associated with few documented incidents of abuse or diversion. To date, there is no precedent for a state legislature moving to eliminate patients' home grow rights, and we again wish to reiterate our opposition to this provision.

NORML also implores that taxes imposed on either the commercial production or retail sales of cannabis must not be excessive. The proposal, as written, would create a weight based excise tax, an additional excise retail tax, and a sales tax on transactions totaling approximately 20 percent. Such high levels of taxation will likely discourage consumers from participating in the legal market. Studies show that most consumers are comfortable paying a premium price for cannabis available legally at retail stores (up to approximately $14 per gram\(^5\)), but warn that excessive pricing due to heavy taxation induces consumers to return to the illegal market.

Finally, NORML cations that regulators should not inadvertently create undue barriers of entry for those seeking to participate in the legal adult use marketplace. African Americans and other minorities have historically been disproportionately targeted and adversely impacted by cannabis criminalization. Specifically, the The American Civil Liberties Union report The War on Marijuana In Black and White (2013) concluded: "[O]n average, a Black person is 3.73 times more likely to be arrested for marijuana possession than a white person, even though Blacks and whites use marijuana at similar rates. Such racial disparities in marijuana possession arrests exist in all regions of the country, in counties large and small, urban and rural, wealthy and poor, and with large and small Black populations. Indeed, in over 96% of counties with more than 30,000 people in which at least 2% of the residents are Black, Blacks are arrested at higher rates than whites for marijuana possession." This lack of equity must not persist in an environment where adult use cannabis production and sales are legally regulated.

In order to provide for inclusiveness within the legal industry, NORML believes that regulators should strive to impose nominal to low application fees in order to encourage participation from formerly disenfranchised populations. Further, regulations must not prohibit those with prior criminal records for past violations from seeking to actively participate in the legal marketplace.

In closing, it is time for Rhode Island 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.

I urge members of the House Committee on Finance to make the necessary changes to Article 20 in the Governor’s FY 2020 Budget Articles so that it will provide maximum policy benefits to the people of Rhode Island.

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6 https://www.aclu.org/files/assets/aclu-thewaronmarijuana-rel2.pdf