PA 11-071

SB1014

House	8519-8741	223
Judiciary	2396-2398, 2404-2413, [2417-2420], 2426-2439, 2444-2465, 2482-2484, [2490-2498], 2499-2501, 2503, 2512-2519, 2559-2563, 2590-2598, 2605-2606, 2624-2626, 2664-2666, 2671-2676, 2678-2681, 2683-2691, 2698-2701, 2716-2719, 2723-2724, 2730-2735, 2752-2755, 2759-2801, 2809, 2812, 2819-2831, 2836-2847, 2854-2855, 2864, 2925-2927, 2931-2933	217
Senate	5322-5453, 5465-5484	152
		592

H – 1116

CONNECTICUT
GENERAL ASSEMBLY
HOUSE

PROCEEDINGS
2011

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open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber, please.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board to make sure your votes are properly cast. If all the members have voted, the machine will be locked. The Clerk will please take a tally. The Clerk please announce the tally.

THE CLERK:

Senate Bill 983 in concurrence with the Senate.

Total Number voting	126
Necessary for adoption	64
Those voting Yea	125
Those voting Nay	1
Those absent and not voting	25

SPEAKER DONOVAN:

The bill is passed. Will the Clerk please call calendar 621.

THE CLERK:

On page 37, calendar 621, substitute for Senate bill number 1014, AN ACT CONCERNING THE PENALTY FOR CERTAIN

NONVIOLENT DRUG OFFENSES, favorable report of the committee on finance, revenue, and bonding.

SPEAKER DONOVAN:

Chair of the judiciary committee, Representative Jerry Fox, you have the floor, sir.

REP. FOX (146th):

Thank you, Mr. Speaker. I move for the acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

The question is on acceptance of the joint committee's favorable report and passage of the bill. Will you remark?

REP. FOX (146th):

Thank you, Mr. Speaker. This bill came before the judiciary committee and it is aimed at addressing the penalties for those arrested for possession for small amounts of cannabis type substance or marijuana. It also addresses those who are arrested with small amounts of drug paraphernalia.

Mr. Speaker, we had a -- a public hearing on this -- on this matter and over the course of the public hearing there was a great deal of discussion and debate regarding the best way that the State of Connecticut should be handling

these cases.

Currently, Mr. Speaker, according to the reports that have been provided there are 13 states that address small amounts of -- possession of small amounts of marijuana in a noncriminal setting. And what this -- it would probably help if I laid out what the current law is. Currently possession of less than four ounces of marijuana for a first offense is punishable by up to one year in jail. It is an A misdemeanor.

Those convicted of a second offense, Mr. Speaker, are -- can only -- can be found guilty of a felony that would be punishable up to five years in jail. Now I think it's acknowledged that many people do not get at least initially convicted of drug offenses. Do not -- or at least in terms of small amounts of marijuana but those are our current penalties and that is where we -- where the law currently stands.

So it's anything less than four ounces of a cannabis type substance. Mr. Speaker, the Senate passed an amendment which I would ask the Clerk to call. It's LCO number 8294, Senate amendment A and I would ask that it be called and I be allowed to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 8294 which is

previously designated Senate A.

THE CLERK:

LCO number 8294, Senate A offered by Senator Coleman, Representative Fox, et al.

SPEAKER DONOVAN:

Representative seeks leave of the chamber to summarize any -- any objection? Hearing none, Representative, you may proceed.

REP. FOX (146th):

Thank you, Mr. Speaker. This amendment builds on some of the changes that were made in the judiciary committee when we JF'd this bill from its original proposal. Initially the -- the bill that had been presented to the committee called for a fine of $90 for a possession of less than one ounce of marijuana.

But the committee did and what this amendment does further is it attempts to tighten the initial proposal. What it -- what we've done is we've reduced the amount from one ounce to one half ounce. The fines have been increased to $150 for a first offense. And for a second offense it would be set at $200 to $500.

Also, Mr. Speaker, in recognition of our raise the age initiative, it has been incorporated into this bill that those who are juveniles at 16 or to be 17 would go

to juvenile court and have their cases adjudicated there. In addition, Mr. Speaker, a change from the initial proposal is that those who are found in possession of a small amount of a cannabis type substance who are under 21 years old would be treated similarly to those who are found in possession of alcohol. It is still a violation. It would not be a crime however, the -- the way our possession of alcohol statute is set up those who are found in violation of possession of alcohol would lose their driver's license for 60 days.

And this language would mirror that if those -- for those individuals who are found in violation of this section. In addition, Mr. Speaker, we have looked at how trials are going to take place with respect to those who are accused of being in violation but seek to go to trial. And the burden that we have established for these -- for these cases would be by a preponderance of the evidence.

And the basis for that, Mr. Speaker, would be so that an officer would be able to testify based upon his field test, based upon his experience in the event that there was a trial with respect to a violation of this section. And because it is -- it is not a crime it would no longer be a jury trial and the defendant in such a trial would no longer be facing criminal penalties.

Mr. Speaker, the -- this proposal is aimed at dealing with only those who are possessing what is deemed to be small amounts of a cannabis type substance such as marijuana. The penalties for anybody in possession of a half ounce or greater -- anywhere between one half ounce to four ounces would remain the same.

Mr. Speaker, what this is aimed at is attempting to address the situation as it is currently being applied or to be consistent with what is being done in our courts but also to -- to reflect that in many instances those in possession of small amounts of marijuana, to provide a penalty what is deemed to be more -- more appropriate. And I -- I move adoption of the amendment.

SPEAKER DONOVAN:

The question is on adoption. Remark further.

REP. FOX (146th):

I meant to move adoption earlier. I'm sorry. And I urge passage of the amendment, Your Honor.

SPEAKER DONOVAN:

Would you care to remark further? Representative Samson.

REP. SAMSON (80th):

Good morning. Thank you, Mr. Speaker. Good morning.

SPEAKER DONOVAN:

Morning, sir.

REP. SAMPSON (80th):

Forgive me that I was not really thinking about commenting on the amendment and I was wondering if we might pass the amendment first if it's going to go and then comment on the bill afterwards.

SPEAKER DONOVAN:

Thank you, Representative. Would you care to remark further on the amendment. Remark further on the amendment. If not, let me try your minds. All those in favor of the amendment please signify by saying Aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

Opposed Nay. The Ayes have it. The amendment is adopted. Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. In the Senate they also passed a -- a second amendment, LCO number 8299. It was designated Senate Band I would ask that that be called and I be permitted to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 8299 which is

previously designated Senate B.

THE CLERK:

LCO number 8299, Senate B offered by Senator Boucher.

SPEAKER DONOVAN:

Representative seeks leave of the chamber to summarize. Any objection? Hearing none, Representative, you may proceed.

REP. FOX (146th):

Thank you. Thank you, Mr. Speaker. Senate B was passed by the Senate and it was -- in my -- is my understanding attempting to address those individuals who are found in violation of this section three times.

And what it -- what it states is that if an individual is found in violation of this section three times that a -- they would be required to participate in a drug education program and it would be at that person's own expense. I move adoption of the amendment.

SPEAKER DONOVAN:

The question is on adoption. Remark further.

REP. FOX (146th):

I urge passage of the amendment.

SPEAKER DONOVAN:

Thank you, Representative. On the amendment, Representative Carter. Will you remark on the amendment.

REP. CARTER (2nd):

Mr. Speaker, I'm going to remark on the bill.

SPEAKER DONOVAN:

Would you care to remark on the amendment? Just got a few names. Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker. In line seven the phrases referred for participation and if the proponent could tell me what exactly that means. Does this mean that this is an option on the part of the individual in question? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. The amendment does use -- use the word shall in line five so I would think that would be a requirement.

SPEAKER DONOVAN:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker. So in the context of lines five through seven shall be referred and that is a mandatory participation in this program that's under question? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. That is how I would read it.

SPEAKER DONOVAN:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker. And if for some reason the individual doesn't fulfill the requirements of the program what might be the consequences for that?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

They could be found in violation of failing to fulfill the requirements that were set out in terms of -- there is a statute by those who do not abide by what is pursuant to a violation. This -- they would be potentially in violation of that.

SPEAKER DONOVAN:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker. What typically might be the

consequences for being found to be in that? Is that a misdemeanor offense? Is there another fine that the individual is subject to? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I'm not sure but I do believe it would require a court appearance.

SPEAKER DONOVAN:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker. I thank the proponent for his answers.

SPEAKER DONOVAN:

Thank you, Representative. On the amendment, Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. Speaker. A question through you to the proponent of the amendment.

SPEAKER DONOVAN:

Representative Fox.

SPEAKER DONOVAN:

Good morning. In the situation where someone is expected then to go to drug education and it's going to

be at their own expense, do the -- is their record then expunged afterwards? Does -- taking this drug education course do anything for their record? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I would say no because -- because it is a violation. There would be no criminal record. There would still be a record of the violation.

SPEAKER DONOVAN:

Representative Sawyer.

REP. SAWYER (55th):

Thank you. And could you tell us how much in your estimation the cost is to attend one of these courses? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. There's two programs that I'm familiar with. One is the drug education program which the court currently uses. I believe that's $300 to $500. And then there's also the community service labor

program which is a -- a lesser amount but it requires more intensive community service.

REP. SAWYER (55th):

Thank you. And through you, Mr. Speaker. What is the situation when someone cannot afford to pay the cost?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. As I understand it presently they can potentially get a waiver however as it's set out here it would be at their own cost and expense so they may need to find an alternative program.

SPEAKER DONOVAN:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. Speaker. I appreciate the gentleman's answers. That concerns me because I know that oftentimes the people who are brought forward on these charges and then who plead nolo contendre can be oftentimes young people, they can be people from poor communities and this is a -- an expense.

Now, yes on the reverse side I think it's very important that they take these classes, they take these

courses because the educational component is probably the most important part as these people have at looking at their future. Because it is about their future. When they've made this kind of mistake, when the judicial system has brought them forward on these charges and they are then going off to take a class on drug education it's important that they do.

So I will be -- I appreciate the Chairman's time and I will be talking to the judicial department about this because it's important to find a way to help those people pay for it because it's -- I don't want it to go on their record that they didn't take it. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative. Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker. Mr. Speaker, I've been interested in marijuana for many, many years. And -- and actually I've heard almost every possible joke about marijuana that an individual could hear. If I should bring brownies into my caucus for any celebration a member doesn't miss the opportunity to ask me what's in those brownies. I was quoted -- I was referred to once in an article as the human face of medical marijuana which I

found very almost uncomfortable because I really don't use marijuana.

But my interest is a serious interest and it's really not a joking matter. And on my way into the Chamber here this morning I had many of my colleagues on both sides of the aisle very excited whether they were for or against the bill that's before us, come up and tell me, hey, we're doing medical marijuana this morning. And I kept correcting them, Mr. Speaker, and saying we're not doing medical marijuana, we're doing the decriminalization of marijuana. And that brought to my attention that because we've had multiple bills floating through committees and through the process there is probably a lot of confusion about the bill that's before us this morning.

That being the case, Mr. Speaker, through you I have a few questions to the proponent of the amendment.

SPEAKER DONOVAN:

Please proceed, Madam.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker. To the good Chairman, the violations that are outlined in the amendment that's before us, would those be applicable to any person irregardless of their reasoning for using marijuana would be applicable? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. And I just want to make certain we're talking about Senate amendment B. That's correct?

SPEAKER DONOVAN:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Mr. Speaker, I think I was over enthusiastic and I am going to come back when we are on the bill as amended.

SPEAKER DONOVAN:

Thank you, Representative.

REP. BACCHIOCHI (52nd):

Thank you.

REP. FOX (146th):

Thank you.

SPEAKER DONOVAN:

On the amendment, Representative Hetherington, on the amendment.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker. A question to the proponent please if I may.

SPEAKER DONOVAN:

Please proceed, sir.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker. The amendment deals with the consequences or the remedy in the case of multiple offenses, multiple infractions. How -- how does the -- the second or third offense, infraction show up? Because this is -- once it's an infraction I believe that the normal record keeping in connection with these infractions would not be readily available. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Actually these are -- it's important and I've had to go through it myself in terms of the terminology. Infractions are those that would be a maximum fine of $90. This did start off as an infraction. As it's been explained to me when you go over that amount it turns into what's deemed a violation.

So that's where we are here in terms of what we're talking about with respect to not only the amendment but the -- the underlying bill as amended. Centralized infractions -- back to infractions. Centralized Infractions Bureau does -- it is my understanding through

the judicial branch they do keep track of this and they would be able to -- to monitor the number of offenses just like they can do with certain motor vehicle offenses when there's multiple violations of the same instance -- same type of situation.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

So through you, Mr. Speaker. This is a violation rather than an infraction as it seems to have been widely reported in the press.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. That is how it has been laid out and the reason for that is the -- just the amount of the fine. So it's still not a crime. So an individual does not get a criminal record if found guilty of this. But it -- so it's a violation is I think the proper terminology.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker. Is that central repository of records for these purposes, that is for violations, is that available statewide?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I believe it would be. What happened -- when the amendment passed the Senate I did ask the judicial branch if they would be able to -- to monitor this and they said that yes they can do so.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker. What about if someone commits a violation under this statute in Massachusetts would the Connecticut authorities be aware of that?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. That I don't know.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. The reason I ask about that particularly is because I believe that Massachusetts has a law similar to this and I wondered what the consequences would be since we are relatively small state, the likelihood that someone would commit a violation either in New York or in Massachusetts or Rhode Island is not really unlikely.

And I'm just wondering if we would pick up those kinds of violations -- those violations committed in other jurisdictions. And I -- I don't know the answer to that either. I think it would be interesting to know that. All right. Thank you. I thank the proponent.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Smith on the amendment. On the amendment. Representative Smith.

REP. SMITH (108th):

Good morning, Mr. Speaker. Yes. I'm sorry. On the amendment.

SPEAKER DONOVAN:

Morning, sir.

REP. SMITH (108th):

If I may a few questions for the proponent.

SPEAKER DONOVAN:

Please proceed.

REP. SMITH (108th):

In terms of the violation and the preponderance of the evidence standard is that true for other violations that -- that exist right now? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. As I understand it the answer would be no however I don't know that that is connected to Senate Amendment B.

SPEAKER DONOVAN: Representative Smith.

REP. SMITH (108th):

Well the only reason, through you, Mr. Speaker, I thought it was because it talks about the violation and a plea of no lo contendre and a violation and the different offenses. So I can get back to you under the underlying bill. That's fine. I'll move on for now. The -- the three times before you actually have to go to a drug education program was there any type of rationale or thought process behind that? Through you, Mr. Speaker.

SPEAKER DONOVAN: Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. As we see this was an

amendment offered in the Senate. It was offered by -- by Senator Boucher who was a former member of our Chamber. I think those who have served with her know that this is an issue that she does feel passionately about and she offered this amendment which the rest of the Chamber as I understand it agreed to on a voice vote.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

Thank you. So I guess from what I'm hearing is that this is just coming down from the Senate but we have no other information as to why it was three as opposed to a first violation. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. That -- that I don't know.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

And through you, Mr. Speaker. Do we know whether there's any other educational requirements for anyone under 21 as part of this bill? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. With respect to the bill as has been amended by Senate A for those who are deemed juveniles they would report to court and they -- I would anticipate that an education component would likely be part of their disposition.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

Thank you for that answer. And then just finally then, on the -- the programs that are mentioned in the amendment B as you referenced earlier there's two programs that you're familiar with as I am as well for the drug education program and the work labor program. Are those the other -- only programs that you anticipate being eligible for this amendment? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Those are two that I -- I believe would -- would certainly meet the intention behind this amendment. I don't know -- it is not intended that this be exclusive to those two programs. And I believe

even now individuals who are charged if they can't for some reason do one of those two programs there's some -- sometimes through either the bail commissioner or probation they will attempt to find alternative programs.

So the -- I think those two would certainly meet the requirements. It's not intended to be exclusive.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

Thank you for those answers. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative Smith. Representative Aman.

REP. AMAN (14th):

Good morning, Mr. Speaker. As a nonattorney looking at this amendment BI do have a couple of questions that I'd like to ask the proponent.

SPEAKER DONOVAN:

Please proceed, sir.

REP. AMAN (14th):

Yes. They talk in the amendment as being referred for participation and I'm wondering who actually does the referral in court and how that is handled. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. And I thank the Representative for his question because when I -- when the bill came down with the amendment I asked myself something very similar. And as I understand it centralized infraction through -- which is in within the judicial branch can in fact monitor this.

I would presume they would do it in the form of a letter saying you also are required to participate in -- in a drug education program.

SPEAKER DONOVAN:

Representative Aman.

REP. AMAN (14th):

Yes. Again it says referred and the answer seemed to sound like require. And again speaking as a nonattorney if a judge refers you to something is that an order to do it or is that I would like you to do this and it would be to your benefit to do it but not required to actually attend the drug education program.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I also -- I understand the use of the word refer I also though do see the use of the word shall so it would seem to me that upon a third violation the individual would be referred for participation in a drug program.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Representative Aman.

SPEAKER DONOVAN:

Representative Aman. You are Representative Fox.

REP. AMAN (14th):

Yes. Also it talks about a drug education program. Is there anything in the law that -- or current practice that says what type of program, length, who has to sponsor it, et cetera?

Through you, Mr. Speaker.

SPEAKER DONOVAN: Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. The way this is worded I don't -- I mentioned two programs that currently exist and will continue to exist, the drug education program and the community service labor program. So I would see that

those -- I would think that those two would certainly be programs that would fall under the meaning of this amendment.

However, as -- as I said with Representative Smith I don't know that it's intended to make -- make it exclusive to those two programs. It's just -- those two are ones that I am currently familiar with.

SPEAKER DONOVAN:

Representative Aman.

REP. AMAN (14th):

I thank the Representative for his answers. He did make it a lot clearer for someone like myself who is not used to the legal system. Thank you very much, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative. Would you care to remark further on the amendment? Care to remark further on the amendment? If not, let me try your minds. All those in favor of the amendment please signify by saying Aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

Opposed Nay. The Ayes have it. The amendment is adopted. We're on the bill. Would you care to remark

further on the bill? Representative Sampson.

REP. SAMPSON (89th):

Thank you, Mr. Speaker. Sometimes when we have bill before us you already know what your decision is going to be before we ever enter the room and the bill's brought before us. Some decisions are just plain easier to make. You can know whether it's black or white, yes or no, up or down, that kind of thing.

And as we all know there are some bills that are a little bit more gray where maybe sometimes there's things you like about it and sometimes there's things you don't like about it. I always say 51 49. And I try and explain that to my friends sometimes when they ask me about the decisions we make up here that it's not as easy as it looks. The title might say one thing but if you really knew what was in it you might have a different decision. This bill I put in the 50 50 category because even right now as I stand in this Chamber talking about it I don't know how I'm going to vote.

And I think that's probably the only time it's happened for me thus far. So it's an interesting place to be and in fact it's a little bit of dread at the same time because I want to make the right decision. So if I could, Mr. Speaker, through you a couple of questions to

the proponent.

SPEAKER DONOVAN:

Please proceed, sir.

REP. SAMPSON (89th):

The first thing I guess I would like to know is the impetus behind the bill and I'm gathering a large part of it is the -- contained within the -- the fiscal note and the fact that we might get some revenue gain and maybe alleviate, you know, the justice system to some degree. Through you, Mr. Speaker.

If I could have Representative Fox maybe elaborate on the impetus behind the bill and what the benefits might be with regard to that.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. And I thank the Representative for his -- his question as well as his acknowledgment that many of us do struggle with this issue as we -- and other issues as we try to do the right thing. This is a bill that the judiciary committee had before it several years ago so it has been proposed previously.

With respect to the -- the fiscal -- the fiscal impact for some that may be a driving factor. I'm not sure that's

the driving factor for -- for everybody or for even most of us. I think it's a consideration that we make when we look at this bill in combination of other factors as well.

Among those who support this bill the -- one of the driving factors has been our current law calls for those in possession of less than four ounces to go -- those convicted would then end up with a criminal record and a potential jail sentence. And even the most ardent opponents of this bill at least from what I could see did not really want people to go to jail for this.

They didn't think that this was the type of offense that someone should go to jail for. And especially seemed to ramp its way down the smaller amount of -- of the substance that you have in your possession. I mean it's -- you have -- there's a difference between a few joints and four ounces. And what this has attempted to do is to address those who are in possession of what would be deemed to be small amounts.

There was a reference earlier to the Massachusetts proposal or now law that passed several years ago. That -- the amount that was used there was I understand a one ounce with a $90 fine. There was -- that's -- and I think that was the basis of the initial proposal that we had here this year.

There were those in our committee, as the Representative knows because he serves with us who felt that that might be -- that was too much and we should not -- not go to that -- that step. And after first discussion in the judiciary committee followed by discussion as we go through the session and ultimately because it was a Senate bill it ended up with the Senate's vote on I believe it was Saturday.

What -- one of the other factors I should mention to is that people are getting criminal records for possession of small amounts of marijuana and those are records that they have to explain the rest of their lives. And it was -- that is also another consideration in that if there's a way to get people to avoid criminal records not condoning the use of marijuana. It is not the legalization. It is still -- it is the decriminalization meaning that for the smaller amounts it would revert to what is known as a violation.

So those were some of the -- the arguments that were made. And I know the Representative was there for the public hearing and we heard many more. So through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Sampson.

REP. SAMPSON (89th):

Thank you very much for those answers. I appreciate pretty much all of that information. I just want to follow up on -- on one thing that we touched on and it's probably one of the points that's most important to me is the last point that you made about how folks are going to be handled as far as a background check, that kind of thing.

So, through you, Mr. Speaker. A question to the proponent once again. I guess what I'm trying to understand is currently if you are arrested with a small amount of marijuana you are going to be charged and you're going to end up with something on your -- your criminal history that you would have to explain as you mentioned.

If this bill passes and someone is fined as far as the infraction goes and so forth is that something that's not going to show up on a criminal background check assume -- for someone for instance who's applying for a job or for an apartment maybe, something like that? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. And through you. First I don't want to represent that everyone arrested now gets

a criminal record because there are many cases that are -- you go to court, you go through the process and through one form or another there is subsequently either nollied or dismissed. But there are definitely individuals who do get convicted of possession of what one would deem to be relatively small amounts of marijuana.

With respect to the question as to whether or not this will come up on a background check, that is a little bit more difficult to say because as things change and technology changes and the ability to go through in -- to delve into people's past I know that people are finding that more and more things are turning up. But with respect to the question if you're asked have you ever been convicted of a crime you would be able to answer no if you were convicted of a violation of possessing a small amount of marijuana.

So I know that that is a common question on employment applications. Have you ever been convicted of a crime? If you plead guilty to this as a violation you would be able to answer no.

SPEAKER DONOVAN:

Representative Sampson.

REP. SAMPSON (89th):

Thank you very much for that answer also,

Representative Fox. That's pretty much what my understanding was too although I will tell you that I have seen a background check that might be done by an employer and it typically does include infractions, motor vehicle infractions and even something like loitering or something like that. So it may indeed show up. I guess the biggest concern I have about this whole issue is how it will affect minors. Through you, Mr. Speaker. Representative Fox, can you let me know any changes whatsoever how they will affect -- this bill if it passes would affect how a minor is treated if they are found to be in possession of a small amount of marijuana.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox. I'm sorry. Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. And through you. With respect to the bill as amended those who are deemed to be juveniles would be -- would be required to report to court. They would not be charged with a crime. They would be charged with a violation but they would still be required to -- to appear with their parents in court. So that would be consistent.

Also with respect to those who are under 21 if they are found in violation of the penalties under this bill as amended in addition to the fine they would have their license suspended for 60 days. If they do not yet have a license this bill would mirror the language for possession of alcohol in that they would not be eligible for 150 days to get their license when they are -- 150 days beyond when they were initially able to get a license.

So it does -- there was concern regarding younger people that were expressed in committee. And it is the hope that the amended bill attempts to address some of those concerns.

SPEAKER DONOVAN:

Representative Sampson.

REP. SAMPSON (89th):

Thank you for that answer as well. So just to follow up on that. Notwithstanding the amendment that we just passed that the third time would generate a requirement to go into one of the programs for substance abuse does that change in the case that you cited, in case of a minor who would have to show up in court despite the fact that it would now be for an infraction rather than for a crime.

Would they still be under the same requirements as far as going into one of these programs or is that changed

via the amendment that we just passed? Through you, Mr. Speaker.

(Deputy Speaker Ryan in the Chair.)

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. For those who are deemed to be juveniles they would need to report to court and oftentimes what happens there is a -- a plan is worked out with a probation officer or some sort of councilor in the juvenile court and they would come up with something. And I'm sure that they would do some sort of evaluation as to what's the appropriate way of treating this young person.

DEPUTY SPEAKER RYAN:

Representative Sampson.

REP. SAMPSON (89th):

Thank you, Mr. Speaker. Forgive me that I'm not familiar having -- not being a minor and having not ever been charged with possession of marijuana in any amount.

I don't know exactly what happens when you go to court. And really this is a very, very important question to me to find out whether or not the process will -- has

changed or excuse me will change in any way if this bill is passed. Maybe just a tiny bit more clarification if you can tell if the -- the situation would still remain the same as far as entering into some type of education program. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Thank you. Through you, Mr. Speaker. If I just may ask a follow up question. Are you referring to those over 21 or those under 21 or --

REP. SAMPSON (89th):

Through you, Mr. Speaker. I'm referring only to minors.

REP. FOX (146th):

Okay.

REP. SAMPSON (89th):

My only concern is how a minor is treated when they are brought into court.

REP. FOX (146th):

Okay.

REP. SAMPSON (89th):

I want to see that they get the same exact treatment that they get currently and that we're not in some way

condoning this behavior by lessening the, you know, no longer requiring a class, et cetera. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Those who are treated juveniles even though they would be facing a violation instead of a -- a criminal offense would be treated very similarly. Those who are under 21 who are not juveniles would be issued the violation by a -- by an officer. They would have the option of paying that by mail. And when -- when that fine is received the Department of Motor Vehicle would be notified and they would lose their license for 60 days.

DEPUTY SPEAKER RYAN:

Representative Sampson.

REP. SAMPSON (89th):

Thank you very much for those answers. They are very much appreciated, Representative Fox. I guess that was very, very helpful to me in weighing the -- the pros and cons as far as how I will ultimately make my decision. There are some issues that I'm struggling with.

First and foremost I would consider myself to have

a pretty libertarian position as far as most issues and with respect to marijuana it seems to me it's a plant that grows in the ground and the government should in most cases not have the right to dictate to free men and women what they do with that.

The issue of course is that it's been classified as a drug for -- for quite some time. And this of course raises questions of how we deal with the federal government on the possible conflict and how they treat drugs versus our State. And the bigger issue is that I would never want to be in a position of appearing to condone the use of a potentially dangerous substance by minors.

There's of course the rational argument that was put forth as one of the motivators for the bill which is the -- the fiscal savings and the alleviation of maybe some additional work effort and cost as far as our judicial system. In the fiscal note I believe it says that there are only 21 individuals incarcerated for possession of marijuana.

We don't even know if that is the charge that they actually are in prison for. So it seems to me we don't put people in jail for this as it is. So the difference between them having an infraction and a fine that might actually generate revenue for the State versus a criminal

record which may follow them through life and potentially cause them to end up in a life of crime because they can't get a job or something like that.

So these are all very, very important factors. And I'm thinking of what potential harm could come of this bill as well. And I guess that's what I'm struggling with. There's many unanswered questions. I'm not really comfortable with passing a law that is in direct opposition to federal law. And I guess the ultimate thing is are we ready yet. I don't know if we're ready to make this move just yet.

But I'm going to pay attention to the rest of the conversation and hopefully I'll be able to make a much more educated decision by the time the vote comes. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Representative Coutu of the 47th, you have the floor.

REP. COUTU (47th):

Thank you, Mr. Speaker. Mr. Speaker, today I'm going to speak of a viewpoint of some of my friends who actually are D.A.R.E officers or have been D.A.R.E. officers in the past 20 years. They informed me that they think this is absolutely the wrong direction to go with drug policy.

They're concerned because they deal with hundreds if not thousands of students throughout Norwich and the region. And they recognize that the first drug that many kids have access to is probably marijuana. And they're concerned about the future of our kids and that this could lead to a dangerous precedence and some of these children are going to go on to pills and other substances throughout -- that we have across America.

Then I start thinking a little more about the military. The military has a black and white policy. You do drugs, you get kicked out. And believe me it's a deterrent. It's a reason why you will never do drugs in the military and you give -- and you care about your career or the future of your life.

They will throw you in jail which may be excessive at times but they will put you in jail. They will make sure you get out of the military and you will lose your career. And through you, I have a couple of the proponent of the legislation, Mr. Speaker.

Mr. Speaker, through you, I have a question to the proponent of the piece of legislation. I just want to verify federally the law relating to controlled substances, is marijuana one hundred percent legal at a federal level? Through you, Mr. Speaker.

(Deputy Speaker Altobello in the chair.)

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. My understanding is that it is not.

REP. COUTU (47th):

Okay and then --

DEPUTY SPEAKER ALTOBELLO:

Representative Coutu.

REP. COUTU (47th):

Thank you, Mr. Speaker. And there are laws and there's sort of a mix between medical marijuana and then the other standard of having marijuana. And we've seen it in California which now it seems the federal government's coming out pretty strong saying we have concerns that allowing drugs including marijuana to sort of be lenient on enforcing those rules, they're starting to crack down.

So if the proponent of the legislation could just expand just a little bit more how that's -- how it's not in some cases a controlled substance.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I did not say it was not a controlled substance.

DEPUTY SPEAKER ALTOBELLO:

Representative Coutu.

REP. COUTU (47th):

And I'm not an expert relating to drugs but a controlled substance in my view means warning -- the government wants to somehow keep control of the amount of it, the rules related to having drugs and marijuana.

So what does the good gentleman -- what's his comprehension of a controlled substance relating to marijuana, meaning does it truly mean it's controlled because it's an illegal substance? That's where I'm getting confused, Mr. Speaker. If you could just clarify a little more I'd appreciate it, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Perhaps I should have clarified earlier and I know it was mentioned earlier by Representative Bacchiochi. We did have two bills in

judiciary committee -- well actually three bills in judiciary committee but two dealt with marijuana. One was the decriminalization of marijuana, the other was medical marijuana.

I recognize that there have been on a nationwide basis certain articles related to the federal government and state's laws involving medical marijuana. This bill is not that situation. What this does is it allows the State of Connecticut -- it addresses the penalty that the State of Connecticut will impose for those who are in possession of less than half an ounce of a marijuana substance. So, through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Coutu.

REP. COUTU (47th):

Thank you, Mr. Speaker. I do know the State of Rhode Island -- and I don't know all the details related to it. They've recently sort of changed their policies relating to marijuana. It seems they were going a direction of being a little bit more lenient with some of the enforcement but now they're transitioning back to strengthening those rules.

And one of my concerns relates to -- when I was on the judiciary committee I got the impression some of this

legislation was going down the line of we need more revenue so if we tax it we could potentially produce more revenue and I always get concerned relating to drug policy from any government if it's going around anything to do with taxes and revenue.

I also am concerned because we are enforcing and really cracking down on drivers of cars with cell phones, seat belts, some other rules that as a legislature we think are very important to enforce and also we're increasing the amount of the fine. Basically making a statement that you shouldn't -- you got to be very careful when you're driving with cell phones or not having seatbelts, things of that nature.

And here relating to drug policy, marijuana, we're actually making it more lenient in my view. Where an individual can have less than half an ounce and have a fine that for the most part is less than most speeding tickets, less than a cell phone ticket. There's a lot of people that I've been talking to, Mr. Speaker, some rehabilitation facilities, some institutions that are down in my region.

I've worked with some people who have mental health issues, have addictions and many of these individuals and leaders are telling me that the first substance that these

patients, these people came in contact with during their trek through life which has unfortunately deteriorated where they can't get jobs. They can't produce. They're getting multiple convictions for all different things including robbery and theft, started with their first marijuana joint. And it was innocent. It was something early on in their life.

It might have been high school. And they became potheads. And we know people -- everyone of us in here, somebody who was -- had all the opportunities in the world. That athlete I can think of a couple of them on some sports teams in high school.

Some of the best athletes from our schools, they became potheads. And unfortunately their life never turned around. And it all started with one joint. And it's really sad because I know if it happened to a couple dozen people in my school and a couple dozen people in the other schools in my neighborhood it's probably happened to tens of thousands of people across the State of Connecticut.

And when I'm speaking about this I'm thinking a lot that we are making a policy statement today more than anything else that marijuana in many ways is less dangerous or less harmful than something like a speeding ticket, a

cell phone use while you're driving, and many of the other fines that we have on our books.

And I know that's not the intent. So I don't want to get this wrong. But that's what I believe this potentially is going to do. I also have to briefly state I had amazing experience a year and a half ago. I went to California. And I know it's a total different piece of legislation but they have their medical marijuana. But in many ways the results of loosening up your drug policy was shocking.

As I walked on Venice Beach with my wife there was three big stores that have these massive green neon glowing marijuana signs with young ladies out in front with palm palms jumping around asking me and my wife if we've ever had a headache or any other physical ailment. If we did they basically guaranteed us within a half an hour you could get marijuana.

And I understand that's medical marijuana and we're just today decriminalizing. But my point is there's a lot of people including my D.A.R.E officers and the D.A.R.E. officers that served before these gentlemen now who believe this is going to go down a path which potentially will go into medical marijuana.

Either way it's going to make it more lenient and it's

going to make kids and others believe that this is a fine less than something like a cell phone use and it's -- it's not as bad as it used to be. I know, Mr. Speaker, that if you want a job in the State of Connecticut many companies including the military do drug tests. If you fail that drug test it doesn't matter if you did cocaine or if you did marijuana. You will lose your job.

So there is a -- a common sense perspective here that if we are basically making it less of a concern for people to have less than half an ounce of marijuana because it's a fine, a very small fine, they may be tempted to try the drug. And when they do if they go to work and they have a drug test they can be fired. I also have one more question to the proponent of the legislation, through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. COUTU (47th):

Obviously if we say half an ounce can the proponent tell me in a small zip lock baggie is that a full bag or is that half a baggie or -- Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

He's trying to bag you, Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I'm thinking it's about a half an ounce's worth. I'm not sure though, Mr. Speaker, exactly how much it would fill up of the bag.

DEPUTY SPEAKER ALTOBELLO:

Representative Coutu.

REP. COUTU (47th):

Thank you, Mr. Speaker. I ask that because it's important because we got to sort of have a visual of how much half an ounce is. I know if I went outside right now and I grabbed a bunch of leaves and crumpled them up, you'd probably have maybe a little baggie that you'd put a sandwich in full of leaves and it would be something simple -- similar to half an ounce.

I suspect -- and I know we had some testimony and somebody was stating a full ounce was somewhere around 40 -- I guess you'd call them -- I wouldn't even call it a cigarette. Maybe the term on the street is joints. So it could be ten to 15, 20 joints and that's quite a bit of marijuana. I could be wrong on that exact number and I hope one of my colleagues corrects me. But -- but I would guarantee it's at least 20 maybe 30 joints. That's a pretty large amount of marijuana.

This isn't some old lady or some young man walking around with one joint in their pocket. This is literally

a little baggie that you'd put a sandwich in full of leaves. Now the other problem we all know is with marijuana and the new marijuana it's not as my colleague Sampson stated something that grows from the ground many times. It does grow from the ground but it's also -- they infuse different things into marijuana.

It could be -- I heard embalming fluid. I heard that there's other substances that they can add to make marijuana much more potent and much more addictive. And that's part of it is that we don't have a regulatory authority to really track what's in the marijuana. And while I'd like to believe -- I know there's not as many overdoses with things such as marijuana as other substances, there is always the concern that somebody could lace some marijuana with something very dangerous and all it takes is probably one child, one kid to die and we will look back at this legislation and say what did we do.

So, Mr. Speaker, through you, one more question to the proponent of the legislation. If we have in our heads up to a dime -- a baggie full of marijuana and that police officer pulls up and there's a car and they've got leaves or whatever they may have inside the car, how exactly does the police officer determine if it's point one ounce, if

it's a pound.

Do they -- are they going to carry scales in their car? Is there any idea behind this? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. The officer would have to make an evaluation based upon their -- their knowledge and experience. As I understand it upon an arrest they do make an effort to accurately measure the quantity of whatever substance it is that is being seized.

I don't know that it takes place on the scene but it may take place shortly thereafter. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Coutu.

REP. COUTU (47th):

Thank you, Mr. Speaker. Mr. Speaker, that could be a logistical, paperwork nightmare. When we come to law as far as I know something like alcohol enforcement, point eight is driving under the influence, point one -- actually driving impaired, point one for driving under the influence.

And when you're talking about something as critical as you may have point five ounces -- because not all policemen have 20 years on the jobs. There's many on the beat who actually the newest police officers are going to be going around I assume they don't smoke because they get tested. So we -- so they can't smoke any marijuana.

And the bottom line is they're going to have a problem determining what is point five ounce. What's that threshold. And I think unless the State if they pass this legislation mandates something like we're going to cover the cost for scales in police cars across our State this may be a serious problem for our policemen, our police departments.

And I assume when it goes to court there's going to be a lot of cases if it's at point five, point six ounces where they're like listen, I felt it was at point four. And the policeman didn't really clarify until a day later when he told me we got back to the police station. What happened between going from my car to the police station? So that's another area where I have some concerns.

So, Mr. Speaker, to wrap up, as far as I can tell federal law, they are starting to crack down a little more in California. We are making a statement today that in many ways -- and I do understand the core belief behind

this that if you are a user and you have a very, very small amount you shouldn't go to jail.

But I will question that I don't know anyone who's ever been caught with any small amount of marijuana, first offense, maybe second offense, third offense, who goes to jail. From what I understand it's a dealer who has a pretty large amount maybe that's two ounces because that would be almost a duffle bag of marijuana. They're the ones that probably go to jail.

But the small every day user they're -- we don't have policemen going to their neighborhoods, kicking down doors, looking for dime bags. And I think it's hard for me looking at the federal policy, knowing how many children this affects and potentially could affect, knowing that many people that are in our mental health institutions across the State and across the country started out with their first puff on a marijuana joint knowing that many companies if you smoke drugs you're fired.

And believing in my heart that we have to have a very strong stance on drugs and that requires us saying no to drugs. If you do drugs you have the potential to go to jail if you're 12 to 20 years old. Just the threat deters kids from doing drugs. And today on tomorrow's paper they're going to say Connecticut -- if this passes and the

Governor signs it.

Connecticut has given you a fine that's smaller than a speeding ticket for a baggie that could hold 30 joints. I don't get it, Mr. Speaker. I hope the rest of my colleagues really think about -- and don't look at Chris Coutu, look at my D.A.R.E. officers who deal with thousands of children throughout the school district who are telling me they are extremely concerned about us passing this legislation and going down the wrong path for the State of Connecticut. Thank you, Mr. Speaker and I thank the gentleman for all his answers.

DEPUTY SPEAKER ALTOBELLO:

Thank you, sir. Further on the bill as amended? Representative Carter, 2nd District, you have the floor, sir.

REP. CARTER (2nd):

Thank you, Mr. Speaker and good afternoon.

DEPUTY SPEAKER ALTOBELLO:

Good afternoon, sir.

REP. CARTER (2nd):

Mr. Speaker, a few questions through you to the proponent of the bill.

DEPUTY SPEAKER ALTOBELLO:

Please proceed.

REP. CARTER (2nd):

Thank you. On the first page of the bill it was talking about the -- the law enforcement that's line ten. My question is when a police officer stops -- I don't know if this has happened earlier. When a police officer stops someone and the police officer recognizes that individual has marijuana, can the police search the rest of the car? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides, you have the floor, Madam. For what purpose do you rise?

REP. KLARIDES (114th):

Thank you, Mr. Speaker. Mr. Speaker, I question the presence of a quorum.

DEPUTY SPEAKER ALTOBELLO:

Thank you. In the opinion of the Chair a quorum is now present. And will return to the bill as amended. Representative Carter, you have the floor. Please proceed, sir.

REP. CARTER (2nd):

Thank you, Mr. Speaker. And through you I was beginning to ask a question about a police officer. In this case we'll say stopping an individual in a vehicle. And if they're stopping and the police officer identifies

that they may have some marijuana will the police officer be able to search the entire vehicle? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I would anticipate that the police could search the vehicle as they would be able to do under current law. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker. And also if -- if an individual is stopped and the police officer believes they have marijuana would that -- would that individual then be given some sort of sobriety test or something in the field? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. If the individual were driving and also -- there's nothing in this bill that changes our -- our laws with driving under the influence. Through you, Mr. -- so -- so any individual would still

be subject to those laws. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker. I guess my question really -- it's something I don't know much about. So maybe the -- the good chairman of the judiciary can enlighten me. If somebody is stopped for being under the influence of marijuana is there a blood test or something that could be done on the scene to determine exactly what level that individual has?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I am not aware of a -- of any type of blood test that's done at the scene. The tests that I'm aware of are -- primarily would be a breathalyzer. But I believe at the scene all of the arrests that would take place are based upon the officer's observations through his or her training and experience. And that would apply whether the officer suspected alcohol or if the officer suspected drugs.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker. It just brings to mind that you know, the worry I might have or one of the concerns is if we're going out and letting more people have marijuana in small amounts, that might mean more people smoke marijuana in small amounts therefore maybe we have more people driving under the influence. And with no -- no specific test. It's all up to the judgment of the officer.

I'm just wondering if long term that could create a problem so that's a concern. But I'll move on actually to line 29, that's section three of the bill. Line 29 talks about the paraphernalia used for marijuana. And specifically what I'm interested in is I've looked in the law and nowhere does it say rolling papers are considered paraphernalia -- paraphernalia. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I'm not sure if rolling papers are expressly set out. I do believe if they're used -- and I could be wrong about this. But I do believe

if they are used in connection or in combination with possession of marijuana that they could then be deemed to be paraphernalia.

DEPUTY SPEAKER ALTOBELLO:

Representative Carter.

REP. CARTER (2nd):

Thank you. And thank you for your response. I guess my question then would come. If an individual is caught with rolling papers in their pocket and maybe they have tobacco. I know a lot of people decide to roll their own tobacco. But that individual does have a less than one half ounce of marijuana also, then it could be construed that the rolling papers are probably not for the marijuana. Would that be a reasonable assumption? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. And I just want to make sure I have the example correct. So an individual would have rolling papers in their possession and then in one pocket there would be a -- a bag of tobacco and in another pocket would be a bag of marijuana? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Carter.

REP. CARTER (2nd):

Mr. Speaker, that's correct. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (2nd):

Through you, Mr. Speaker. Then in that situation it would be up to the officer as to whether or not they believed that the individual was using the rolling papers only for tobacco and -- so it's difficult to answer that situation. If in fact however the situation were one in which the individual had rolling papers and only tobacco then I would think that the person would have a much stronger argument.

DEPUTY SPEAKER ALTOBELLO:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker. Then that would lead to the obvious conclusion then, if somebody had marijuana and it was already rolled -- in rolling papers, i.e. what we call a joint, then the person could be convicted of using paraphernalia but would not be convicted under having a half ounce or less -- or a less than half ounce of

marijuana. Would that make -- would that make sense? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. If they -- if the individual had a -- a -- what is known as a joint of marijuana, meaning marijuana rolled up in rolling papers then they would be in possession of a small amount of marijuana. So they would be -- currently they would be arrested for a crime. Under this bill they would be arrested for a -- a violation. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker. Well through you, Mr. Speaker, I'm a little confused then of what the bill says. I understand that drug paraphernalia is still illegal of the way I read this. Is that not true, Mr. Speaker? Through you.

DEPUTY SPEAKER ALTOBELLO:

Not in this bill, sir. It's in a different section of the law.

A VOICE:

No, it's in this bill.

DEPUTY SPEAKER ALTOBELLO:

It's in 218-240.

A VOICE:

No, it is in this bill.

REP. CARTER (2nd):

Okay. Through you, Mr. Speaker. I guess what I'm getting at is here's the question. If somebody has drug papers and they've rolled them into a joint. Now the drug paper has become paraphernalia. So my question is if you have a half ounce or less than a half ounce of marijuana and it's inside paraphernalia is that illegal? Would that person be prosecuted for having paraphernalia? Does that make any sense? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. What the bill does is it -- it does address the issue of paraphernalia to the extent where an individual would be in possession of a -- of an amount of paraphernalia that is consistent with less than a half ounce of marijuana. And what the -- what the bill does is it -- it would deem possession of drug paraphernalia in those instances to be an infraction,

which as we discussed earlier is a fine up to $90.

And -- so in the example that's given if an individual is found with a joint or pipe or some sort of paraphernalia that would be consistent with the use of less than one half ounce of marijuana then yes, they could be charged with both the violation of possession of a -- of a small amount of marijuana together with the infraction of possession of drug paraphernalia. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Carter.

REP. CARTER (2nd):

Great. Thank you for the answer. I just wanted to make sure I was clear on that because obviously they would be -- they would be -- have two different infarctions with that. Because if -- as you get to line 55 it does say that you can't paraphernalia is the way I read it. So I want to make sure they could still be prosecuted for that. Looking down to section four that would be line 69, 70, actually I would say 71 through 75.

We're talking about the Commission of Motor Vehicles being able to suspend licenses for 150 days of a person who's under 21 years old who's convicted for section 30-88A. That's a fake ID, right? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. That is my understanding. That is the fake ID statute.

DEPUTY SPEAKER ALTOBELLO:

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker. You know I do say -- I do actually like that concept of the bill where if you -- if you are caught with less than a half ounce of marijuana and you're -- you're 21 years old. The way I understand this you can lose your license for 30 days. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Through you, Mr. Speaker, it would be 60 days.

DEPUTY SPEAKER ALTOBELLO:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker. I stand corrected. I see that it is 60 days in the bill. One other question then

as we -- we were talking earlier about children and if children are caught with possession. I wanted to make sure I understood this correctly.

Through you, Mr. Speaker. If my 15 year old daughter is caught with marijuana, the way I understand it can she be convicted as a delinquent or not convicted as a delinquent? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. It is my understanding that she can be.

DEPUTY SPEAKER ALTOBELLO:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker. And I -- I thank the gentleman for the answers to his questions. You know obviously this is an important bill. There's a lot of emotions that run high about this. But -- you know, one of the things that really bothers me is that we may be sending a message to our children that is -- that's inappropriate at best.

You know we're talking about decriminalization of this -- of this drug is the way it's been labeled. I know

we can say it's still a crime because there's a fine involved. But in the big picture we're still sending a message to our children that it's okay. It's okay to use pot. I have an eighth grader at home. My son has talked to me that he's been approached by eighth and ninth graders about using marijuana.

You know when we as a legislative body we set out to say, okay, we're going to decriminalize it. And everybody's excited about it in the news. I think we send a really bad message to our children. Now through you, Mr. Speaker, I just have a couple of more questions. Through you to the proponent of the bill.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. CARTER (2nd):

Now the one thing we haven't talked about -- we've talked a lot about the size of the marijuana specifically what a half ounce versus an ounce. Reading online I find that a half ounce is about a half a baggie, an ounce is about a full baggie. Of course I'm reading that just online so there's no way to really tell if that's true.

But my question, through you, Mr. Speaker., is there a way or a test in -- when they do evidence to see how much THC is in the marijuana that -- that we -- that we

confiscate. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I would expect that there is a test. I'm not familiar with what it is.

DEPUTY SPEAKER ALTOBELLO:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker. You know I ask this question because for whatever reason we've adopted this concept of a half ounce. I find it somewhat arbitrary in the sense that, you know, doing some reading about what -- how much THC -- excuse me THC can be in marijuana.

I find the concept arbitrary because, you know, you could have some marijuana that has four to six percent THC. And then you could have other strains of marijuana that has up to 25 percent THC. Now I was reading, they talk about having ten milligrams of THC in a single joint. Yet with some strands of marijuana and if you lace it with another cannabis type product called hash oil you can have up to 300 milligrams of THC.

So through you, Mr. Speaker my -- my question would be why did we pick less than a half ounce?

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (2nd):

Excuse me, Mr. Speaker. Someone else was speaking with me. If the Representative could please repeat his question.

DEPUTY SPEAKER ALTOBELLO:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker. I was -- I was speaking to the levels of THC that could be in a marijuana cigarette or a joint. You could have up to ten milligrams of THC in a joint but then if it's lased with hashish or it's another strain of pot it can have up to 300 milligrams in the same size cigarette. So my question through you, Mr. Speaker, is why did we pick less than a half ounce to decriminalize?

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. The -- as I stated earlier the original proposal was for an ounce or less. There are -- the other states that have decriminalized this have a wide range of different amounts of ounce -- it's

generally measured in ounces and they have a range that would go somewhere between one ounce to I -- as high -- the highest I think I saw was Alaska which has four ounces.

It was determined that a half ounce was more consistent with one would -- who was engaged in personal use would be in possession of one -- half an ounce or less. Anything more it was deemed we should continue to leave that as a misdemeanor under current law.

DEPUTY SPEAKER ALTOBELLO:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker. You know and again when we're talking about the size of the -- or the amount of marijuana and there's absolutely no relation then to how strong that marijuana is. The next likely question would be what about other cannabis type products that are covered in the bill specifically hash oil or hashish oil.

From what I understand it's a very popular cooking item among those that use marijuana specifically for who knows what -- brownies. Is there any way to tell exactly how much hashish oil is an ounce if we were to prosecute somebody? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. It's possible someone has been prosecuted for that. I'm not aware of anybody. And I'm not sure how you would measure hashish oil.

DEPUTY SPEAKER ALTOBELLO:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker. You know this is -- this is one of the problems I have with this. You know I haven't had a lot of people coming to me speaking for or against whether we're going to decriminalize marijuana to be honest. But one of the problems I do have is this notion that we've arbitrarily picked how much pot somebody can have without any -- any thought given -- any thought whatsoever given to how much THC could be in that marijuana.

Now when you're talking about something that could have an effect on somebody and could have a cardiovascular effect. It could have a neurological effect. It's a drug. We haven't even thought about that concept. So I think we need to spend some real time and decide if we're just going to arbitrarily pick a -- pick a number at least have some background to say why we're doing it. I thank the gentleman for his questions. I look forward to

hearing the rest of the debate on this issue. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative. Representative Klarides, you have the floor, Ma'am.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. Mr. Speaker, few you a few questions to the Chairman of the judiciary committee.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, Madam.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. Through you, just for some background. I know that he's answered some questions already of some of my colleagues about the -- what the actual penalty right now is for under a half an ounce of marijuana. If he could just repeat that, through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. And through you currently the penalty for one who is convicted for possessing less than four ounces of marijuana is a -- it's an A misdemeanor and it's up to one year in jail and $1,000 fine I believe.

And then the -- from there it goes up for subsequent

convictions. I should point out and I want to just make it clear as I stated earlier, many times these cases are -- are either dropped or dismissed. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. And actually the good gentleman brought up my -- my next question. Do we have any statistics or numbers as to how many cases that constitute less than half an ounce of marijuana, people actually have been imprisoned. Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I don't have a figure -- because the crime as it currently exists is four ounces or less I believe it was a -- somewhat difficult to ascertain those who are incarcerated for -- for half an ounce or less.

However I can say at least through our nonpartisan legislative offices that it appears there's about 20 -- slightly over 20 people who are currently incarcerated under this statute.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. And of those -- those 20 people how many total were actually arrested if 20 of them are incarcerated how many were arrested in total? Through you.

DEPUTY SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

I think all of them, Mr. Speaker. I mean at some point were arrested. I mean I -- if the question is -- actually perhaps if the Representative wants to rephrase the question.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

I'd be happy to, Mr. Speaker. How many arrests in total have we had for under four ounces of marijuana?

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. That's -- I appreciate that question. I've received different numbers. And the

one -- one that I received from the judicial branch had around 13,000 individuals in the year of 2010. I saw OFA's report which dealt with closer to 10,000 individuals. So I -- I would say -- I don't want to say either one is incorrect but those are the numbers that I've received. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. We can just use the $10,000 number just to round it off. I mean 10,000 arrest number. Excuse me. So of the 10,000 arrests just to have an average number, 20 of the 10,000 are incarcerated. Is that accurate? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Actually I would even say -- because I don't know what years those 20 were -- were incarcerated. They could have been convicted for something earlier. However given that the sentence would probably be relatively short in a -- in a case like this that's -- that number's probably not far off.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. So I'm just a little confused. I know we've heard a lot of people say that the reason for doing this bill and changing the law and the way that this would contemplate changing the law is because we -- people who poses this amount of marijuana shouldn't go to jail. And from what I'm hearing of 10,000 average number, 20 of those may be in jail. What happens to the other 9,980? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Their cases are either dismissed or -- or nollied by the prosecutor or they get a criminal record by pleading guilty, they just don't go to jail.

DEPUTY SPEAKER ALTOBELLO: Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. So this bill would by changing possession of under a half an ounce of marijuana to an infraction. If the good Chairman can just explain the technical difference in how that would affect

somebody's record from where our statutes are to how they would be going forward. Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. According to the number that I presented earlier where there was about 13.000 -- over 13,000 arrests for -- for this offense. According to the judicial branch's figures about 4,800 of those individuals actually plead guilty which means those people have a criminal record for the rest of their lives. And -- now I -- I don't know if those people -- of those 4,800 how many would fall under a half ounce or less but for those who -- if this bill were to pass if those were -- if people were charged with possession of a half ounce or less and they were to plead guilty to the violation as opposed to the criminal offense of possession then in the future when those individuals go to fill out a job application, apply for school, apply for a license whether it be an attorney's license or a license that goes with the financial industry, whether they apply to become teachers.

There's a whole wide range of -- of professions that -- and job applications where individuals have to

disclose whether or not they had been convicted of a crime. And with respect to this legislation for those who are found in possession of what is deemed to be a smaller amount they would not have to put themselves down as one who has previously been convicted of a crime. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. And how does an infraction appear on -- on one's record? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I can recall back when it did not appear at all. I do think things are changing somewhat with respect to technology and that it is more difficult now to -- to inform somebody as to whether or not a -- a violation or infraction will -- will appear.

But even if it were to appear the individual could at least say that they have not -- they are not a criminal or have been deemed to be a criminal at some point in their life. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. But if -- if marijuana in and of itself is still illegal in the State of Connecticut, yet this is just making categories of what's quote, unquote criminal and what's not. A half an ounce or over would technically be criminal and now this would be under a half an ounce.

It would be an infraction that fits into -- I'm still not clear as to what category that would be. I mean if somebody asked me have I ever been arrested of a crime I could say no if I get this infraction for under a half an ounce but if I got -- if I had a half an ounce or more I would have to say yes. Is that how that works? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Based upon the scenario as it was set out, that is correct.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Well then what is -- what's the category of an

infraction. I mean is there just some section of our statutes that's just called infraction. There's no -- it's nothing -- I mean it's a crime technically. No? I mean I'm not really -- it's obviously not a felony. It's a - what is it? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. As I understand it a -- a crime is one that is accompanied with a threat of incarceration -- with a potential for incarceration. The way our -- our statutes currently read with respect to this area of the law an individual caught with a joint is -- would be charged with a crime.

Now as I set out earlier and the way it's been explained to me through our attorneys is an infraction is -- would be $90 fine or less. A fine that is in excess of that amount but does not have with it a threat of incarceration would be a violation. And anything that does have a threat of incarceration is a crime.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. And -- and right now the way

our statutes read if you are in that group of ten or 13,000 people that have gotten arrested for this amount of marijuana -- let's just say you're -- you've never gotten in trouble before and you -- you got arrested for under a half an ounce of marijuana. What -- what programs might you avail yourself of as of today? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Actually the programs are the same for -- because the crime right now is anybody convicted for four -- not convicted -- anybody charged with possession of four ounces or less. So those -- all of those individuals would -- would be able to avail themselves of the same programs.

The programs that -- that I'm aware of are the drug education program and community service labor program. They are the -- the primary programs that are used. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. And if one avails themselves of -- of one of the programs that the Chairman just

mentioned is that a program that after someone successfully completes it what happens after the successful completion? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. The -- oftentimes the case is continued and if the completion is successful -- it's continued for a date certain in the future. If the individual successfully completes the program the case would be dismissed.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. And if -- if one's case was dismissed that would mean it's no longer on your record. Is that correct? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. You would not be convicted of a crime. So that's correct.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. So if you went for a job interview or applied to school and somebody asked the question have you ever been convicted of a crime. In that particular situation we just contemplated the answer -- the correct answer would be no. Yes or no?

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Yeah. Through you, Mr. Speaker. The correct answer would be no.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. And besides those two programs that the Chairman just mentioned would he -- in his -- with his understanding are those the two main programs or is -- would this be a situation that someone might avail themselves of the accelerated rehabilitation program? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.REP. FOX (146th):

Through you, Mr. Speaker. I have heard of situations

where they do however in this type of situation I believe the other programs are used much more predominantly.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. Is it the Chairman's understanding that someone got arrested as of today of -- under possession of under four ounces of marijuana and they had had no other past with any arrests. One would avail themselves -- I mean there'd be no reason that I can imagine unless the Chairman can imagine one that one would not avail themselves of one of these two programs he just mentioned. Would that be correct? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. That would be a very common situation where one would in all likelihood seek to avail themselves of one of the two programs.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. Through you. I know that one of my colleagues had asked about the -- where the half

ounce number came from in this bill. And if I may, through you, Mr. Speaker. I believe when we have had this bill before us in the judiciary committee years prior I believe that amount was higher than half ounce. Am I correct in that? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I believe it has consistently in the times that I've -- I've seen it I think it's been two separate legislative sessions including this one. I believe it started off at an ounce and -- and in committee had been amended down to a half ounce.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. And I know that one of my colleagues had asked this question and this was a conversation that we had had in the judiciary committee before because I can only speak for myself but I had heard testimony and questioning from my colleagues as to how much an actual half ounce of marijuana was.

And I remember having conversations with then Chairman Lawlor who educated me on how much a half ounce

of marijuana was. And I remember that there was some discrepancy but we came up with a general range depending on the size of the marijuana cigarettes. And at the time there was a range anywhere from 20 to 40 marijuana cigarettes give or take. Does the Chairman recall that as an accurate representation? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. My recollection is it was -- there was discussion that that would -- that it would be approximately 30 so the Representative is certainly in the range of what was discussed. I also should acknowledge that there was some who disagreed with that -- that high of a figure. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. And through you. Why is it that we as a State make -- have marijuana in general as an illegal substance? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I would be giving a layman's answer because I believe marijuana has been illegal for as long I can recall. And it is also illegal in every other state whether it's criminal to possess or not. It is still as I understand it illegal. So like other substances it would likely be due to any effects that use of the substance may have. But as to why it is illegal today I'm not sure. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. I certainly appreciate the Chairman's attempt to answer that question. I -- I don't have that answer either but I would presume it was because at some point somebody determined it was dangerous in some way, shape, or form.

One last question to the Chairman. Just so people understand the -- the idea of an infraction. If somebody's driving down the road and the speed limit is 55 miles an hour and one is driving 64 miles an hour and a police officer stops you and gives you a ticket. What kind of ticket would they be given? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Speeding, I would expect.

DEPUTY SPEAKER ALTOBELLO:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. I do believe that under -- it's either under ten miles an hour over the speed limit or 15. I'm not sure but I know it's definitely ten. The ticket you would get would be an infraction as opposed to if you go a certain -- certain miles an hour over the speed limit and then you get a misdemeanor speeding ticket I believe.

And I'm a hundred percent sure that that's -- that that's the case. Mr. Speaker, I would like to thank the gentleman for his answers. And I have to tell you it baffles me that as a State as policy makers we make policy based on several things. We make policy for safety reasons whether they're personal safety, public safety. Whether we think that this is the direction this State should be going in and the things people should be doing.

And clearly whether it's marijuana or controlled substances that we use in prescriptions, codeine or morphine or different substances we've all taken at one point or another for pain or for some problem we've had

that we've gotten from a doctor. The reason why certain things are illegal or controlled is because we believe them to be a danger in some way, shape or form.

The problem is they're either a danger or they're not a danger. They're not kind of dangerous here but not so bad over here. So what I don't understand is how as a State and as policymakers we can say that marijuana is an illegal substance but if you have 20, 30 joints then maybe it's not so bad. That's okay.

You know what, it's like going ten miles over the speed limit. You'll get an infraction. Sign the thing. Give me $100 and then we'll call it a day. Because that's what we're doing. That's exactly what we're doing. The question is if there's an intellectual -- an intellectually honest conversation ladies and gentlemen, the conversation is should marijuana be legal or illegal.

It can't be okay if you have 30 marijuana cigarettes and bad if you have 50 marijuana cigarettes. It's either bad or it's not bad. Forget the message we're sending to children. That's a whole other story. But it's either bad or it's not bad and when we draw that line -- and it is an arbitrary line because last year or the year before as the Chairman mentioned this bill started out with one ounce of marijuana. To decriminalize one ounce of

marijuana.

And although I'm not great at math I know if a half an ounce is approximately 30 marijuana cigarettes, one ounce is approximately 60. Sixty marijuana cigarettes. The reason why we're at a half an ounce now is because an ounce wouldn't pass. So as -- with lots of legislation that we put forward, we start out a certain way and when we get a feeling with our colleagues whether they like or they don't like it we modify it. That's reasonable. I get that.

But the intention was to start out with an ounce. Sixty marijuana cigarettes. So now we're at 30. Okay. That's not so bad. It's either bad or it's not bad. We need to make a decision as a State whether we want and believe that the illegal drug of marijuana is bad.

This is saying it's kind of okay in this direction, bad -- bad over here. That's not how we make policy decisions and those are not sound, responsible policy decisions for legislature -- legislators in this State to make. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Madam. Representative Lavielle of the 143rd, you have the floor, Madam.

REP. LAVIELLE (143rd):

Thank you very much, Mr. Speaker. And good afternoon I think it is.

DEPUTY SPEAKER ALTOBELLO:

And to you, Madam.

REP. LAVIELLE (143rd):

Thank you. I have a few short questions for the proponent if I may.

DEPUTY SPEAKER ALTOBELLO:

Please proceed.

REP. LAVIELLE (143rd):

And I think Representative Klarides has fortuitously just answered a couple of them. So I'll just ask for -- for confirmation. Do we -- is it -- is it sort of common -- commonly accepted that there are about 30 averaged sized marijuana cigarettes in half an ounce? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. That was a number that was referenced in committee. There were -- there was some -- there were some who disputed that amount so I don't know that I can say it's commonly referenced but I can say it was a figure that was -- was used in committee.

DEPUTY SPEAKER ALTOBELLO:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you. And through you, Mr. Speaker. I -- I would assume then that if we were going to take 30 as a reference, let's just do that for the moment, for half an ounce. Four ounces is eight times that so you'd get 240 in -- in four ounces. Through you, Mr. Speaker. You would have 240 marijuana cigarettes in four ounces if you had 30 in a half an ounce.

DEPUTY SPEAKER ALTOBELLO:

You're looking to the proponent of the bill for a confirmation of your math, Madam?

REP. LAVIELLE (143rd):

Yes, thank you, Mr. Speaker. That's a question. Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. If you're using 30 as the reference for a half an ounce which as I said was somewhat disputed but if you're using that as the reference then -- then yes it's correct. Four ounces would be 240.

DEPUTY SPEAKER ALTOBELLO:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Mr. Speaker. That's -- that's fine. I thank the gentleman for those answers. I'm not looking for precision but I am looking for a convenient way to refer to the quantities that we're -- that we're talking about. And I think that will do just fine.

If I understand under the currently amended version of the bill that we're talking about, the fine for a half an ounce or 30 marijuana cigarettes for a first offense is $150 or at least $150 and for the 240 it's $1,000 plus potentially prison. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Under the proposed bill as amended the penalty for less than a half an ounce of marijuana for a first offense is $150. Yes, that's correct.

DEPUTY SPEAKER ALTOBELLO:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Mr. Speaker. And for -- between half an

ounce and four ounces it's $1,000 plus perhaps jail time for a first offense? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. That is correct. The current law is anywhere from zero to four ounces -- four ounces is a misdemeanor and $1,000 fine. What the bill does is it amends that and it distinguishes between up to one half ounce as a violation. The rest of the law would stay the same.

DEPUTY SPEAKER ALTOBELLO:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you. And through you, Mr. Speaker, just to confirm. The offense when you are arrested or -- or stopped for less than one half ounce or 30 -- approximately cigarettes is an infraction. And if it's between one half ounce and four ounces or 30 cigarettes and 240 approximately that is a misdemeanor. We're talking infraction and misdemeanor. Am I correct? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. As I -- I tried to outline earlier and I recognize it gets a little bit lost in some of the terminology but an infraction as it -- as I have been told is 90 -- a fine of up to $90. A fine that exceeds that would be -- any charge that exceeds that level of fine but does not provide incarceration would be deemed a violation. And then on top of that you then go to -- to misdemeanors.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Lavielle.

REP. LAVIELLE (143rd):

Is there then -- and you'll forgive me I -- as I've said before am not an attorney but I -- I do think it's important to approach these from a layman's perspective. The -- we've spoken and we've heard spoken of this legislation as the decriminalization of marijuana.

So if you have the half an ounce or less is there a difference between what that offense is called and the offense for between one half an ounce and four ounces regardless of the amount of the fine. Are there -- is there a difference between what those two offenses are called?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Under this bill as amended yes there is.

DEPUTY SPEAKER ALTOBELLO:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you. And that difference is what? What are the two -- what are the two terms we're using? Is it infraction and misdemeanor or is it violation and misdemeanor? I'm sorry. I wasn't clear on that.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th): Thank you, Mr. Speaker. A misdemeanor is a crime. So anything over a half ounce under this bill you would still be subject to the misdemeanor charge on a first offense. A crime is one that has -- goes with -- goes -- has with it a threat of incarceration.

The proposed bill states that under a half an ounce would not have with it a threat of incarceration. And as

a result it would no longer be crime. So you would not get a criminal record if you were found guilty of this and what is called a violation.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you. So if I -- I understand then that up to half an ounce it is not a crime and over half an ounce and below four ounces it is a crime. What happens above four ounces, Mr. Speaker. What sort of -- what sort of violation is that? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. It becomes a felony and first offense is up to a five year jail term and subsequent offenses are up to a ten year jail term.

DEPUTY SPEAKER ALTOBELLO:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Mr. Speaker. And I do thank the gentleman for those answers. As I -- as I understand it we've got a sort of scale here of -- and this is important because

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these things are interpreted by the public in a particular context. We have a scale that goes from not a crime, just a sort of violation or offense or infraction with a small fine and then we have a crime with larger penalties and then we have a felony.

When you're not an attorney, all of this sort of blurs together. I speak from experience. I'm not an attorney. These things blur together on a scale of sort of okay, not great, a little bit bad to pretty bad and then to horrible. Defined by how much of this marijuana stuff you happen to have with you when they catch you. It seems to me that this is wishy washy law.

We can't make up our minds where to draw the line between kind of bad, really bad and horrible. So we've chosen these amounts. I do know that this -- in 2009 I looked up Senate bill 349 that was proposed and those same parameters were there, one half ounce and four ounces. This year we started off with one ounce and four ounces and then changed it again.

These are determinations that are being made in a -- in an area where -- with a topic that is highly charged. Because this is a -- a drug, because for some people it has moral overtones, because others wonder whether this is good for you, bad for you or indifferent or evil or not.

Interpretations of what these things mean tend to be overlaid with value judgments.

The public will do that whether we like it or not. And so these -- these determinations which do seem arbitrary because of the history about what amounts we're dealing with, trigger interpretations about whether the law says this is good or bad. Representative Klarides had a great point. This is not really something that you can get your arms around and debate with any intellectual integrity. It's wishy washy law. And when we're ready to have that debate I'll have it.

But in this case this is the kind of proposed bill that I think just causes an awful lot of impatience and exasperation. It's wishy washy law, Mr. Speaker. I can't support it. Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Madam. Representative Nicastro of the 79th district, you have the floor, sir.

REP. NICASTRO (79th):

Thank you, Mr. Speaker. Good afternoon. Mr. Speaker, I've really been torn with this proposed legislation. And quite frankly and quite honestly I'd like to explain to you why. First of all, most importantly sometimes people's best intentions -- truly best

intentions can go astray.

Mr. Speaker, I had the opportunity to serve my city for 20 years, four of those years in charge of all park and school security and then 17 years of the 21 years as a youth officer. Mr. Speaker, we're sending a message out to children and teenagers that this is no longer a crime. And it's going to be misinterpreted the wrong way.

Mr. Speaker, I can't tell you how many times that I had -- I became involved with young students who weren't attending school because they had a drug problem. And because they were hung up on drugs. There is no doubt in my mind that marijuana is the gateway to future drugs. And I saw firsthand not on one occasion, not on two occasions, not on 50 occasions but well over 100 occasions what marijuana had done to our children in our city.

It got to the point, Mr. Speaker, where I saw a young man take his life -- take his life and I had to be one of the first people who happened to be there on the scene. That stayed with me for years. It bothered me. It ate my guts out. Because nowhere did he ever comprehend that this would happen to him. And it's not just once, Mr. Speaker. It's more than once.

What we're saying to the youth of our State is it's not a crime anymore and they're going to take advantage

of that because they don't' realize how dangerous marijuana can be. I understand what the intent of the bill is. I'm not saying -- again, I understand what the intent of the bill is but it's not going to help our youth.

Our youth are going to take this wrong. And they're going to start really getting involved. I could cite you case after case after case that I dealt with in the court of law because children wouldn't go to school because they had a drug addiction or we had to place them in placements at a large cost because they had a drug addiction.

And it's not going to get any better. It's going to get worse if we reduce the penalty on this. I truly believe that in my heart. I wouldn't be standing here if I didn't believe that. There's good points to everything and there's bad points to everything.

And right now taking this marijuana and reducing it and pulling it out of the type of crime is the wrong move for the youth of this State. Adults understand it. Children are adventurous. Children will take chances. Children will say well I won't have this problem. I won't get addicted. I can move on, and you know, just have it for a while here.

But that isn't the way it goes in real life. We all know that. I think it's -- what we have to do is say what

are the benefits of this bill? Yes, if we decriminalize it it will keep people out of prison. But, Mr. Speaker, quite frankly and quite honestly people who are involved in drugs aren't going to get off drugs.

They're not going to get off drugs whether you fine them $150, $250 or $500. They're going to continue that path. And the sad point about it, Mr. Speaker, is it's going to have a heck of a ripple effect on the youth of our State. I don't want to be responsible for seeing our children getting involved in drugs more heavily than they can. And by them learning that we've decriminalized marijuana they're going to take that chance.

They're going to gamble with it. Children are -- they gamble. At age 16 and 17 years old they're thinking of having fun. They don't realize the consequences of what this can do to them, Mr. Speaker. I -- I say the sincerity. I really believe in what I am saying and Mr. Speaker, I cannot support this legislation. Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Nicastro. Representative Kupchick of the 132nd, you have the floor, Madam.

REP. KUPCHICK (132nd):

Thank you, Mr. Speaker. I too like many members in

the Chamber that are struggling with this bill. Like Representative Sampson said, it's probably one of the most difficult decisions I've made since we've been here. And I honestly don't know how I'm going to vote until I actually push that button today.

I'm reading a lot of information. I'm listening to constituents who are contacting me. I do have some philosophies on this. When Representative Klarides said earlier that either -- either marijuana's bad or it's not. You know, certain amounts should -- are going to be fined and some are going to be illegal or going to carry harsher penalties. And maybe the debate should be about legalization.

And maybe it shouldn't be about decriminalization. I don't want to send the wrong message to -- message to young people either. However I have a lot of family members who have had drug problems over the years. And my experience has been that they were going to have a drug problem regardless of what was going to happen, that it was something that was inside of them that predisposed them to have an addiction whether it be alcohol, drugs, whatever.

So I understand some of the concerns about marijuana being a gateway drug and that we're sending a message to

young people that using marijuana's okay and that would -- it might make them use other drugs. That might be true. It might not be true. I'm not really sure.

I've known a lot of people over my lifetime who've used marijuana and who grew up to be productive citizens and never used drugs ever again. And then I know people who maybe took -- as a young person who took drugs out of their parent's medicine cabinet and became full blown drug addicts and lost their lives. So I -- and I just -- I just don't know. Someone wrote to me today that if I didn't support this bill that I would be an active proponent of government intervention into the private lives of citizens and an enemy to human rights and civil liberties.

That actually bothers me to think that I would be doing that because my philosophy is in independent and individual liberty. I do believe in individual liberty so much so that I think government is way too much involved in our lives. So that's where I'm having the difficulty with this bill.

I do have a couple questions for the proponent of the bill. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, Madam.

REP. KUPCHICK (132nd):

In the states that have passed this -- I'm assuming the judiciary committee did some research. I've been trying to do some as -- as well. Through you, Mr. Speaker. The statistics -- do the statistics show that the states that decriminalized marijuana -- 13 states I believe it is.

Do they show that addiction has increased? Are their rehabs more crowded? Has there been any difference in that percentage in those states?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Thank you. And through you, Mr. Speaker. The -- by way of background and I'm going by some of the research done by our office of legislative research, there were about 11 states that decriminalized marijuana back in the 70s and then there was two -- there are two states who did it more recently;. Those two states are Nevada and Massachusetts.

And the question that's asked is one that is addressed in the -- in the report that I'm looking at which says it's difficult to determine whether decriminalization caused an increase of marijuana usage and it says that different

studies have come to different conclusions. So I think it's an excellent question.

It's one that I'm sure we all would ask -- are asking ourselves. But based upon what we have here it's -- it's difficult to give an answer.

DEPUTY SPEAKER ALTOBELLO:

Representative Kupchick.

REP. KUPCHICK (132nd):

Thank you to the proponent. And one other question. In that research, through you, Mr. Speaker, were there -- was there any inclination or any statistical evidence that showed the crime went down? Went up? Stayed the same? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I don't see any reference that crime went up and that -- probably the answer would be consistent with what I said on the -- on the previous question.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Kupchick.

REP. KUPCHICK (132nd):

Thank you, Mr. Speaker. Thank you for the answer, Representative. Again I will say that I'm -- I'm really having a difficult time here. I do not want to send the wrong message to young people. I don't want to be a legislator that says, you know, it's okay to do something that might hurt you but at the same time I'm going back to my principles about civil liberties and about being accountable for your own actions. And I -- I just -- I'm really struggling with that piece of it.

So I'm going to continue to listen to the debate. I'm going to read some information on the internet and I'm going to hope that I'll be able to come to the right decision before the vote comes. Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Madam. Representative Rowe of the 123rd, you have the floor, sir.

REP. ROWE (123rd):

Thank you. Good afternoon, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Good afternoon, sir.

REP. ROWE (123rd):

If I can frame a few questions through you to the proponent?

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. ROWE (123rd):

Thank you. And Representative Kupchick touched on some of these so -- so that will cut down some of it. But my recollection in the judiciary committee was that the testimony as to the marijuana being a gateway drug, a drug that leads to other usage was -- was split or ambiguous. Was that the -- the Chairman's recollection as well? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Yes, that is my recollection as well.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

And this was also touched upon just now but there are 13 states I guess that have decriminalization, one form or another. And I guess there is a similar level of ambiguity as to whether or not usage rates of marijuana have increased as a consequence of decriminalization? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (123rd):

Through you, Mr. Speaker. Yes, and that is what was also expressed by OLR and trying to answer the -- the very question. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

The -- the federal crime issue has been spoken about a little bit but the fact of the matter is that possession of less than half an ounce of marijuana is a crime under federal law. Correct? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Yes, I believe it is.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

Thank you. And what would the conflict in State law versus federal law mean as a practical matter if one was, you know, pulled over or being investigated by the municipal police and found to have less than half an ounce. Would they have the option of charging under -- they would

have the infraction available to them under -- if it's a first use -- under State law if this passes but would they also have the option of enforcing the federal law which is obviously criminal nature?

Through you, please.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I believe they have the ability to enforce our State laws and I believe if one were seeking to enforce the federal law it would have to be either through the FBI or the Drug Enforcement Agency or some other entity that has the power to arrest.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

Thank you. How about if one were in a federal building like a post office and they had less than half an ounce. They -- would they not be subject to the federal law rather than the -- the State law were we to decriminalize? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I'm not sure if that would make a difference.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

Thank you. And currently I imagine that driving under the influence of marijuana is a motor vehicle violation and a crime. Am I correct? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Yes, that is correct.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

And were we to pass this legislation that would be unaffected. Correct? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. That is correct.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

Does the gentleman have any concern that by decriminalizing marijuana we would be subjecting our roads to a higher level of marijuana users and therefore impaired drivers? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. It -- the law with respect to driving under the influence of -- whether it be alcohol or drugs will remain the same. And I would hope that this debate and any subsequent commentary would make it clear that that is -- that the law does remain the same and that would be a crime and it is illegal. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

Thank you. And I appreciate that. But I guess the question is using your judgment as to the -- I think decriminalizing will have some consequences, some good and probably some bad. And I guess my question is do you have a sense of whether or not one of those potentially negative consequences would be an increase of impaired -- marijuana impaired drivers if -- if that was a coherent question.

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. It really should not. I mean you always -- we're always concerned about impaired drivers whether it be alcohol or drugs. And there is nothing in this bill that would change how someone drives or is allowed to drive. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

Thank you. But my point is that this does change the penalties if one uses marijuana. And now that it's, you know, it's a criminal offense to use marijuana in any amount. My concern is that it's more likely that people will be availing themselves of marijuana and therefore, you know, they'll be a higher incidence on -- on the roads of people that are impaired.

I know -- I understand that the criminal law doesn't change. But if you have -- if you have more users I guess, I'm -- I'm worried that those users will find their ways out onto the road and -- and be unsafe. And I guess I'm looking for -- assurances is probably the wrong word but

a good faith basis that that won't be the case. Through you.

And -- and does -- would the gentleman have any good faith basis to believe that wouldn't occur? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Just in referring to the OLR report that I referenced earlier, this is our -- our nonpartisan staff of researchers. And I don't mean to read but there is -- it does say there is little hard evidence that marijuana decriminalization actually increases usage. So if that is correct and if there is not an impact on usage then I would expect that the same would apply for -- for driving. So through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

Thank you. I appreciate that answer. And then maybe we could briefly just touch on the -- the minor aspect of this. This bill changed its form from the judiciary committee, did it not, in that it -- it essentially exempts 18 year olds from the -- many of the decriminalization

aspects of the bill.

In other words a minor under 18 I guess would have to go through juvenile court even though technically it's still an infraction for them. Through you. Is my understanding correct?

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. If a -- a juvenile -- if one is deemed to be a juvenile then they would have to go to -- to juvenile court. And as I understand the way it works now infractions and violations for 16 and 17 year olds do not require a trip to juvenile court. What this would do is say yes, you do have to go to juvenile court. Also as I understand that anyone under 16 even for an infraction or a violation would have to report to court as it is.

So the penalty is different but the going to court and having some sort of observation, having your parents participate in the process or your guardian participate in the process is some of the objective here. This was an amendment that was proposed in committee by the Senate Ranking Member. And it was one that after thought and discussion had some merit.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

Thank you. So through you, is it fair to say that at least as concerns minors one could make an argument that this bill as amended strengthens the marijuana usage laws? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. The current law is that possession of any amount of marijuana is a crime. So it depends on how you define strengthens.

However what this does do is it -- it would maintain the current at least approach in that you would have to appear in court. Also it would -- with respect to the -- if -- pleading guilty to a violation there is the added penalty of losing your driver's license which is how we handle possession of alcohol and which a lot of the discussion that we went through in considering this bill indicted that driver's license and access to your driver's license is something that's very important to those under 21.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

Thank you. And that -- that last point may be the best part of this bill in my view is the driver's license aspect and -- because as I think you alluded to that hits home for -- for folks under the age of 21. If they can't drive that's --that's serious stuff. And I thank the Chairman for his responses.

Just briefly, this is -- this is a challenging issue I think many of us are struggling with. On the one hand, it's a very modest step. You know we're not legalizing marijuana. We're decriminalizing it. It's limited to half an ounce. Granted it looks like that could be 30 joints which is not inconsiderable. It appears that it's been done in 13 other jurisdictions without untoward consequences. And -- excuse me.

So -- but on the other hand, the -- the worse thing that -- that I fear is that we contribute to potentially a growing problem among our youth of usage of marijuana. So it's -- it's a balancing act that no doubt many of us are struggling with and I appreciate the gentleman's responses. And thank you for your time, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Rowe. Representative Bacchiochi of the 52nd, you have the floor, Madam.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker. Mr. Speaker, the last time we were here together I was starting to discuss my interest in marijuana. And with your permission I'd like to pick up where I left off with a few questions to the proponent of the bill as amended.

DEPUTY SPEAKER ALTOBELLO:

You may certainly do so, Madam. Please proceed.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker. Does the bill as amended in any way recognize marijuana as having any medicinal or medical benefits? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. No.

DEPUTY SPEAKER ALTOBELLO:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Does the bill as amended recognize any special protections for sick people who may be using marijuana outside the confines of the regulations such as if they

had a little more than a half ounce? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. It does not.

DEPUTY SPEAKER ALTOBELLO:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker. Does the bill as amended recognize that a person who has cancer or Parkinson's or some other serious disease could after a third ticket find themselves not only paying upwards of $1,100 but also having to go to drug education and pay for that drug education if my understanding of the underlying bill is correct. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.REP. FOX (146th):

Through you, Mr. Speaker. I didn't quite get -- follow that whole question but I understand the -- the gist of it and that this bill does not recognize those illnesses and conditions which we have discussed in other bills related to medical marijuana.

DEPUTY SPEAKER ALTOBELLO:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker. And I realized as I was trying to get that sentence out it was a little convoluted. And the point that I was trying to make that under this bill a person who has cancer or another serious disease and has marijuana on them, after the third time that they were given a citation they would find not only do they have significant fines but that person who is in chemotherapy in the morning could very well find themselves mandated to take a drug education class in the afternoon and pay for it.

That was the point that I was trying to articulate. Through you, Mr. Speaker, does the underlying bill recognize any protections for doctors who may want to talk to or recommend marijuana to people? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. This bill does not.

DEPUTY SPEAKER ALTOBELLO:

Representative Bacchiochi.

REP. BACCHIOCHI. (52nd):

Thank you, Mr. Speaker. Thank you, Mr. Speaker. And through you to the good Chair of judiciary there were discussions this year about trying to set up dispensaries here in the State of Connecticut that would take marijuana out of the black market, out of the criminal element. And through you, Mr. Speaker, does the bill as amended before us offer any type of dispensary? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. The Representative is correct in her description of discussions that took place regarding those issues but that is not part of this bill.

DEPUTY SPEAKER ALTOBELLO:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker. And I know several times both in committees and also here recently here in the Chamber there have been discussions on the reclassification of category one drugs. Through you, Mr. Speaker. Does the bill before us reclassify marijuana?

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (52nd):

Through you, Mr. Speaker. It does not.

DEPUTY SPEAKER ALTOBELLO:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Through you, Mr. Speaker. It does not.

DEPUTY SPEAKER ALTOBELLO:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker. And Mr. Speaker, through you to the good Chair of judiciary does the bill before us set up any type of taskforce or advisory committee that could look at additional penalties and uses of marijuana?

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I did hear the question. I am having a little trouble hearing. The room's gotten somewhat louder. But the answer to the question is no.

DEPUTY SPEAKER ALTOBELLO:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker. Mr. Speaker, the Clerk has an amendment, LCO 8580. May he please call it and I be

given leave of the chamber to summarize.

DEPUTY SPEAKER ALTOBELLO:

Will the Clerk please call LCO 8580 which shall be designate House amendment schedule A.

THE CLERK:

LCO number 8580, House A offered by Representative Bacchiochi.

DEPUTY SPEAKER ALTOBELLO:

The good Representative seeks leave of the chamber to summarize. Seeing no objection please proceed, Madam.

REP. BACCHIOCHI (52nd):

Mr. Speaker, the amendment sets up a task force to settle the medical -- to study the medical use of marijuana and I move adoption.

DEPUTY SPEAKER ALTOBELLO:

The question before the chamber is adoption. Will you remark further? Representative Bacchiochi, remark further.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker. Mr. Speaker, the underlying bill goes into quite a bit of detail regarding the penalty phases of the -- marijuana. What this amendment does is continue that type of analysis by setting up a task force that would specifically study the medical use of

marijuana. And Mr. Speaker, when the vote be taken I ask that it be taken by roll call.

DEPUTY SPEAKER ALTOBELLO:

The request before the Chamber is that when this vote is taken it be taken by roll. Would all those in favor please indicate by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ALTOBELLO:

The requisite 20 percent has been met. When the vote is taken, this vote shall be taken by roll call. Please proceed, Madam.

REP. BACCHIOCHI (52nd):

Mr. Speaker, for many, many years I have heard all of the different reasons why this Chamber could not pass a medical marijuana bill. I've heard that it can't pass in the House because the Senate doesn't have time. I've heard that it can't pass in the Senate because the House won't take it up. I've heard we can't pass it in either chamber because the Governor won't sign it. I've heard the Governor will sign it but we don't have time to take it up.

So, Mr. Speaker, I believe there is enough interest in this issue to agree that at the very least we could put

together a task force over the next year that would study this use so that we could come back with fresh eyes and professional and scientific information and revisit this important topic.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Madam. Further on House A? Further on House A? Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. And regretfully I have to rise in -- in opposition to this amendment. The proponent is -- is correct in her description of what has transpired somewhat with respect to medical marijuana and we did pass a bill out of committee and it is a Senate bill that is continuing to be worked upon. However I recognize that time is growing short and I don't know that it's -- we're going to have an opportunity to vote on it before the end of -- of the day tomorrow.

As -- with respect to medical marijuana it is something that I think as a member of the judiciary committee I and others have had an opportunity to learn a tremendous amount about what people who are going through these illnesses -- oftentimes terminal illnesses what they're going through and the -- the type of pain they're experiencing as well as the relief that they get from

marijuana.

And it is something that I -- I would support and it's something that I'd like to see us do. And if nothing else I'd like to see a task force along the lines of what's proposed in this amendment. The problem is, as we know, we are in a -- facing the end of session and if the bill gets amended it would have to go back upstairs.

If there's a way to put this amendment on another bill I would -- I would certainly as Chair of judiciary support that and try to find a -- a mechanism by which we could do that. But with respect to -- to this bill I would urge my colleagues to reject the amendment.

REP. BACCHIOCHI (52nd):

Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Fox. Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

For the second time please --

DEPUTY SPEAKER ALTOBELLO:

Please proceed, Ma'am.

REP. BACCHIOCHI (52nd):

-- on the amendment. With all due respect and I do respect the Chairman of the judiciary committee. And I

do respect all of my colleagues on the other side of the aisle many, many of whom have worked with me and others for over nine years to bring a medical marijuana bill through these two chambers and through the Governor.

Mr. Speaker, the votes exist in this House and they exist in the Senate. And it is my understanding that is the will of the Governor to sign such a bill. And frankly I'm -- respectfully to you, sick and tired of hearing all the reasons we can't do this bill. It's always the end of the session. It's never time. It's always too late.

We have time to do the underlying bill. I do not understand why we don't have time to tack this amendment on here and take it seriously that people need protection and the underlying bill doesn't give it. And thank you for the indulgence on the second time.

DEPUTY SPEAKER ALTOBELLO:

Further on House A. Representative Hetherington would be first followed by Representative Carter.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker. I rise to support strongly Representative Bacchiochi's proposed amendment. This is a proposal to have an orderly, thoughtful, deliberative inquiry into the medical uses of marijuana. It can evaluate the pluses and the minuses and if this finds a

way to bring the palliative effects of marijuana to people who are in need of it let's do it.

And if it -- if it means that this bill has to go back to the Senate, let it go back to the Senate. We're here to -- to pass the best legislation we can. And if we can improve this legislation let's do it.

If it -- we should not be constrained by the fact that we are in the last 48 hours of session. The result is what is critical not the time it takes to get it. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Hetherington. Representative Carter of the 2nd district, you have the floor, sir.

REP. CARTER (2nd):

Thank you, Mr. Speaker. I rise in strong support of this amendment. You know you -- we have ask ourselves this has been a concept floated around for a very long time. And there are a lot of people in support of the concept of using marijuana as a medicinal drug. And I ask -- I ask the people in this Chamber right now, what is the harm of giving it a fair shake.

By having a group that could get -- get together and actually look at this. I don't think it's a lot to ask.

You know if this is something that's not going to get through this year then I think it's prudent for us to take a little extra time and give a look at medicinal marijuana and give it a fair shake. Let's stop making excuses and this is an opportunity to do what the right thing by the citizens of our State. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Carter. Representative Sharkey. For what purpose do you rise, sir?

REP. SHARKEY (88th):

Mr. Speaker, I rise to regretfully oppose this amendment and it's for very practical purposes. As we sit here now in the fourth hour of debate on this bill, the underlying bill. If we amend this bill and have to send it back to the Senate who spent six hours in their chamber debating the underlying bill. It is in all likelihood not going -- this bill is not going to go anywhere.

I think there are other ways that we can accomplish Representative Bacchiochi's hopes and aspirations which I share. I'd like to find a way to solve that problem with her and I will work with her.

I know myself and I know the Chairman is -- has offered that as well. But I would ask my colleagues to avoid support of this amendment so that we can get the underlying

bill out. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Mr. Majority Leader. Further on House A. Representative Miller of the 122nd, one of the troika of Millers. You have the floor, sir.

REP. MILLER (122nd):

Thank you, Mr. -- thank you, Mr. Speaker. I rise in support of the amendment. If we had initiative and referendum in the State of Connecticut and we let this up to the voters of the State of Connecticut this bill would be out the back door real quick because I'm sure the people in this State do not want to decriminalize marijuana. Marijuana is the one drug that every -- is highly used in the State by our youngsters and by all -- even middle aged people as well.

If you go on the internet, England says the drug is not that bad. If you go and look under -- under the internet under France they're going to tell you this thing is awful. So there's so much contention about the severity of this drug. I think a study would not harm anything. And again, I'm sure the people in this State do not want to decriminalize marijuana.

They'd like to see this stuff go away because there are a lot of incidents that happen when people do use this

drug. So I thank you very much, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Miller. Further on House A which establishes a task force? Representative Betts of the 78th district, you have the floor, sir.

REP. BETTS (78th):

Thank you very much, Mr. Speaker. I will be brief. But I rise to strongly support this really based more on humane grain -- grounds. I sit there and I think -- and I've been very lucky. I've not had to deal with very many people who've had cancer but I have talked to doctors and they say that this is one thing that could really help somebody in the final stages of their life.

And I think if -- if you think about it in terms of compassion and in terms of a medical procedure I think that this is something that is worthy of support. I was sorry I didn't realize that this has been debated for over nine years.

To me nine years is not only way too long but now is the time to do it. It's the right thing to do for the right reason and that's the reason why I strongly support this. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Further on House A. Representative LeGeyt of the

17th, you have the floor, sir. LeGeyt of the 17th. Please proceed, sir.

REP. LeGEYT (17th):

Thank you, Mr. Speaker. I rise in strong support of this amendment. I think that of the two issues that we have decriminalization of marijuana and medical marijuana as a -- for its polity of use. I think it's almost absurd that we're taking up the former instead of the latter today. I think that the benefits and the issues surrounding the polity abuse of marijuana greatly outweigh the benefits and concerns that we might have about decriminalization.

And that we should be talking about polity of use instead of decriminalization in the latter stages of our session. I think the procedural concerns expressed by the Chair of the judiciary and the majority leader are weak compared to the urgency and benefit that would be gained by putting this task force into place.

And I'm sure that if other legislators share those concerns that vehicles can be found and procedures can be managed to make this -- make this bill have a hearing in the House and the Senate as well. We -- we need to think about the benefits of this drug in a controlled, medicinal, palliative way and I'm glad to support this amendment and

urge my colleagues to do the same. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative LeGeyt. Further on House A? Further on House A. If so, please rise. If not, staff and guests please retire to the well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call on House amendment schedule A. Members to the Chamber.

DEPUTY SPEAKER ALTOBELLO:

Have all members voted? Have all members voted? Please check the board and make sure your vote is properly cast. If all members have voted the machine will be locked. Would the Clerk please take a tally. And would the Clerk please announce the tally.

THE CLERK:

On House amendment schedule A.

Total Number voting	146
Necessary for adoption	74
Those voting Yea	52
Those voting Nay	94
Those absent and not voting	5

DEPUTY SPEAKER ALTOBELLO:

The amendment is defeated. Further on the bill as amended. Representative Bacchiochi, on the bill as amended.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker. Am I probably for the second time now on the bill as amended or did I still have the floor.

DEPUTY SPEAKER ALTOBELLO:

You had the floor for an amendment this would be your second time on the bill as amended I believe, Ma'am.

REP. BACCHIOCHI (52nd):

Okay. Thank you, Mr. Speaker. And I want to acknowledge the Majority Leader's understanding of the amendment that I proposed. And I also want to acknowledge that in spite of votes that take place in this Chamber I realize in no form or fashion does that always reflect a person's complete opinion on a bill or on an amendment.

Mr. Speaker, Senate bill 1014, the bill before us will not protect patients. Senate bill 1014 will not protect family members and caregivers who are trying to do something to alleviate pain and suffering for the people that they love. Senate bill 1014 is not going to protect doctors who take the brave step of recommending marijuana for some patients in some situations.

I have always believed, Mr. Speaker, that at some point in this Chamber we were going to be able to show compassion and reach out and protect sick people . But a policy decision was made and that decision means that once again this year we will not be doing that. I understand that Senate bill 1014 sets up a revenue stream and that in some ways I guess in some form or fashion is going to offer some protections to some people.

But I don't know why we're choosing some people and we're not choosing the sick people and the people with cancer and the people with AIDS, and the people with M.S. I just don't understand why we're ignoring them and leaving them out. Mr. Speaker, I want to thank you and the Chamber for the time.

I know time is precious. I'm really disappointed and I'm really sad but I do believe in the process and I believe in all of the individuals in this room. And I thank you for the opportunity to speak.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Madam. Just a bit of a correction, Representative Bacchiochi. I believe that we just the first time you spoke on the bill as amended. Previously you'd spoken on Senate A or Senate B, I believe. So thank you very much. Further on the bill as amended by Senate

A and Senate B. Further on the bill as amended.

Representative Simanski of the 62nd district, you have the floor, sir.

REP. SIMANSKI (62nd):

Thank you very much, Mr. Speaker. I must say it's a pleasure to see you up there.

DEPUTY SPEAKER ALTOBELLO:

Thank you very much, sir.

REP. SIMANSKI (62nd):

And Mr. Speaker, unlike several of the people who testified this morning and this afternoon I'm not on the fence. I'm clearly and unequivocally against this piece of legislation. And Mr. Speaker, what I find interesting about this piece of litigation or legislation -- excuse me -- is not what it says but what it doesn't say.

Beginning with the title, it's an act concerning penalty for certain nonviolent drug offenses. Fortunately in the judiciary committee when it was being debated and here on the floor today we actually got closer to the heart of the matter. We're talking about decriminalization of marijuana.

To decriminalize means to make it legal. And as Representative Klarides pointed out in her line of questioning, this is nothing more than a mere infraction.

It's interesting that the bill takes us through several stages of illegal acts.

It starts out with personal use less than a half ounce. Then it graduates to a seller who has more than a half ounce but yet less than four ounces. Then we talk about drug paraphernalia and manufacturers. And then finally we get to some people who are really bad, those are the people who would use, would have possession of and sell of marijuana within 1,500 feet of a school.

But what is also lacking in this piece of legislation is what we call in product liability litigation the chain of commerce. When you're investigating a claim in order to make a product liability claim for a defective product or a bad drug that harms someone you change -- you trace the chain of commerce from the person who's sold it through the wholesale of the distributor, the importer, and eventually you'll want to get to the manufacturer which is the person who actually created the defective product.

The reason that's important is this piece of litigation merely stops at the retailer, the street seller, the person who's putting the product out for sale on the street. If we were to use that chain of commerce when we're talking about marijuana and marijuana is a product.

And the sale of this product makes some people very, very rich. So if we were to use that chain of commerce the person who sells it is your street merchant. They're the retailer. Then we have their -- the wholesalers. Those are the people who supply it to the street sellers. Then we have our distributors. Now these are probably crime syndicates.

We have our importers who unquestionably are organized crime. And then finally we have our manufacturers which are a big, highly organized businesses. And I dare say the CEO of that corporation is a drug lord.

So I stand here opposed to this piece of litigation -- legislation -- excuse me -- because I see it as supporting the sale and benefiting crime syndicates and drug lords because if this bill passes it will be more use of marijuana and that will benefit the very people who are looking to get rich off of the sale of marijuana. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Simanski. Representative Hetherington who is somewhat up to cue however got bumped when he got up to speak on House A. I'd restore you to approximately where you were in the queue. Sir, you have

the floor.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker. I very much appreciate your courtesy in that regard. I have just a couple of questions to the proponent please if I may.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. HETHERINGTON (125th):

This may have been covered so I apologize. It's certainly been talked about but I want to focus for -- just for a second on driving while under the influence of marijuana. And through you, Mr. Speaker. How would an officer determine if someone were driving under the influence of marijuana? Is there a test? Is there a breath test? Is there a blood test? Is there urine test? How do you determine if someone is -- is driving with -- with marijuana influence?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. And what I'll try to do is -- is speak in the context of current law because as I've stated previously there's nothing that would change

with respect to this bill. But it is as I understand it -- or can be as I understand it somewhat difficult to prove, more difficult than drinking and driving where the -- the indicators are -- are smell of alcohol on the breath, slurring of words, failure or inability, you know, to walk a straight line, that sort of thing.

And then they have the -- the test that they can provide which is the breathalyzer which can give you a -- a fairly quick response as to what your blood alcohol level is. When it comes to drugs it is -- it is more difficult. I mean the officer may approach the car and may smell -- in a situation may smell marijuana. He may notice the individual is -- is somewhat glassy eyed. It's -- they do go through a series of -- of field tests. And as I understand it it is more difficult to prove than driving under the influence of alcohol.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hetherington.

REP. HETHERINGTON (125th):

I thank the gentleman and a further questing. Through you, Mr. Speaker. Under current law I conclude that it is possible on at least a first offense to be referred to a -- an education program and if that is

successfully completed and there is no further offense within a period of time then the record is eliminated. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. That happens in a large number of cases. Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. Through you, Mr. Speaker to the proponent. In -- in the present bill there is a provision lines 55 through 68 dealing with paraphernalia. And paraphernalia in line 68 says any person who violates any provisions to subsection shall have committed an infraction.

So through you, Mr. Speaker.

The paraphernalia possession is only an infraction although the possession of the real thing is -- is a violation. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Yes. That is correct. With respect to an infraction where it is -- where the -- with respect to paraphernalia that is used for what is deemed to be less than a half ounce it would be an infraction.

DEPUTY SPEAKER ALTOBELLO:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. And I thank the proponent. I'd like to make a - several comments. I'm somewhat perplexed by the way that we are handling the presence and the use of marijuana in our society. Suddenly we don't seem to be concerned about safety.

In -- in all other instances we are highly focused as a matter of public policy on protecting people's safety. We -- we're concerned about lead, mercury, pesticides, smoking, secondhand smoking, thirdhand smoking, you can't smoke anywhere because it might have adverse health benefits, studies have been done, can't prove it. You can smoke safely. But when it comes to marijuana I guess we don't care. We don't care. You can -- you can enjoy it.

The State has apparently no interest in assuring

public safety when it comes to the use of marijuana. We're not insisting proof of its safety. In the case of drugs, therapeutic drugs, the federal government does that for us. They have the -- the FDA. The FDA requires that a drug be proved safe and effective for the purpose. But I guess it's okay with marijuana. It's okay. You can use it.

No one knows if it's safe or not. Maybe it is but we don't know. And you know, interesting in this bill -- in this bill as amended in line 19 marijuana is described as a hallucinogenic drug. Nineteen says or a hallucinogenic drug -- substance other than marijuana.

So by saying a hallucinogenic drug but excluding marijuana from that category it proves that we do determine it to be a hallucinogenic drug. So we're not concerned about a drug that -- that causes hallucinations. We're not concerned about that?

I find it very difficult to believe that we as a deliberative body acting in the people's interests are not more concerned about the safety of allowing marijuana to be decriminalized which I know there are varying statistics on this and conflicting reports but I would venture to say that the preponderance of the evidence indicates that there is at least a -- an increase in

marijuana use, raw numbers in states where it has been decriminalized.

A further problem with this bill is that we -- we simply try to make a quick fix by saying we decriminalize it but that doesn't really fit into the rubric of law that we have that deals with marijuana. We spoke a few minutes ago about driving while impaired with marijuana.

But it now -- I submit is clear that that's going to be very hard -- very hard to establish. The officer pulls over a driver. He or she smells marijuana wafting from the vehicle and the driver says it's not me. I was bringing this home -- this guy home from a party. I don't even know him actually.

And how can you show the driver is actually under the influence. There's no test. Maybe there could be if we really studied it. But there isn't any test. You can't do blood, urine, any of those tests. If you did charge someone with driving while impaired and -- and put the -- took them down to the station where would you -- how would you establish it? There isn't any way to establish it because there isn't any -- there is not any mechanism in the law for dealing with marijuana as it may impact such vital things as driving.

And also what about dealing. Well dealing is said

to be still illegal. So you can possess it but you can't buy it. I mean you can buy it obviously on the street you can buy it by engaging in an unlawful transaction. And I guess you can't dispose it.

So as long as you don't get it from anywhere and don't do anything with it with any you have left over, you're all right. You're all right. Well you can't just deal with it in isolation. You have to deal with it within the whole fabric of our criminal law or our criminal justice system.

And with regard to the law, federal law will be in direct conflict because federal law still treats marijuana the same way as any controlled substance. Controlled substance like heroin or cocaine and the DEA is charged with enforcement. I reference title 21 U.S. code. What -- what kind of a message do we send to our -- particularly our young people. Saying, well you know your -- your federal government says this is wrong but we -- we think it's okay.

So we're going to sort of wink at that and we're not going to obey the federal law. Well you know the -- the Constitution has a federal supremacy clause that makes federal law supreme. And if there was any doubt I think we settled that at Gettysburg some years ago.

So why are we in effect engaging in our own form of nullification? Our own form of nullification. We pretend like there isn't a federal law. There is a federal law. This is democracy. That law was made by the representatives of the people and by our -- by our governing documents that is the supreme law. So what -- what are we doing here in saying we -- we're going to ignore the federal law. I understand and I have been contacted by people who -- who say you've got to do this for the young people.

Well you know I -- sure I believe everybody deserves a second chance, third chance. I mean we can get someone in the position to make his or her life useful and productive we ought to do it. But you know that's -- that exists under the present law.

Many if not in fact most of early offenders are given the option of taking a drug education program. If they successfully complete that they're arrest record is expunged. So the -- what we want to achieve exists under present law. In fact it is the usual practice under present law as far as I -- I can tell.

So we don't need this law in order to protect our young people who get mixed up with it. I'd like to mention another argument that is seldom mentioned, at least I have

not heard it.

You know, there are people who pay a heavy price for our recreational use of marijuana. They are the people south of the border who everyday are terrorized, murdered, tortured, whose law enforcement authorities are killed, whose governments are threatened so that we can be supplied -- we can be supplied with our supply. We can have some fun with marijuana. Those people are dying for our habit.

And the more we make marijuana accessible the more those burdens are going to fall on those people in Latin America who are dying to try to enforce their drug laws and whose whole governments are impacted by the -- by the gangs and cartels that trade in drugs. You know, this is -- this is 21 Century American colonialism. This is colonialism.

You -- you exploit the developing people for the good and convenience of the developed world who never have to undergo the suffering of making that supply available. My -- I guess my overriding question is what are we doing here? What -- what are we doing? You know I've heard the libertarian argument, individual liberties. Oh, I'm sympathetic to that.

Like many conservatives I believe do whatever you

like as long as it doesn't hurt anybody else. And I believe that in a generally about most things. But we're not saying that. We're not offering marijuana as a matter of individual choice. If we did we would take this on. We would say we're going to talk about legalizing it, taking away any -- any penalty, any deterrence for doing it.

Well let's have that argument. Bring it on. Why don't we have that argument instead of saying well, you know, it's -- it's wrong -- it's wrong but it's really a little wrong. It's not all that bad. And you know, why are we doing it this way? Because it's more convenient for us to do it this way.

REP. HETHERINGTON (125th):

I think people are -- are going to rightfully criticize us. I've already had it said to me, they've said, Mr. Legislator, you just lack the political courage to take this issue on and to determine whether you believe that marijuana is a good thing and ought to be freely available or whether you believe it ought to be restricted.

So in no way is this a Libertarian argument or a individual rights argument. This is a failure of will. It's a failure of government will to make a decision one way or the other and the way that this drug, this

hallucinogenic drug, might be useful and in society's interest if we followed the route that Representative Bacchiochi spoke of, if we looked about it -- at it as a possible palliative use in the case of people who are in pain or are sick and need relief.

But we're not going to do that because we're going to -- we're in a big rush to put this forward, in a good rush to get it out. Well, I think all we are doing is showing that we don't have the courage to take on the real issue and I'm -- in that, I cannot support this measure. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Hetherington.

Representative Smith of the 108th, you have the floor, sir.

REP. SMITH (108th):

Thank you -- thank you, Mr. Speaker, and good afternoon to you.

DEPUTY SPEAKER ALTOBELLO:

Good afternoon, sir.

REP. SMITH (108th):

If I may just a -- some questions to the proponent of the bill.

DEPUTY SPEAKER ALTOBELLO:

You surely may. Please proceed.

REP. SMITH (108th):

Thank you. I know a lot of the questions have been asked and answered so I'm going to try to quickly move through what I have, and hopefully if it has been asked we can get through that quickly, and if it hasn't we can address that. And I know the -- the bill as I understand it applies to any person regardless of age. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. That is correct. And with that being said --

DEPUTY SPEAKER ALTOBELLO:

Representative Smith -- Representative Smith.

REP. SMITH (108th):

With that being said then, a 10-year-old, 15-year-old, 16-year-old, 18-year old, 60-year old, it applies to all those parties. Is that, through you, is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. That is correct, but that does not say that they're all treated the same way.

DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

Yes, and I understand that those under age 21 are now subject to loss of license. I think we've discussed this so I won't ask you about it, but if I'm misstating anything, please let me know. And it's still obviously illegal to sell pot, I think, as Representative -- Hetherington and a few others have stated. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

I'm sorry, I didn't catch all of that. I know that he was referencing something -- Representative Hetherington said, if the -- do you mind repeating the question, please.

DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

Sure. It's still illegal to sell marijuana at this --

REP. FOX (146th):

Through you, Mr. Speaker. Yes, it is.

DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

And there's nothing in this bill that would regulate the quality or quantity other than a half an ounce of marijuana. Through you, Mr. Speaker, is that correct?

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. There's nothing that regulates marijuana. That is correct.

DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

And I know I've heard a lot of testimony today about this bill being different in terms of how it applies to juveniles, and my understanding is that if you're a juvenile and you get arrested for possession of less than a half an ounce of marijuana, then you still are subject to having to go to court and deal with the court procedure. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Anybody who would be -- who would be deemed a juvenile would have to go to juvenile court. Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

And for those parties 18, 19, 20, 21, are they subject to having to go to court as well? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. No, unless they plead not guilty.

DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker. And then the maximum fine as set forth in Section 1 I believe it is, is after a few offenses it could go up to $500 regardless of whether you have 10, 11, 12, 13, 14, 15, or however many offenses. Is

that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. The fine is as set out. That is correct.

DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

And I was looking at Section 1, Subsection b, lines 10, 11, 12 and 13, and it talks about the substance being destroyed in accordance with law. And through you, Mr. Speaker, at what point would the substance be destroyed?DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I would expect that it's destroyed when the case is disposed of.

DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

And -- and at what point is the substance tested? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I would expect that there would be some form of a field test that would identify the substance at the time that the -- a violation is charged.

DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

And I was looking for that language in the -- in the bill and I didn't see that. Is -- is that set forth in this bill or another bill that I'm not aware of? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I'm not sure how it is set out, but I do know when -- I don't know that the procedure would change with respect to charging an individual or determining what -- what the substance is. With respect to the underlying bill, I would expect that procedure would be the same.

DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

Just so I understand it, if in fact one is pulled over and there is a suspicion that the person is in possession of marijuana, there is some type of testing mechanism that can be used to verify whether it is or is not marijuana. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. They would -- they do some form of a field test. It would be consistent with what they do now. Through you, Mr. Speaker.DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

Thank you. And I was looking at Section 3, Subsection c, starting with lines 48 and the following, and this is the section that talks about the prohibition of having marijuana within 1,500 feet of a school, public or private. And as I read it, and I'm not sure if I understand it correctly, if you have possession -- if you're a student and you have possession of less than a half ounce of marijuana on school grounds, is that still an infraction? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. This is the section that deals with drug paraphernalia, so if an individual has -- is in possession of drug paraphernalia within the -- the recognized space that is part of our school zone -- drug school zone statutes, then there's no change to that.

DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker. So I do see that this is an unchanged provision and I guess then my question is if you are a student and you are in possession of less than a half ounce of marijuana on school grounds, you -- you then are subject to the normal penalties and fines as set forth in our statutes as they exist today. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. The section that deals with drug-free school zones is not changed.

DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

So again, just to be clear, so that would not then be an infraction, that would be an enhanced penalty if -- if possession is on school grounds by a student. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Is the -- through you, Mr. Speaker. Is the Representative referring to a specific section? I'm just trying to make sure I -- I answer correctly.

DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

You know, I was looking at Subsection C, but I do see that deals with the paraphernalia section so it may be part of our other drug-free zone language in a different section of another statute that may not be changed. But I -- I think it's important to find out whether it's going to be an infraction to have possession of less than a half an ounce on school grounds or whether there is an enhanced penalty if in fact you are on school grounds.

So I don't have a particular section, in answer to the good gentleman's question, but that's the question I had.

Through you, Mr. Speaker.

REP. FOX (146th):

Through you, Mr. Speaker --

DEPUTY SPEAKER ALTOBELLO:

Representative Fox, do you care to comment?

REP. FOX (146th):

The way I would read it is that it would still be a violation if it was less than a half ounce. However, you would also be subject to the enhanced penalty. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

Thank you for that answer. And then I'm -- you know, we heard a lot of testimony today about whether this is an infraction or a violation and -- and what's an infraction versus a violation, and the confusing part, to me anyway, just for -- for the future in terms of maybe how we might clean this up next year, is if you look at Subsection d of Section 3 and it -- it talks about this being an infraction.

And I know the good Representative or the good Chairman of the Judiciary Committee has mentioned that this is a violation that has a different standard for the -- for proof, and I suspect we ought to call it what in fact it is. If it's a violation, then it's a violation; if it's an infraction, then we should call it an infraction. But I understand infractions have a limited number of dollars attached to it, so it's just confusing in terms of how this bill reads when we're calling it one thing and -- and actually treating it as something different.

One of my earlier questions today was about the -- the standard of proof, and it was discussed that the standard today as the burden of proof is the preponderance of the evidence for violations, and I asked earlier whether that is consistent with our laws in the state of Connecticut for other violations. And then, through you, Mr. Speaker, is the standard of proof that we set forth in this bill which is the preponderance of the evidence any different than violation that we have for other statutes or?

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. It is consistent with

violations of probation and hearings that are -- that follow violations of probation. With respect to other infractions and violations, I -- they may go to the higher standard of beyond a reasonable doubt.

DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

And if -- if the good Chairman knows as to why we -- we have this lower standard in this bill as opposed to a higher standard of proof.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. In order to -- first of all, keep in mind that now we're -- we're dealing with a type of hearing that would not be a -- a jury trial because it's no longer a criminal offense. It would be in all likelihood determined by a magistrate.

However, because it involves drugs and could require the potential testing of drugs, and currently if one is -- goes to trial based -- you know, under the existing statute, the individual would be eligible for a jury trial and testimony would be required from an expert who would

be the -- essentially the chemist who would test the substance and would explain to the -- to the court or to the jury why the substance is marijuana and how they determined it's marijuana.

Because of the -- in this bill the standard has been reduced to preponderance of the evidence, a police officer's observations, field tests, together with some corroborating evidence would be sufficient to determine that the substance is marijuana. So it's a -- it's a lesser standard of proof that the State would have to meet and -- however, as I stated, the defendant is not facing incarceration with respect to this charge. DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker. And thank you for that answer. And I know we have some other speakers that want to get a few words in so I'm going to wrap this up very shortly. But just quickly, if we can look at Section 7, Subsection b, lines 204 and 205, it talks about -- except an infraction under Subsection d of Section 21a-267 as amended by this act. And I'm trying to determine what that means, and I'll ask the question this way. Does it mean that if -- if one is -- pleads nolo contendere or guilty

to possession of less than a half ounce under this section be -- are they still considered a delinquent or are they excepted from that designation? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker, through you. Currently, 16-year-old juveniles are exempt from -- they don't have to appear in court for violations or infractions. What this does is it makes an exception to that and would require them to appear in court for a violation or infraction. And I -- and in order to clarify what we discussed earlier, the violation is the possession of the substance. The infraction is -- would be for the paraphernalia.

I recognize -- I've done my best to try to keep the terminology straight today because I use them interchangeably myself, but that's -- that's how it has been explained to me and I'm trying to keep that today. Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

Thank you for that clarification. That was helpful.

And then lastly, the -- the program, the diversionary programs that are available after the third offense, there are no programs available for a first offense or a second offense for anyone under 21. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. For the juveniles, I would anticipate that they would go to -- go to court and a program or a period of monitoring would be put in place. For those under 21, there's no program required. Doesn't mean they can't do it, it's just -- it's not required. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

Yes, and thank you, and that's fair. So I -- I agree with you that for the -- those that have to enter the court system there probably would be a diversionary program set up for them, but for the 18, 19, 20 or 21-year old, there is no such program. And I think that's really the -- the problem that I have with this -- with this amendment, and this bill overall, is -- is that I understand if you're

an adult and you're going to make choices and so forth, but those youngster who are 21, 20, 19, 18, et cetera, they're still trying to find their way in our society. We have said to them that it's just going to be an infraction or a slap on the wrist with really a fine to actually possess marijuana, smoke marijuana, et cetera.

And I think what's missing here is the -- the help that we should be affording as a State, as a society, for those people who are maybe going down the wrong path and I can trust -- I can tell you in -- from having represented numerous parties over the years, youngsters, that it's a choice that one has to make early on in life and sometimes they make the right choices and sometimes they make the wrong choices and when they make the wrong -- wrong choices, often as it exists right now, we can get them into programs and these programs can lead them back to what in my mind is the right path.

I can support a bill like this in my mind if we had such programs to help these youngsters, but without it, I cannot -- in good conscience do so, and I would hope that this Chamber next year or when we have the chance again, would look at that and realize that we're doing a disservice to our -- to our young people in this state. So thank you, Mr. Speaker, and thank you, Mr. Chairman.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Smith.

As Representative Smith points out, we do have many speakers who wish to speak on this. Just for the -- edification of the Chamber be -- shall be Representatives Ackert, Shaban, Guerrera, Camillo, Verrengia, Candelaria, Miller, L., Hoydick, Cook, Berger and Frey.Representative Ackert of the 8th, you have the floor.

REP. ACKERT (8th):

Thank you, Mr. Speaker. And I will make it very quick. I've just got some quick financial comments -- questions I should say, through you to the proponent of the bill, sir.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. ACKERT (8th):

Just some quick questions to you, Chairman Fox, and that -- something we just briefed on -- had a short conversation -- earlier, but just real quickly, a review. It's a 150-dollar fine for the first offense and then each subsequent offense, it's two to $500 for each infraction. Correct?

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

That is correct.

REP. ACKERT (8th):

And then if you go to trial --

DEPUTY SPEAKER ALTOBELLO:

Representative Ackert.

REP. ACKERT (8th):

-- and you are found guilty -- I'm reading lines 106 through 110, the maximum penalty is $90.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. If you go to trial for possession, or if you go to trial for the paraphernalia? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Ackert.

REP. ACKERT (8th):

Possession. If you go to trial for possession.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. If you go to trial for possession of less than one half ounce, the maximum penalty would be $500.

DEPUTY SPEAKER ALTOBELLO:

Representative Ackert.

REP. ACKERT (8th):

Thank you for that clarification. And -- what I was looking at is that there is a explanation in the OFA report of a gain due to reduction in -- into the labor staff, that the final gain is $618,750 through OFA report and that is not in the current budget that we approved. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. That is what is referenced in the report and I know that there were some assumptions I believe made with respect to that -- that figure, but that is what's referenced in the OFA report.

DEPUTY SPEAKER ALTOBELLO:

Representative Ackert.

REP. ACKERT (8th):

Thank you, Mr. Speaker. And then the reason why I

bring that up is that just yesterday we passed a bill that if you passed a bus and were recorded by video camera, that 80 percent of that fine of $450 would go to a municipality. And I think many of us are struggling with this bill, one way or the other, but possibly if they had -- realized that maybe that -- that some of those dollars would go to help this infraction, wouldn't just go to the General Fund, that it would go to a -- your municipality, to help fund your municipality, that you may say, you know, hey, listen, if it's just not going to the General Fund and -- and my community receives no benefit from it, you know, that -- that keeps me on the fence one way or the other. But if by chance that this infraction, or a portion of this infraction was actually sent to your community directly, that you may say, hey, it benefits my town and I -- I feel better about this bill.

I did draft an amendment understanding that what just took place earlier with my good colleague, Representative Bacchiochi's very, very good amendment, that this will not see the light of day and it's an effort of futility. I would look -- like to have all my colleagues take a look at LCO 8591 at some point and please maybe encourage that to be looked at and maybe the -- if there's a vehicle for that which would help -- 30 percent of the infraction would

go to your -- your community and the rest would go to the General Fund. But on those notes I would just encourage that and leave those comments to that.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative. Representative Shaban, you have the floor, sir.

REP. SHABAN (135th):

Thank you, Mr. Speaker. In order to kind of move this thing along, I'll dispense with asking various questions and kind of get right to the point. I'm a father of three boys, one starting high school, one starting middle school, and one just ending kindergarten. It's not the best family planning, but it does give me a good perspective into what's going through the minds of our kids.

And I also have been coaching kids football for many, many years now and one of the things that has alarmed me is that the teenage boys, the teenage young men that I've coached and have come to care about, are under the assumption that, you know what, smoking dope's no big deal, it's just no big deal. You know, we're decriminalizing it, it's no big deal. You get a ticket, look, they're talking about it up at Hartford, they're talking about it

in different states, so you know what, get off my back.

But then you listen to the stories of the people whose lives are actually affected by it and that's kind of the -- that's the comparison you have to make. That's -- that's the decision, that's the inner choice you're going to have to make when you're pushing a button here in about an hour or so, and when you're about to push that button I ask everybody in this Chamber to think back and say, all righty, how many parents called me and said, State Rep, I want you to make it easier for my child to possess marijuana. Just do an accounting and then try to figure out how that went. I -- I'd wager a bet that practically none of you got that phone call because frankly that's not good for parents, that's not good for kids, and that's not good for our towns and our society.

So think about what we're doing here. These are policy decisions we're making and what -- with the policy decision that's in this bill, the same guy who's got -- what did we say -- 30 some-odd joints I think, we think about a half ounce is.

If that guy grows it, he's broken the law. If that guy smuggles it into the state of Connecticut, he's broken the law. If that guy smuggles it on an airplane or a ship or -- across the borders, he's broken the law.

If he sells it, takes the 30 joints and sells it, that guy has broken the law. However, if he has it on his body, he's good, just going to get a ticket. But then if he takes the 30 joints he has and he sells it again, well, he's broken the law. Well, what kind of policy is that? I mean what kind of public policy is it to take a spectrum of behavior that is illegal from cradle to grave, from whence you grow it, to whence you sell it, to whence you use it and say, you know, that's all illegal except for that little part in the middle, if you're holding it, that's good. That makes no sense.

The stated policy here, I've heard in Judiciary, I've heard it at different discussions. Well, we've got too many kids, too many people who have criminal records, legacy records for small possessions of -- of marijuana, and that's no good. All right then, you know what you do? You pass a law that expunges that. Let's have that debate. Let's have the debate that can actually help somebody clean that up on the back end once they've gotten their life back in order as opposed to enabling people to get in trouble on the front end. Bad policy, bad decision.

Finally, following up on some of the legal arguments that you heard from some colleagues, and you've heard it before. The State of Connecticut, once again, this

Chamber and the State of Connecticut appears to be going out on its own -- which I'm a state's rights guy, I'm fine with this -- and is telling the federal government, you know what? When we think we're preempted, when we think there's a supremacy clause and we think federal law controls, we'll tell you. But if we don't, we're going to do our own thing. Well, if you're a state's rights guy, that's okay. But the way we do that here is inconsistent. I mean for instance, in-state tuition violated federal law, we don't care, we're going to pass that anyway. You know, health care -- health care -- the health care -- Obama Care, whatever you want to call it -- we say, you know what, we have to pass (inaudible) laws because we're bound by (inaudible) law, then we are preempted and controlled.

Captive audience, we had a long discussion in here, 11, 12 hours, arguing that in fact it's preempted by federal law. You know what, we were going to do it anyway. Turns out we we're right. Ask our own Attorney General. And here we go again. Here we go again. We've got a Controlled Substances Act that's been in effect for 40-something years, the law is dead clear, dead clear that the Controlled Substances Act, the federal government has the right to prosecute the possession of marijuana regardless of what the States say, so now we're going to

have potentially two laws. One under the State that says no big deal, you get a ticket, one under the federal law that says you know what, we can throw you in jail for a year, up to a year. One's criminal, one maybe not.

I could make -- I could speak an hour about the implied preemption. I'm not going to do that. It's arcane. Everyone's half asleep anyway. But what it -- what I will tell you is if you've got two laws that you can't comply with, that's bad public policy. So think about it from the aspect of what's good for your neighbors, what's good for your neighbors' kids, what's good for your kids, and then push that button.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative from Reading, all the way to Rocky Hill. Representative Guerrera of the 29th, you have the floor, sir.

REP. GUERRERA (29th):

Thank you, Mr. Speaker, good afternoon.

Mr. Speaker, a question to my good friend on the Judiciary Committee.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. GUERRERA (29th):

Thank you, Mr. Speaker.

Mr. Speaker, through you, what would happen right now if I was driving a motor vehicle and I was -- and a police officer pulled me over and found, say, a half ounce of marijuana in my car? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. If -- if that were the only thing that was found in the Representative's car he would be charged with possession of marijuana.

DEPUTY SPEAKER ALTOBELLO:

Representative Guerrera.

REP. GUERRERA (29th):

And through you, Mr. Speaker. So that police officer would not check in regards to whether I was under the influence of marijuana or so forth. I would just be arrested right there on the spot. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I suppose it depends on why the Representative was pulled over, whether his car

was weaving, whether he committed a traffic violation as the cause for the stop. The fact pattern that I was initially given was what would happen if he found a half ounce of marijuana in the car. If there were evidence of additional crimes, such as operating while under the influence of drugs, then he could potentially be charged with that as well.

DEPUTY SPEAKER ALTOBELLO:

Representative Guerrera.

REP. GUERRERA (29th):

Thank you, Mr. Speaker. The basis why I asked this question is that if this law goes into effect and I'm driving my motor vehicle and I would have -- say, a police officer pulls me over because one of my tail lights is out and he sees in my passenger side that I have like two joints rolled on the front seat there. How would he be able to know whether I was under the influence, if I was smoking or not? Because I know under alcohol, they could do a breathalyzer test. What would have -- what kind of options would a police officer have to know if I was under the influence of smoking marijuana? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

As -- through you, Mr. Speaker. As discussed earlier, it is -- this is the current law and the current law says you can't operate a motor vehicle under the influence of alcohol or drugs. I believe officers would probably say that they are better able to determine when one is under the influence of alcohol than drugs, but there are certain indicators that may also be consistent with driving under the influence of drugs and one of them may be the smell of -- of marijuana if that were noticed by the officer at the time of -- of the stop.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Guerrera.

REP. GUERRERA (29th):

Thank you, Mr. Speaker. See, and I guess that's one of my concerns is that, you know, I can have the Visine in the car for my eyes, I can have the mints and so forth, and you'd never know that I was technically stoned while I was driving a motor vehicle. Now what -- my concern is that if I was under the influence with alcohol, I mean there's a breathalyzer test I could do, obviously take some -- the steps out of the car to walk a straight line. What are the mechanisms, I just want to know, that the

police officers would have, rather than just giving somebody a fine because they have under a half ounce in the car, but not a fine for driving under the influence?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. It would be treated the same way it is now. And how they determine whether an individual is driving under the influence of drugs, you still can't do that whether this -- under this bill, so they would use the same mechanisms and based on their training and experience that they use now.

DEPUTY SPEAKER ALTOBELLO:

Representative Guerrera.

REP. GUERRERA (29th):

Thank you, Mr. Speaker. Just one -- one other -- one last question through -- through you to the good chairman there. So are there any tests that a police officer can do on an individual to determine if he's under the influence of marijuana on the spot if he -- if I should be pulled over and he found that I may be under the belief that I'm under the influence of smoking marijuana?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I believe that they do have certain tests that would indicate whether one is under the influence of drugs, just like they certain tests whether one is under the influence of alcohol, and -- there's nothing in this bill that would change any of that.

DEPUTY SPEAKER ALTOBELLO:

Representative Guerrera.

REP. GUERRERA (29th):

All right, Mr. Speaker. I thank the -- the gentleman for his answers and I will listen to this debate a little further and make my determination at the end of the day. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Guerrera.

Back to Fairfield County, 151st District, Representative Camillo, you have the floor.

Representative Verrengia of the 20th, you have the floor, sir.

REP. VERRENGIA (20th):

Good afternoon, Mr. Speaker. I have a question to

the opponent of the bill.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. VERRENGIA (20th):

Through you, Mr. Speaker.

Like any change, there may be an unintended consequence with respect to access to records. The law enforcement personnel who are going to be charged with enforcing this statute presently has readily available to them any pending criminal arrests or criminal convictions through the NCIC computer system, unlike the Infraction Bureau, that's a totally separate universe. So I'm concerned that the personnel who is in charge of enforcing this will not have the records which would indicate a first, second, or third offense at their disposal. That's one concern.

And the other concern I would have, and the question to the proponent of the bill would be that are there any mechanisms in place that would capture a second or third offender in the event that that person does not contest a previous infraction? For example, if someone got more than one infraction and just decided to pay for it rather than contest it, what -- what mechanism is in place to identify and/or capture that second or third offender?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. The records would exist and through the process of -- of paying the fine. They should be available even if one chooses to -- to mail it in.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Verrengia.

REP. VERRENGIA (20th):

Through you, Mr. Speaker. When someone is issued an infraction they have a two-week period to either pay or plea. In the event that there's an offender who violates this section within that two-week period, what mechanisms are in place to capture that second or third offense in the event that that person pays the fine and doesn't contest it? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I know there are certain offenses that if somebody does receive multiple tickets

or violations in a -- over a short period of time. I recognize there may be some overlap, but that would currently happen now and however they straighten it out now would be the process they would use with respect to this.

DEPUTY SPEAKER ALTOBELLO:

Representative Verrengia.

REP. VERRENGIA (20th):

Thank you, Mr. Speaker. Thank you to the proponent of the bill.

DEPUTY SPEAKER ALTOBELLO:

Thank you very much, sir.

Further on the bill? Representative Candelaria of the 95th District, you have the floor, sir.

REP. CANDELARIA (95th):

Thank you, Mr. Speaker. A quick question, through you, to the proponent of the -- the bill, please.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. CANDELARIA (95th):

Through you, Mr. Speaker. I just have a quick question -- with regards to Senate Amendment "B", specifically where it clearly talks about if an individual, this is -- the second offense, he will have

to participate through a drug education program at such participant's own expense. My question is if that individual doesn't have the funds to pay for that education, what would be the recourse?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. They would have to obtain some way to meet a program that is deemed eligible. As the amendment was set out in the Senate, the -- it would, first of all, it would be upon a third either no-contest plea or -- or a guilty plea, and what would happen is the individual would -- would have to take a course, some sort of a drug education course. If they do not have the funds then they would not have -- if not able to do so they would not have satisfied the -- what is required with respect to the violation of a third offense. Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelaria.

REP. CANDELARIA (95th):

So it is my understanding then if the individual doesn't have recourse to pay for the education class, he will be in violation. So what would be the ramifications

for being in violation? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. They -- it would seem then that the third violation would not have been satisfied, they could be found to have not completed what is required for the violation. They could -- there is a statute, I forget what it is off the top of my head, that does address a failure to -- to deal with infractions or violations and they may be subject to that.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Mr. Speaker, thank you. I thank the gentleman for that answer. I just have another quick question. If an individual is caught near a school with less than one half ounce of marijuana in their pockets with an intent apparently to sell but it's less than one half, what would be the penalties for that under this current bill?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Possession with intent to sell would -- stay the same as current law.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelaria.

REP. CANDELARIA (95th):

Okay, thank you for those answers. Mr. Speaker, I stand in strong support of this bill. We have a lot of youth that have committed a mistake in their lives and are facing a tough situation, especially in these tough economic times, because they have a record on their backgrounds.

A lot of these individuals try to find employment and a lot of the recourse is working through temporary agencies to do this, and they've worked for these companies for a year, two years, through this temporary agency, and all of a sudden because they have this criminal background, when the company offers them a permanent full-time employment they are rejected because they have a criminal background.

And I think this bill addresses some of that to a certain extent, Mr. Speaker, and that's why I rise in support and I hope that my colleagues support the bill as well. Thank you, Mr. Speaker.DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Candelaria.

Representative Lawrence Miller of the 122nd, you have the floor, sir.

REP. MILLER (122nd):

Thank you, Mr. Speaker. I have a couple of questions to the proponent.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. MILLER (122nd):

Through you, Mr. Speaker. The marijuana that was sold in 1995, is that equivalent to what's being used on the street today? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. I -- I don't know. I would have to say it depends.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. MILLER (122nd):

And through you, Mr. Speaker. Is the marijuana that's being used in California the same as the marijuana that's used in Connecticut?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I'm not sure of that one either. Don't know.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. MILLER (122nd):

And through you, Mr. Speaker. The marijuana used in Connecticut, is it the same marijuana that's used in Florida? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I don't know.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. MILLER (122nd):

Yes, thank you, Mr. Speaker. And what I'm getting at is the quality of the product. From what I understand, marijuana has changed considerably in the last three, four, five years. It's gotten stronger, more potent, and it varies from state to state so that there is no standard, there is no quality when you compare one state -- against

another. And often, some areas the marijuana could be very, very potent.

Say in Connecticut as opposed to maybe what's used in New Jersey so that the effects that marijuana on people using it in Connecticut could be drastic. I know one marijuana cigarette is equivalent to four cigarettes, regular smoking cigarettes, in the volume of tar that gets into a person's lungs. And it also has a definite effect on immune system, on thinking, and all sorts of body functions that -- that we accept as normal.

Well the marijuana does prey heavily on a lot of these areas and -- and makes us a little -- a little more unable to cope with things, particularly when you're driving, whatever. And I would just, through you, Mr. Speaker, also point out the fact that there was a train accident in New York City at Grand Central Station. The gentleman was smoking a cigarette, a marijuana cigarette, and when it came into the station he overshot the -- the stopping point and he went through the -- the metal guard that was at the -- at the end of the trip and went into a part of the station that wasn't geared for trains.

And if you remember some time ago the ferry boat in New York, the gentleman was bringing the ferry boat in and he overshot the dock by about five, six feet. Took part

of the dock down, people were injured, and again he was smoking a cigarette, a marijuana cigarette.

In Georgia, there was a young man with his family, go out for a Sunday ride, and in a one-car accident he killed his family because he was smoking a marijuana cigarette, lost control of the car, lost his senses, and he killed the entire family.

So these things are -- are very dangerous to people. It's as bad as drinking, and marijuana is the drug of choice in America. It's widely used throughout our whole country, and it does lead into other drugs such as cocaine and heroin and whatever else is out there. So I would hope that this Chamber would vote against this bill. I think that we're encouraging drug use.

What kind of a state are we that we're telling kids, you know, you can use marijuana because you won't get really penalized very much by it? I know California is having a heck of a time with the marijuana because now they over -- overdo what they -- by growing it and people who are using it who claim to have illnesses that they don't have. It's kind of running rampant over there, but then again, that's California.

So I would hope that we would not vote in favor of this bill. Marijuana is not something that we should be

encouraging, and we ought to really take stock of what we're doing in this state. So I thank you very much, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Miller.

Off to Ridgefield, Representative Frey from the 111th, you have the floor, sir.

REP. FREY (111th):

Thank you, Mr. Speaker. Mr. Speaker, through you, a few questions to the proponent of the bill, please.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. FREY (111th):

And to the Chairman of the Judiciary Committee, I'll keep this rather short. When it gets to the drug paraphernalia, specifically the Class C misdemeanor changes, I pretty much understand the paraphernalia regarding -- ingesting, inhaling, or otherwise introducing to the body. But can you please explain to me some examples of other paraphernalia that might be covered under this section?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Is the question what types of paraphernalia might be -- might fall under this infraction section? Is that -- is that the question?

DEPUTY SPEAKER ALTOBELLO:

Representative Frey.

REP. FREY (111th):

Correct. Specifically I'm thinking -- I guess what I'm conflicted with is here we're talking about less than half an ounce of marijuana, yet we're talking about paraphernalia to propagate, cultivate, grow, manufacture, prepare, analyze, pack, repack, store, contain. And I guess I'm trying to get a comfort level as to what those items might be that would fall into those categories.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. And now I do -- I understand the question, and that language would be consistent with the current paraphernalia terminology, but the way I would -- I would envision it would be those types of paraphernalia that one would use to -- for personal use of -- of marijuana. An example might be a pipe, types of,

you know, rolling papers, items along those lines are what I -- what I would envision.

DEPUTY SPEAKER ALTOBELLO:

Representative Frey.

REP. FREY (111th):

Okay, thank you. I -- I understand the part about the -- I don't have any personal experience, but I understand the part about the inhaling, ingesting and that, but specifically the manufacture, the preparing, the testing, the analyzing, the packing. I mean are we talking about scales or lamps or those kinds of things?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I believe that those items are generally used when dealing with larger amounts of marijuana.

DEPUTY SPEAKER ALTOBELLO:

Representative Frey.

REP. FREY (111th):

Okay, so it would be -- would it be fair to say that the intention of the bill wouldn't be to include paraphernalia that might ordinarily be used in

distributing marijuana? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. That would be fair to say.

DEPUTY SPEAKER ALTOBELLO:

Representative Frey.

REP. FREY (111th):

Okay, thank you for that clarification. And my last question, how does the change in law pertain to school zones? I know in every town we've -- in Ridgefield we've got several schools close together, but not close enough where they share those school zone -- safety drug school zone areas. How would this new law, decriminalization, relate to someone who's caught in a school zone?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. This does not change the school zone Legislation -- school zone statutes that we have. We did have a bill in committee dealing with this issue, but that is not this bill.

DEPUTY SPEAKER ALTOBELLO:

Representative Frey.

REP. FREY (111th):

So is there essentially still a -- (inaudible), so I might get this wrong. But is there essentially a zero tolerance in the school zone?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. The -- the law would be the same, so -- and there is a current law that addresses possession within 1,500 feet, or possession of paraphernalia within 1,500 feet of a school zone, so this would be the same.

DEPUTY SPEAKER ALTOBELLO:

Representative Frey.

REP. FREY (111th):

Thank you. Thank you for that clarification. You can sit down for a minute. I'll give you a break. You know, I think most generations from one to the other think that the next -- generation is a harder one to raise. I remember my grandparents saying that their generation was easier to grow up than their children, and certainly my mother and her peers have suggested that their time to be

a child was easier than it would be today, and in many respects I think that's true.

In my family we're pretty fortunate. We never really had anybody who -- we didn't have anybody who had any kind of drug problems. We had the occasional (inaudible) so educational people like to nip once in a while, but never had anybody with a drug use and that changed now maybe three or four years ago with a high-school-age niece of mine, and I can tell you it really has impacted our family tremendously.

She started with marijuana and I don't know whether she had less than half an ounce on her when she started using or through the time that she used, but after a while that wasn't satisfying to her and she decided to try other things, and this was when she was 14, 15, 16. And I've spent time talking to her, and for her marijuana was the gateway drug.

And one of the most -- I think probably the most heartbreaking day of my life was driving her a year and a half ago to rehab in Pennsylvania where she spent a month and we thought that was going to really help. And she came out -- we were very optimistic when she was discharged, and unfortunately not too much later she resorted back to her old ways. Then she spent a year in rehab and this is

a young girl in her -- in high school. She spent all but one month of her senior year in high school in a rehab facility and she turned 18 last October.

But I think this sends the wrong message and I don't know -- I suppose I would have voted the same way, you know, three or four years ago before we had this personal experience, but I think this clearly sends the wrong message to our youth in particular.

In the case of my niece, she never got her driver's license. Her parents were so strict and that because of her -- her use she wasn't eligible to get a driver's license, and frankly she didn't care. That wasn't on top of her mind. So I think if we think that we're being harsh on -- on kids by -- by denying them the right to drive, or waiting 150 days later to get their license, I think in many cases doesn't really matter.

So I've been exposed to something that I really rather I had never had and it's been difficult, but for those reasons that I've -- witnessed first-hand, I -- I would urge a no vote on this bill. Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Frey.

Representative Hoydick of the 120th, from Stratford, you have the floor, madam.

REP. HOYDICK (120th):

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Good afternoon.

REP. HOYDICK (120th):

Good afternoon to you as well. Mr. Speaker, sometimes God works in strange ways and yesterday when it was determined that we would not talk about this bill and talk about it today, and I had the opportunity of bringing up the Stratford Superintendent of Schools and the Connecticut Teacher of the Year, I took that opportunity to discuss this bill with them and ask, having been a board of education member and sat at expulsion hearings and seen how sometimes destructive to a child or student or family drug addiction can be, how she felt about this particular topic, because like my colleagues, I'm on the fence.

I see the good things about this bill and I thank the proponent for being as gracious as he always is in answering all of our questions, and yet we don't want to do any harm. And her concerns, which I'd like to briefly share with the Chamber, is that students in high school -- she has seen this year, high school in Stratford -- have been using marijuana more and more than she's ever seen it in her entire career, and that spans

more than 35 years in two states. She's also -- a practicing attorney -- or she had practiced prior to being superintendent so she understands the judicial system very, very well.

Again, kids are hearing us talk about this. They're also hearing about the discussions about medical marijuana bills. It's becoming more -- commonplace and cavalier, part of their conversation that it's okay to talk about publically.

For the first time in many years they have had marijuana use in the halls, it's not in the bathroom, it's not on the campus, it's not offsite, and her concern is that as this becomes more acceptable, and as it starts to reach younger students, the element where they would get the supply of marijuana is going to affect them negatively. And so based on my conversation with her, I will not be supporting this bill, but I did want to share those comments with you. Thank you very much, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Hoydick.

Representative O'Neill of the 69th District, you have the floor, sir.

REP. O'NEILL (69th):

Thank you, Mr. Speaker. I guess I'll start by saying

that we've had this discussion and debate in the Judiciary Committee for the last several years and I have always opposed the lessening of the penalties for the smaller amounts of marijuana that we are talking about today.

At one point it was for an ounce and now it's -- it's down to the half ounce and -- and certainly the amendments that were made in the Senate to the Judiciary Committee's bill I think have improved the bill, although I think they do not really get at the core problem that I have with this process which is to in effect say that yes, it's okay to have small amounts of marijuana. Compared with where we have been in terms of our anti-drug regime and what we've been doing and the efforts that we've been making and the entire system that we have created, what this does, I think still, is open a very large gap in that system.

And we talk a little bit, maybe too much, about messages being sent by the enactment of laws, and I do believe that -- that there is an understanding, a general public understanding after a debate such as this, as to what the State's attitude about drug use is, and by lessening these penalties to such a low level as being comparable to things like speeding tickets and that sort of thing that people do not think of as that serious -- when you drive on the highways and see the number of people going

at high rates of speed, speeding tickets are clearly not considered to be particularly onerous, nor do they represent some sort of tremendous social sanction and censure that's to be imposed upon the people engaged in that form of conduct.

And that's what I think that the infractions system ultimately does is it sort of puts it in that same category. And if a half an ounce of marijuana falls into that category, well, what's so magical about two-thirds of an ounce, three quarters or a full ounce? That -- that -- at some point I think people question just whether or not we're making any sense, whether there's any logic to our position on this drug regime. So even though there is a great temptation to support this because it's so much better than the original proposal of a couple of years ago, I find that I still have to vote no on this bill, although I do commend the Chair of the Judiciary Committee and those who worked on this up in the Senate for their efforts to try to find a way to harmonize the conflicting interests or concerns that people had.

I think that at root, there are those of us who think that if you -- if you do this, you really send the most mixed possible message and it -- if we were to simply decriminalize marijuana, it might be easier because at

least we're saying, okay, we've decided that's okay, regulate it the way we do alcohol, cigarettes, but it's not in a different category from alcohol and cigarettes. But we do say that it's in a different category, but only if it's a little bit. If it's 31 cigarettes, or 41 cigarettes, suddenly we're drawing a -- a bright line distinction that disappears when it's a smaller quantity, even though 21 or 31 cigarettes, however one calculates what a half an ounce amounts to, is a lot of marijuana for one individual to smoke.

The other thing that I think is missing, except for the Senate amendment which was put in by the Senator from Wilton. One of the problems that we have in -- with marijuana, and for that matter alcohol as well, and that is that people with some sort of psychological problem, and especially young people with some kind of psychological problem, self medicate using marijuana, and but for the amendment that was tacked on in the Senate, Senate "B", basically a person could just pay the fine and every few months or a year or so get caught and continue in effect self medicating and making whatever underlying psychological or psychiatric condition they have worse, allowing it to get worse than it was, and it probably getting exacerbated by the ingestion of the marijuana.

And the same thing would be true if somebody was ingesting alcohol all the time in order to deal with whatever psychological problem that should be taken care of with medication or counseling or some combination of the two, and the fact that a person can go through this process for an extended period of time is, I think, a serious flaw because marijuana is something that does worsen underlying psychological conditions.

And so as I said before, Mr. Speaker, in spite of the -- all of the improvements which I think have been made, I still have to vote no. Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative O'Neill.

Off to Dano, Representative Rovero of the 51st, you have the floor, sir.

REP. ROVERO (51st):

Thank you, Mr. Speaker. Through you, Mr. Speaker, for Mr. Fox.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. ROVERO (51st):

As you know I'm a pretty conservative old gent to say the least and I want to ask a couple questions before I decide how I'm going to vote on this bill.

DEPUTY SPEAKER ALTOBELLO:

Please proceed.

REP. ROVERO (51st):

Are we just changing the fine, or are we making marijuana legal?

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Thank you, and through you, Mr. Speaker. We are changing the penalty for possession of less than one half ounce of marijuana from a misdemeanor crime, first offense, to a violation which is in essence a fine.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Rovero.

REP. ROVERO (51st):

Through you, Mr. Speaker. In other words, technically, what we're doing is we're just really changing the fine, and if two years from now we found out that we had made a mistake, we could very easily bring this fine back to where it was prior. Am I correct?

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I don't want to say it's just a fine because currently there's a -- it's a -- currently it's a crime. So when I say crime, I mean that there's a potential for incarceration. So it is changing it for those who are in possession of less than one half ounce from -- from a crime to a violation where they would no longer face potential incarceration. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Rovero.

REP. ROVERO (51st):

Okay, one last question, and thank you, through you. In other words you're saying that under the new -- if we pass this law, if a young adult experiments with marijuana, gets caught, goes to court, gets convicted of course, he cannot join the military under the present circumstances, but with this new law he could probably still join the military?

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I don't know that I can make representations as to what -- when people are allowed to join the military. When -- the Representative asked

if it's a young person -- let's say it's a young person 21 -- over 21, then that person would be -- and it's less than one half ounce -- then that person would be able to pay the fine as set out through the violation and they wouldn't -- would not be facing a criminal charge.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Rovero.

REP. ROVERO (51st):

Through you, Mr. Speaker. I'd like to just thank Mr. Fox very much for his answers and it helps to make up my mind. Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, sir.

Representative Cafero of the 142nd, you have the floor, sir.

REP. CAFERO (142nd):

Thank you, Mr. Speaker. Ladies and gentlemen of the Chamber, like all bills, when we as individual Legislators come to a decision on how we will vote, so many things go into our thought processes. Our background, our experience, our education, our occupation, those we've met, those we know, stories we've heard. And I have to, if I can, share with you something that I've shared with

this Chamber on many occasions.

We all might do things outside our duties as State Legislator, and one of the things I do as an attorney is for the past 18 years I have been an Expulsion Officer for the City of Norwalk Public Schools, and it has been quite an experience and an education for me. I call it my graduate degree in life.

I've seen all sorts of things, things that I knew were out there but hadn't seen firsthand, some things that I'd never heard of. I've had kids before me ranging in age from 12 years old to 20 years old. I've had kids before me that have had a slice through their face from the top of their ear to the bottom of their chin because of a box cutter. I've had a student before me who has had his lungs punctured because of a fight with a scissor on school grounds. I had a father-son combination who was there because, over an argument over a relative using the room of this young gentleman, the son took a kitchen knife and plunged it through his father's hand. I had a 17-year-old boy who got into an argument with his mom and took an eight-inch kitchen knife and plunged it into her stomach. I've had robberies before me, and thefts, identity thefts, sexual assaults, three 12-year-old boys who reaped a young girl in an apartment house.

I've seen a lot through this experience and I'll tell you, it wasn't limited to a certain type of student. It was white, black, red, yellow, brown, rich, poor, from the richest sections and a waterfront property in Rowayton, to the public housing projects of Colonial Village and Roodner Court, to the suburbs of the Cranbury and Silvermine area, to the heart of downtown and a blue collar working class neighborhood. I've had kids before me who had two intact parents or come from broken homes or had no parent whatsoever. Kids who've come before me who came alone because their parent didn't give a damn.

And through those 18 years and that wide range of experiences the thing that I have seen and has come before me most often is students who have been charged with possession and use and sometimes sale of marijuana. Now by the way over these 18 years there's been a -- some fads in drugs. There was crack, there's cocaine, heroin, ecstasy, Oxycontin, prescription drugs, I've seen them all, alcohol of course, but the most consistent has been marijuana.

And you know, on some levels in a lot of places, especially being a 53-year-old guy who was a kid, was a teenager, went to college -- I was in high school during the early and mid-seventies, was in college during the

mid- to late seventies, was in law school during the early to mid-eighties. Pot was out there and there was sort of this -- the impression that, man, it isn't that bad. You know, you want to, I don't know, wind down after an exam or chill out after a tough day, smoke a joint. What's the big deal?

But things have changed, certainly, since that time I was in high school and college and law school. For me personally, they've changed in many ways. I had a lot of hair then, weighed a lot less, and also I've been blessed with three kids. Those kids are 25 and 22 and 18 right now, and like every parent of teenagers, it isn't easy, it's tough.

You try to -- teach your kid right from wrong, you try to teach them respect, respect of people, respect of the law, respect of the community that they live in. Sometimes it works, and sometimes it doesn't, and all those experiences come to play when you make a decision on any bill, but certainly this one for me.

You see, during my 18 years, I've seen these kids come before me that have been arrested for possession or use or sale of marijuana and I've gotten to the point now where all I have to do is look at their school transcript. I don't have to see a name, I don't even have to know the

circumstances surrounding the incident, but I can look at a school transcript and I can tell you with a high probability that that student is a regular user of marijuana because here's what it says.

It says typically that a kid was probably an A or B student, maybe they got high honors in middle school, they had a real enthusiasm for learning, and all of a sudden you start to see it trail off, the As turn to Bs, the Bs to Cs, the Cs to Ds, the Ds to F. I've seen scores of students who've been fantastic athletes, whether it was baseball, basketball, football, field hockey, you name it. Maybe they were talented musicians or sang in the choir, they had filled their life with after school activities and other extra-curricular activities, and now it stopped, they quit, they lost interest in baseball, they lost interest in sports.

I've seen kids who had incredible, normal relationships with their siblings and with their parents, and a good circle of friends, and all of a sudden it sort of stops, they've cut themselves off, they've become hallow, their eyes are gray, they have no rapport with their parents anymore. I've had mothers and fathers look at me and say, I've lost my kid, he doesn't talk to us anymore, he doesn't interact with us anymore, he's

emotionless, he's lethargic, he doesn't want to do anything anymore except get high.

And in the course of these hearings which take several hours each, and I've done thousands of them, I try to get inside the kid's head and talk to him and they'll tell me how it started always, you know, with a -- a dare, maybe they snuck behind the -- the school during recess. Or maybe it was a school dance or a concert or something and they tried their first joint and they liked it.

Because you see, as has been said in this room, the marijuana of the mid-seventies, the joint you might have smoked in the early eighties, isn't the same thing anymore. It's 100 times more potent. And what I'm seeing more and more of is these kids that used to be quote weekend smokers, recreational smokers, were now getting high at 7:00 a.m. in the morning, and again at 12:00 noon at lunchtime, and again at 2:30 after school, and again at 6:30 before they had to go home for dinner, and maybe they sneak out after their homework if they did it at all and smoke at 8:30, 9:00 at night, and weekends come, forget about it. Every single day, they would tell me, I smoke every single day. Their motivation is gone. Their drive is gone. The sparkle in their eyes is gone. Their relationship with their family is gone.

Now you might say, well, Cafero, if all this is happening when currently our law says that if you are in possession of marijuana it's a crime, then it isn't working. It's not working, so what does it matter?

Well, I think it does matter. I think it matters a lot because when that kid comes to school high, the effects on that kid are obvious, but it effects the -- as we say in the trade -- the educational environment that surrounds that kid, and the classroom and assembly, the way his teachers need to interact with him, the way he or she interacts with their fellow students. There's a lot of issues that surround that kid. It is, again, as they say in the trade, disruptive of the educational process. And some would say it's disruptive of their life.

Is it a gateway drug? I don't know. I've heard a lot of those stories. The kids before me will tell you the story. They go from a -- a toke on a joint to maybe a pill they found in the medicine cabinet to more and more harder drugs because they like the high they got from the joint and they want to increase upon it.

You know, when you're raising kids, and you yourself, you teach them that right from wrong, there's something inside us -- sometimes, not all the time -- that makes you stop, it makes you say that's the line I'm not going to

cross. For some of us it was as easy as not disappointing or letting down your mom or dad. I don't want to let down my dad, I don't want him to be anything but proud of me and if I do that I'll disappoint him.

Some is more serious. Boy if I do that, I'm going to get a beating. I'm going to get a beating. Some think about their future. Some say, I'd like to do that, but I can't do that, because if I get caught, if I cross that line, it will affect my future. And the reason for that is currently our -- law, the possession of marijuana is a crime. It's not a felony, it's a misdemeanor, but nonetheless it's a crime and it carries with it a monetary penalty and/or a jail sentence.

Now I think we're all wise enough to know, and as has been described here, that that crime, that jail sentence does not immediately pertain to some kid who made his first mistake. Kids are kids and they make errors in judgment. They might get in trouble and we, thank God, in our educational system and in our judicial system, are a country of second chances. We recognize that.

We want to give people a second chance so we have programs today like youthful offender and accelerated rehabilitation that allows someone who breaks that law to have that second chance. Why? Because we're the land of

second chances, and that second chance isn't a maybe, it's a complete do-over, no record, you can answer an application freely to say I've never been arrested before. So when Representative Rovero asked would an arrest for possession for marijuana result in someone not being able to join the armed services, certainly not the first one, and I kind of doubt the second. See, we're a land of second chances.

But after a while in a law, just like in our households when we raise kids, we say we told you once, we warned you a second time, and now there has to be a consequence. And we hope even when we raise kids that the specter or the threat of that consequence will be a deterrent to that person doing it again.

So what does this bill do? It reduces the consequence for possession of up to an ounce and a half of marijuana to a traffic ticket, and infraction. As Representative Fox said when he brought out the bill, it is no longer a crime, it is -- no longer does it have criminal penalties. Think about that. Think about the listener. That's not just a statement of fact.

Kids are smart, they're smart, God love them, they're smart. They know the angles. And we pass this law, it's no big deal. It's not a crime. It's not a crime. I don't

risk any more criminal penalties. It's a traffic ticket. What's the big deal? And if that kid was maybe reluctant to try or never did try because he didn't want to let down mom or dad, or he didn't want to risk an arrest or being charged with a misdemeanor or even going through accelerated rehabilitation or the youthful offender program.

And by the way those experiences are there for a reason, just like the program Scared Straight. The hope is you had to go through the court system, you had to face a judge, you had to go through the humiliation, you might have even had to participate in a program, but we're doing this so you won't make the same mistake and change your life around. All that's gone. All that's gone. It's a traffic ticket. In fact, Representative Guerrera gave an example, if I'm driving down the street and I have two joints in the front seat of my car and a cop pulls me over for a broken tail light, does he have a right to go any further? Massachusetts, who did the same thing in their law, says no.

Now under this law you could be stopped in a car and have 30 joints because that's about how much -- many joints you can have out of an ounce and a half, lying on your front seat, 20 joints. That cop pulls you over for the broken

tail light, he has no right -- make no mistake about it -- no right because it is not criminal conduct, to search your vehicle, to see maybe you've got a scale in the back, or a wad of cash you've got from selling the stuff.

And by the way, let me talk about that for a second. A lot of these kids that I've had the opportunity to have in front of me, not only smoke for their own personal enjoyment, but they deal and possess marijuana to make money. It's a business. See, a nickel bag goes for about $10 and a dime bag goes for about $20. Now a nickel bag is approximately a joint and that means there's about 30 nickel bags, that's 300 bucks, so if a kid buys an ounce and a half and wants to break that up into 30 nickel bags, he's got some product there.

Now I've had kids that come before me that buy 12, 15 bags at a time and sell them in school. They sell them in school. Now you might say, well, that's sale, Cafero, that's not possession. How are we going to know the difference? If we in this law say an ounce and a half is an infraction, then is an ounce and a half evidence at all of potential -- of possession with intent to sell? Tough one, isn't it? It's a tough one.

And then I want to talk about the other dilemma that I'm sure I'm going to have, but more importantly our

principals and teachers and those who try to maintain order in school. You know, I often say to the kids before me who might come from a high school -- in our town we have two with about 1,700 kids in each, ages 13 to 19, all races and creeds and colors and -- ethnicities, fat kids and skinny kids, and smart kids and not-so-smart kids, and they're all jammed into a school about six and a half hours a day for 180 days, and besides trying to provide a safe environment, a teacher has to provide a learning environment, and they didn't go to school for -- to be a detective or a narc or a disciplinarian. They went to school to learn how to teach. All that stuff happens in the environment in six hours and they have to maintain order, so they're always on the lookout to keep order and discipline in.

Now if some senior on his way to school got stopped for speeding because he was going say 55 miles an hour in a 50-mile-an-hour zone, he would be given a ticket because it's an infraction. Would any school system dare suspend or expel the student for receiving a traffic ticket? I don't think it's ever been done.

If a student on his way to school got stopped for possessing marijuana -- under current law, let's say they had an ounce and a half. They'd be stopped and arrested

and that school, under our current law, would probably investigate, suspend and expel that student, and the reason they would do it is they would feel that that amount of marijuana on this kid as he's heading to school, that means trouble. Maybe he's going to sell it. That's dangerous.

But if we pass this law, that same kid's driving to school, that same ounce and a half of pot on his front seat, he gets pulled over, he gets a traffic ticket. The police department is not even statutorily obligated, nor could they if you ask me, notify the school system that they just stopped little Johnny with a huge bag, an ounce and a half worth of marijuana broken down into 20 little nickel bags. They couldn't even tell them that and the school couldn't suspend him for it. That doesn't make sense.

Folks, as parents, a society, we try to send a message to our children because we hope they don't make the same mistakes we do, or they hope that they -- they better themselves and the world they live in. Like it or not, we've got this thing called marijuana and it's a controlled substance and when used in excess it does bad things to people. It's an illegal drug and we spend millions and millions of dollars in communities sending police officers with little plastic plants (inaudible) officers, and

programs after programs, teaching the kids the ills of drugs, stay away, be smart enough to recognize them, know when someone's trying to trick you into trying out a drug. And yet, the passage of this bill we're saying it's no big deal, it's a traffic ticket, give it a try. How much trouble can you get in even if you get caught? My God, folks, that's the wrong message.

I don't take anything away from the proponents of this bill. I know their motives are pure. I know they might argue that they don't want to stain a record of a young person in perpetuity, but our system already takes care of that. We're a country of second choices. I know they want to save money that they claim might be wasted in the prosecution of these offenses and put it towards helping these kids. Now folks, I don't want to be cynical, but you and I have been around a long time. If we want to put money towards training and educating and counseling these kids against the ills of drug use, then let's put the money there, let's not use an excuse all of a sudden that we've got to take from one pot and put it in another, no pun intended.

I kept saying an ounce and a half throughout my speech and I meant a -- half ounce, and in a half ounce of marijuana -- a half ounce of marijuana, you could get 30

nickel bags, 30 joints.

There's a lot of bills that we do here and we get up and we argue them, and I guess I've never been shy to show my passion and emotion on bills, but this one, man, this one, being a father of three and going through that stuff for 18 years and actually being able to touch and talk to and look in the eyes of some of these kids, thousands of them who are lost, their eyes are gray, their soul is empty because they use marijuana to excess and because of that they do other bad things.

Ladies and gentlemen, needless to say I'm opposed to this bill. I applaud those who brought it forth for all the right reasons, but if anyone could have shared those experiences with me over 18 years and you look at the eyes -- in the eyes of those kids and you hear the pleas of those parents -- I lost my kid, they say, you might vote red when this thing comes up. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Cafero.

From the foothills of the Sleeping Giant, Representative Sharkey, you have the floor.

REP. SHARKEY (88th):

Good afternoon, Mr. Speaker. Mr. Speaker, I applaud the Minority Leader for his speech. I think no one can

doubt the sincerity of his remarks and his passion for the concern for our young people. But I would actually go a step further and suggest that perhaps those lost kids that he, and we I think, all want to try to save, may actually be a sign of the problem of our current system and I think this bill perhaps addresses exactly the issues that the Minority Leader is speaking to.

I believe -- this bill reminds me of other debates we've had this session recently about drug policy and the idea that we have to find the right policy to satisfy and accomplish the goal that we're seeking to achieve. If the policy is to punish, well, there's also, I think, an argument to be made that the policy also should be to prevent.

We all know, and we've heard the arguments that marijuana is a -- can be a gateway drug. We've heard arguments and concerns about how our kids can be lost by engaging in marijuana use and then they find themselves in the state of mind and the place that Representative Cafero described which is a -- which is a terrible place. But I think that what we're here to do is develop the policy that helps to prevent that from happening in the first place.

Regardless of -- I mean, I don't want to talk quite

as -- quite so much about the issue of -- of criminal records and whether Johnny should be hit with a speeding ticket versus a criminal violation. I actually want to talk about the policy behind this. We know -- we know that in communities and countries where decriminalization of marijuana, similar to what we're doing here today, or proposing here today, is implemented, we -- they had the same issues as we are facing here, the same concerns as we've heard here, but the policy has actually worked and I -- I turn the members of the Chamber -- I would recommend that they look at a study that was done just a couple of years ago that was reported in Time magazine by the Cato Institute about what happened in Portugal. Someplace far away from here, but at the time it was a country that had a terrible drug problem.

They were trying to deal with a significant drug problem among their youth, and this policy of decriminalizing -- not making it legal, it's still illegal -- but decriminalizing to the point that it's an infraction for small amounts of marijuana for young people the ages of 12 through 15 and beyond into high-school age, decreased significantly. In fact currently the rate of use since the -- imposition of decriminalization of small amounts of marijuana in Portugal is now down to about 10

percent for kids high-school age and younger.

Do you know what the rate is currently in the United States for kids of roughly that same age? Kids who have at least tried marijuana? It's 39 percent. They found that by decriminalizing, the actual usage dropped because the policy of decriminalizing may cause it not to be the attractive function that we've always had. They coupled that with counseling and with other things, but the point is that increasing the infraction and the severity of the infraction does not actually promote reduced use. We have those penalties right now and we have the kids that the Minority Leader is talking about. Those are the kids that we want to try to save. These are the policies that we want to try to use. In fact, there are fewer kids using pot in Portugal now since decriminalization than we have kids using cocaine. It's a significant statistic.

Now again, this is a study that was done actually by a Libertarian group, the Cato Institute, that looked at this reality in Portugal and found these results and I -- realize that these are tough policy decisions that we have to make and sometimes they may seem counter-intuitive. Sometimes, I mean I think the -- the intuitive thing to think is that if you want to stop something, increase the penalty and that will cause fewer

people to do it. Sometimes that works as a policy, but I think in everything that we've learned over the years in terms of trying to prevent drug use, particularly among our young people, tougher penalties don't necessarily lead to lower use.

I want to save those same kids that the Minority Leader is referring to, but I think this policy that we're adopting today is the way to do it. Thank you, Mr. Speaker.DEPUTY SPEAKER ALTOBELLO:

Thank you, Mr. Majority Leader.

Further on Senate Bill 1014 as amended by Senate "A" and "B". Further on the bill? If not, let's get rolling. Staff and guests, please retire to the Well of the House, members take your seats, the machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House of Representatives is voting by roll call. Members to the Chamber.

DEPUTY SPEAKER ALTOBELLO:

Have all members voted? If all members have voted, please check the board to make sure your vote is properly cast. If all members have voted, the machine will be locked. Would the Clerk please take a tally. And would the Clerk please announce the tally.

THE CLERK:

Senate Bill 1014, as amended by Senate Amendment Schedules "A" and "B", in concurrence with the Senate.

Total number voting	147
Necessary for passage	74
Those voting Yea	90
Those voting Nay	57
Those absent and not voting	4

DEPUTY SPEAKER ALTOBELLO:

The bill as amended is passing in concurrence with the Senate.

(Chamber at ease.)

DEPUTY SPEAKER ALTOBELLO:

The House please come back to order. Would the Clerk please call Calendar 613.

THE CLERK:

On page 36, Calendar 613, substitute for Senate Bill Number 929, AN ACT CONCERNING CLOSING THE ACADEMIC ACHIEVEMENT GAP, favorable report of the Committee on Appropriations.

DEPUTY SPEAKER ALTOBELLO:

Representative Rojas, you have the floor, sir.

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Seeing none --

REP. BACCHIOCHI: Thank you, Chairman Fox.

REP. FOX: Thank you very much.

Next we have Leo Arnone and Mike Lawlor and after them on the list is Representative Cafero. I don't see him but, oh, he's here, okay.

SECRETARY LAWLOR: Good morning, Chairman Fox, Chairman Coleman.

A VOICE: Good morning.

SECRETARY LAWLOR: Before I begin I just want to say in solidarity with our Attorney General, Commissioner Arnone and myself decided to shave our heads this week, join that club.

But we're here today to testify in favor of the Governor's three proposals that are before the committee. And in order to do that, I wanted to make it clear we're doing this particular context. And the context is that since 1907 -- sorry since 2007, this legislature, the previous governor and the Judicial Branch have undertaken a sequence of public policy initiatives which are intended to focus on repeat violent offenders and ensure that they are the first priority of the criminal justice system. In order to make this happen, we need to reallocate some resources and reprioritize our public policies, including those expressed through the general statutes.

The three Governor's proposals that are before you today help accomplish that goal. First, the palliative use of marijuana, you've already heard some testimony on that. Let's just be clear what this bill is and what it is not.

SB1015
SB1014
HB6391

This bill is simply a protection being built -- written into the statutes that ensures that doctors and their patients, who have discussed the palliative use of marijuana to deal with the symptoms of the diseases they have need not fear, arrest or prosecution. That's all it does.

It doesn't establish a new program, doesn't endorse anything in particular. It just protects conversations between a doctor and a patient to ensure they can't be prosecuted for conspiracy to commit possession of marijuana, and it ensures that persons who might otherwise be arrested for possession of small amounts of marijuana can't be arrested if, and only if, they have registered and received a license from the Department of Consumer Protection; and if the marijuana they possess is under certain quantity and is being used in accordance with the procedures set forth in the statutory proposal.

The second bill creates a new option for law enforcement to charge persons who are caught with a small quantity of marijuana, to charge them with an infraction. In other words, on a offense that carries only a fine of $99 and there's a couple of advantages to this public policy change. SB1014

First of all, it acknowledges what is the reality in our courts today that virtually everyone who is arrested solely for small amounts of marijuana ends up with a dismissal of the charges. The problem is that to get to that outcome, there's quite a bit of resources devoted to the process involved. Typically, first, second, third offender for this type of offense would be arrested; they'd have criminal charges; they'd go to court, sometimes it'd be a public defender appointed; they'd have two or three court appearances; they would apply for one of the variety of diversionary programs; they would

almost certainly be allowed into those programs; they'd be required to report to the office of adult probation, perform a whole variety of functions and jump through a whole variety of hoops. And at the end of six months or a year, they'd be back in court once again and the charges would be dismissed.

All of that requires the -- the criminal justice system to devote significant resources to that enterprise. And there's no evidence that these particular procedures lower the rate at which people use marijuana. If it worked it would be an entirely different discussion but it doesn't appear to work.

This proposal would conform our laws with those of our two neighboring states: Massachusetts and New York, and treat possession of small amounts of marijuana as a violation, as an infraction.

Finally, the Governor has proposed that Connecticut adopt a system, which is most recently adopted in Mississippi, so I like to call this Mississippi-style risk reduction credits, which would allow the Commissioner of Corrections -- who's seated to my right. And will address this issue in a moment -- to award time off in exchange for participation in programs that the Department of Corrections provides. Programs which are proven to reduce the likelihood that these individual offenders will re-offend once they leave prison.

HB6391

The goal here obviously is less crime, but the secondary goal is to reserve the very expensive resource, a prison bed, for repeat violent offenders to ensure those types of offenders can be incarcerated for an extended period of time. And in order to do that, as former Governor Rell emphasized during her last few years of office, to do that we have to find other and more

details.

And, of course, it's the legislature's prerogative to decide how to authorize this if at all. And so I think that's a fair debate to have and that's obviously a good concern to have. But I think you don't want to over look the ultimate goal of this, which is to make it less likely that offenders will re-offend as they finish their sentence, and these initiatives are designed to accomplish that goal.

SENATOR KISSEL: So that from my perspective, the devils in the details.

SECRETARY LAWLOR: Correct.

SENATOR KISSEL: Hopefully, we can get that before our -- the regular term for this committee is done but if not it'll come before us.

And I'm thinking if it's five days a month, I multiply that and I get 60. So that's two months unless I'm thinking of it incorrectly.

The last area of inquiry that I have has to do with the decriminalization of marijuana. And have -- do we do studies as to our programs that we have in our judicial system. In other words, we have alcohol education as a program and we have this marijuana education. And it strikes me that if we've had this up and running for a period of time, have we at least studied to see because that to my mind that's the most important part of this. SB1014

I understand trying to get cost savings with the paperwork and the public defender, and going to the courthouse and then a year later, the charges are dropped. And if there's a way to save on that end, I understand all that. But there's a part of me that says that there's -- it just makes

sense to me for some folks, a program and that initial taste of what it's like to be in the judicial system is enough to get folks to not either continue with marijuana or to do it in a way that they're not involved in the system anymore.

Have we, over the years, ever conducted a study as to the efficacy of, at least, a program that we have regarding substance abuse? And if it's not working there it begins to have me question whether it's working on the alcohol side, too.

And if these programs aren't working what about domestic violence. I mean are we saying that our programs are just ineffectual, or we saying we've done studies and, of all of them, the marijuana one's not effectual. Where are we with that?

SECRETARY LAWLOR: Well, there's -- there's a lot of studies on a lot of different topics.

If you recall just the other day when we had some folks here from the Council of State Governments sort have given a presentation about how different states have tried to determine what works and what doesn't work if you measure by rates of recidivism.

One thing they told you is that -- that it's very clear around the country that these programs are most effective when we're talking about high-risk offenders. So, in other words, if you put high-risk offenders into a -- programs designed to sort of rehabilitate them, that's where they're most effective.

Low-risk offenders -- and I argue that the person's arrested solely for possession of small amount of marijuana are low-risk offenders. And they haven't ever done anything dangerous or hurt anybody or anything like that, that that's where

these programs are least effective.

We also know that around the country in every state regardless of what public policy that state adopts -- and this goes back, like, 40 years now, if you look at the percentage of people -- let's just take one cohort like age 18 to 25. And all these statistics are available. I know you guys have computers there. So Office of National Drug Control Policy, ONDCP, which is the White House Drug Policy Office have been studying these things for the past 30 years. You can see there's a pretty consistent number that for people between the ages of 18 and 25, somewhere between 50 and 60 percent of them will report they've used marijuana at some point during their life. About 25 to 30 percent say that they've used in the past year and between 15 to 20 percent say they've used it in the past month. So that number remains pretty constant regardless of what public policy you have.

So it doesn't seem like that the criminal justice response to this particular problem, use of marijuana by people, it doesn't seem to have an impact on the extent to which people use it or experiment with it or are able to obtain it. I mean that's seems pretty consistent. So it doesn't seem like public policy changes effect that at all.

So I think it's fair to say that the diversionary programs in place today for possession of small amounts of marijuana don't have a measurable impact on the people who participate in that.

SENATOR KISSEL: With that analysis you're sort of looking at a national broad brush. The fact that self reporting -- young people self-report that they use marijuana.

But what I'm saying is here in Connecticut, we

have a diversionary program for folks arrested for marijuana and have we assessed our state of Connecticut diversionary program for marijuana to see if folks that successfully complete that program, whether they come back into -- into the judicial system or not, because if those folks that get that diversionary program essentially don't come back, that's a signal to me that it's effective.

And I guess -- I understand where the economies and the decriminalization but I hate to give up a program that actually educates some people and -- and puts them on a path of sobriety. Such that they're not fooling around with drugs. And I understand your national argument, but I'm just saying has anybody in our criminal justice system here in Connecticut done any research as to folks that successfully complete these programs, whether they come back into the system or not?

SECRETARY LAWLOR: The -- the principal diversionary programs for small amounts of marijuana, the community service labor program, which is really focused on a community service. There's no rehabilitative aspect to it really.

Compared to, let's say, the drunk driving type program. That has relatively good track record. It's focused on people engaged in extremely dangerous behavior; in other words, driving a motor vehicle while intoxicated that's clearly dangerous. They're fairly high-risk of hurting somebody. And those programs are very focused on alcohol abuse.

Many of these people who are being arrested for DWI are not alcohol abusers, with the exception of one that one time they got arrested, but quite a few are abusers so those people are sorted out and in that process.

That's not exactly how the community service labor program works. Let alone the Accelerated Rehabilitation Program.

You know, it's worth noting that there is -- the statistics were provided by to the legislature two years ago when this committee overwhelmingly passed a similar bill. And they said there's over 8,000 arrests every year involving possession of marijuana. A little over 2,000 of those possession of marijuana less than 4 ounces was the only charge. And there's about a little over 1,000 people currently on some type of probationary supervision for that offense.

I don't believe and I can double check, I don't believe there's any data that indicates the rate of recidivism are lower for the people who participate in any of the programs that have a rehabilitative aspect and, certainly, not for the community service labor program.

I think that all it really does is tie up a lot of probationary resources that could otherwise be devoted to people who need to be supervised in the community.

SENATOR KISSEL: Well, I won't belabor this. On the one hand we have a proposal where we want to encourage incarcerated inmates to take a variety of programs. And by moving in that direction, there's an assumption that are programs are effective and they're worthwhile.

On the other hand, we have some diversionary programs that, such as alcohol education, where the message is it's a good program and keeps people out of the judicial system and it's worthwhile.

Yet, for whatever reason, we have community service. We don't really have a program for

marijuana. And so we're sort of cutting that off and saying, well, we're going to decriminalize. There's no need for a program and so anybody who gets involved with that that's a whole different category.

I think that's somewhat of a mix message. It's almost as if, in my view, we should revisit the marijuana issue, come up with a program because I think that it's a drug. There's some kind of impairment. I don't know what we would do if someone gets in car accident and they're under impairment due to marijuana. I don't know if a officer on the scene can easily assess that or do a test like you can do for alcohol.

And so as much as Massachusetts and New York have moved along this path, I look at other areas of our country where they race down this path. And there's -- there's other issues that crop up that undermine quality of life for otherwise law-abiding individuals.

So as much as this committee moved forward with a similar proposal a couple of years ago, I still have some concerns, but you've addressed my questions and I look forward to working with you on these issues.

Thank you, Mr. Chairman.

REP. FOX: Thank you.

Are there any other questions from members of the committee?

Senator Coleman.

SENATOR COLEMAN: First of all, welcome gentlemen. And Secretary Lawlor in response to your opening comment, I'd say I've known you well enough and long enough to remember when you did have hair --

SECRETARY LAWLOR: From the good old days, yeah.

SENATOR COLEMAN: But I was interested from either of you whether or not you're aware of fresh research that may inform us concerning the impact on the health of individuals from the use of marijuana or the effect on society from the free access to marijuana.

SECRETARY LAWLOR: I think it's fair to say that marijuana is not a healthy habit to adopt, and I don't think anyone would argue that point. But I think you could say that about a lot of things that you and I and other people do. And the question is -- is the criminal justice response really appropriate or helpful.

And I would argue that if there's no evidence that the rather overwhelming criminal justice response, that's been underway for 40 years, hasn't had a measurable impact on the propensity of people to experiment with marijuana then arguably it's not working and is diverting our criminal justice resources from where they should be targeted, which is repeat, violent, and serious offenders.

And I think that point of view has reached a rather -- seems to have formed a consensus regardless of who are talking to these days that that ought to be the focus of our law enforcement officials on the frontlines. That first things first and this -- if you can't show that this -- that this is having an impact -- certainly on a positive impact then -- then it's probably better to think of a different approach and here is a different approach.

REP. FOX: Representative Hetherington.

REP. HETHERINGTON: Thank you.

Gentlemen, it's a pleasure to have you with us here this morning.

Is there any practical way that a police officer can make an on-the-spot determination as to whether the operator of a vehicle is under the influence of marijuana?

SECRETARY LAWLOR: Sure. You know, obviously, there's a -- we made the mistake of asking somebody who just gave up a job as a law professor to answer that question so let me narrow it down a little bit.

The statute in Connecticut is -- is basically entitled, Operating a Motor Vehicle While Under the Influence of Alcohol or Drugs or Both. And there's two different ways you can be guilty under that statute.

One is you can take a -- a breathalyzer or a blood test and have a blood alcohol level over .08. That's one way of violating that statute. The other way is just proving that the person's under the influence of alcohol or drugs or both. And proving that without the benefit of the .08 blood test is -- is very doable. It simply requires evidence. And usually the arresting officer is in the position to observe a variety of things, which help make that case.

So in the case of marijuana, if you pulled over a car that was driving erratically, the fact that is was driving erratically is in of itself, evidence that the operator was under the influence of alcohol, drugs or both. Not enough but would be a certain amount of evidence that together with other things could help make that case.

Once the person is interacting with the police

officer through conversation or -- or potentially performing roadside test, et cetera. There are other indicators that the person is under the influence of something, maybe it's alcohol maybe it's drugs or maybe it's a combination of the two.

Typically people who have been smoking marijuana smell like they've been smoking marijuana and especially if they're doing it in their car, that's -- that's very detectable to the trained nose once their car window opens. And there's certainly plenty of cases where the car got pulled over, the window came down and the police officer smelled the strong distinct odor of marijuana.

If you find marijuana in the car during a search, you could find marijuana butts, seeds, these kinds of things in the ashtray, all of this taken together would help make the case that the person is under the influence.

First, you have to evaluate their ability to drive and then you have to link that to impairment due to alcohol or drugs or both. But there are certainly no shortages of convictions of people who got pulled over, were clearly very intoxicated from marijuana or other drugs and that case has made in court.

When I was a prosecutor, I had a couple of cases like this where there was no alcohol involved but there was clearly drugs, and we were able to prove that beyond a reasonable doubt so it's doable and it is done.

REP. HETHERINGTON: There isn't, for example, a breathalyzer test, though, for marijuana is there?

SECRETARY LAWLOR: Not that I'm aware of. I mean

there is other types of tests for the presence of marijuana, but they don't link it in a time frame in the same way the blood alcohol tests are done. Because, you know, the body will filter alcohol out of the system relatively quickly. That's why there's a requirement that the breathalyzer test be done within an hour or so of the stop.

In the case of marijuana, you could detect the presence of marijuana but you can't really quantify the effect by testing the blood. So you know that it's there. Marijuana typically stays in the system for an extended period of time, sometimes a week or more. If you test positive for marijuana but you can't really quantify that and link it towards the effect it would have on your ability to drive.

So, in those cases, you have to rely on the observations of the arresting officer, including the way the car was being driven and the demeanor of the person after they're being interrogated by the police officer.

REP. HETHERINGTON: Thank you, thank you.

REP. FOX: Thank you.

Representative Smith.

REP. SMITH: Thank you, Chairman Fox.

Good morning.

Just a couple of questions, first, on the Senate Bill 1014, dealing with the palliative use of marijuana. I don't see anything in the statute that's been discussed earlier about the distribution aspect of the bill which concerns me. SB1015

And I'm just wondering, how does one if they

And so, you know, I think speaking on behalf of the Governor, that it's important to have a reality-based system. And if the reality is this law is simply not enforced in these circumstances then I think we ought to consider conforming the law with the reality practice currently is. By doing that, we can build in protections that don't currently exist.

REP. SMITH: Well, that being said, then we perhaps we should create a law that also makes it legal for somebody to transport -- transfer or sell to one of these individuals this type of marijuana with these quantities because I think right now you have a paradox. So I hear what you're saying, I understand you can get it if you want it, but it's still illegal.

SECRETARY LAWLOR: I'd only point out that you have ability before you, the other bill not the Governor's bill, that does provide for that. I think it's fair to say that in some states where they've attempted that approach, there's been some unintended consequences. Whether or not those can be avoided is a decision for the General Assembly to make. But the Governor made a conscious decision not to write that into the bill because of the concern about those potential unintended consequences.

So it's certainly an option but the Governor's chosen to recommend this bill, which is verbatim, the bill that was overwhelmingly passed in large bipartisan majority by this legislature four years ago.

REP. SMITH: Thank you. And one question about Senate Bill 953, which would make it an infraction. So for an infraction then if you get caught with marijuana less than an ounce, you just send in the check to the State, assuming you plead guilty [SB1014]

to that.

And going to Senator Kissel's point, then is there a way to set up any type of treatment program as part of the infraction because what we're doing by allowing this certainly is just saying is, okay, pay your fine and you're good to go. But it doesn't prevent some of the concerns that others may have. That, you know, this is just a drug that leads to other drug use, et cetera, and perhaps we can stop it if there was some type of treatment program.

I understand that the community service labor program doesn't provide for that right now but perhaps there was another type of program -- program that could be created along with this infraction. And I don't know if it's possible or not, but I'd like to hear your thoughts on it.

SECRETARY LAWLOR: Well, mechanically, it would be difficult to do with an infraction because usually the participation in these programs is sort of incentivized by the fact that if you don't do it, you go to jail. And, obviously, that's not -- if the offense itself is an infraction, that's not really an option.

Now, I think it is worth noting that there is a definite shortage of drug treatment programs, substance abuse treatment programs available to people generally speaking. Unless you have a really good health insurance plan, your ability to just decide that tomorrow I want to check myself in to some substance abuse treatment is a -- is a extremely expensive financial decision to make.

And I think if -- if the legislature wanted to sort of create more opportunities to do that I think people would take advantage of that opportunity. So it stands to reason to me that

you might not want to wait to get arrested to participate in these programs. The reality is there's just a shortage of these types of programs.

Now, I was a legislator for a long time, like you, I had constituents and some constituents would call me up with family members who had serious drug problems. And they would say to me, Mike, I want to -- my son or my brother, my spouse, they need to get into treatment, can you help us out?

And the only honest answer I could give them is the only way I can help you to get that person to treatment is if you have them arrested.

And I think that's a very inefficient way of accomplishing the goal because once they're put into the court system, they're literally spending thousands and thousands of dollars of state taxpayer money to be put through a very elaborate process with the end result is try getting them into treatment.

You have testimony before -- here from the Department of Public Health. I'm sure the Department of Mental Health and Addiction Services would feel the same way. If you wanted to establish more opportunity to participate in drug treatment programs then that would be a welcome addition to our State's antidrug program. And it might actually be much more effective than the current program.

REP. SMITH: Thank you for that response. I guess so to answer the question is to -- there's no component that the State could set up where along with the check that gets mailed in for the infraction, there is some type of certificate from the individual certifying that he or she has participated, assuming there were programs to

participate in -- some type of program. Is there nothing we can do to combine that?

SECRETARY LAWLOR: Well, to do such a thing, presumably, the program would have to go on for some period of time so you would delay the -- the conclusion of the case. On a typical drug treatment program, a year or so. So I mean it -- it seems like it would be an awkward system to do.

I understand what you're saying and I -- I don't disagree. It's just -- using the criminal justice system to get people into treatment doesn't seem like a very efficient -- if it's the main goal to get people to go to treatment, using criminal courts to accomplish that goal doesn't seem to be very efficient. There are other ways to do it, which bypass the criminal justice system altogether. And I would encourage you to go explore those opportunities as oppose to gearing it to the actual arrest or issuance of the citation.

REP. SMITH: Thank you so much.

Thank you, Mr. Chairman.

REP. FOX: Representative Adinolfi. Thank you.

Under the palliative use of marijuana, just have a question for you. By the way welcome to see you sitting there. It's a little different that I had over the years. Anyway, with the person that's selling the marijuana, he's committing a crime, isn't he?

SB1015

SECRETARY LAWLOR: That's correct, yes.

REP. ADINOLFI: Now, is the buyer, even though it's for medical purposes, aren't you supposed to report a crime?

and they roll down the window and what do you think they smell? Marijuana. What recourse does that person have as opposed to getting arrested?

SECRETARY LAWLOR: Well, what would they be arrested for in that situation?

REP. FRITZ: Because the police smells the marijuana and believed that they had been using.

SECRETARY LAWLOR: Right. But that's -- that's actually not a crime. It's a crime to operate a car under the influence of drugs or alcohol or both that's true. But that's not your scenario. It's not a crime to have used marijuana. It's a crime to possess it. So unless they find the marijuana on the person, there's no crime.

REP. FRITZ: So it would just be a shakedown or whatever in terms of finding out what happened --

SECRETARY LAWLOR: Could they do a search? I think if they smelled the marijuana and they believed that there was prob -- if they felt there was a probable cause to believe there was marijuana in the car, they can search the car.

REP. FOX: Are there any other questions for Secretary Lawlor? Or --

Gentlemen, thank you very much.

SECRETARY LAWLOR: Thank you.

COMMISSIONER ARONE: Thank you.

REP. FOX: Next is House Minority Leader Representative Larry Cafero.

REP. CAFERO: Good morning, Mr. Chairman, Chairman Fox, Chairman Coleman, Ranking Members Kissel and SB953 SB1014 SB1015 HB6566

Hetherington, and members of the committee. Thank you so much for this opportunity to testify.

For the record, my name is Larry Cafero. I'm state representative from the 142nd District, representing Norwalk. I'm also an attorney by profession. That's what I am. Let me tell you what I am not. I am not a psychologist. I am not a drug counselor. I am not a doctor. I'm not an educator. But as many of you know over the years when I've had the opportunity to testify before this commission -- this committee, one of the things I do do in my capacity as an attorney is I've served as the expulsion officer for the City of Norwalk for the past 18 years now.

And again, not being an educator and not being a doctor and not being a drug counselor, I'll tell you what I've been able to do, unfortunately. And that is without even the -- seeking -- speaking to an individual without having laid eyes on them, without knowing their sex, without -- or gender, without knowing their age, without knowing from where -- kind of family they come from, their socioeconomic circumstances, not knowing their race, if I look at their transcript, their school transcript, their history, I've gotten to the point now where I can really much nail the fact that they're using marijuana on a lot of them. Because what you'll see, folks, is a pattern. You'll see a pattern of students that were getting maybe A's and B's, who are now getting C's and D's and even failing. You'll see a pattern of kids who maybe were playing sports and involved in extracurricular activities, and they no longer are. They quit, whether it was band or whether it was the chess club or something else. What you'll see is a pattern of kids that might have had a relationship, a close relationship, with their

parents or their siblings or their friends, who are now distant and removed, who lack motivation, who like to sleep very, very late into the day and care, frankly, about nothing more than just getting high. That's what I seen over 18 years.

Just last week I had two cases before me. In both instances there were parents there in tears, in tears, saying I have lost my son in one case. I've lost my daughter in another.

I had a young woman before me, who was -- was involved in cheerleading, field hockey, was incredibly bright. She entered high school in ninth grade with all that potential. She had a wonderful freshman year, sophomore year and then she told the story about how she started using marijuana. Well, so now her grade point average has dipped below the C/D level. She's quit all extracurricular activities. And as her father said to me, I don't know my daughter anymore. She's withdrawn from school and she's now attempting to get her high school equivalency diploma in adult education.

This was a girl who had applications into various institutions of higher education. She was caught in school with 12 little bags, nickel bags as they call them, of marijuana, a scale, $220, a Philly Blunt and a -- excuse me -- a cutter to cut -- hollow out the cigar and put in the marijuana.

The following day, I had a young gentleman before me whose parents also were in tears. The grandmother was also present. They had lost their son they said. The young man was barely able to communicate at this hearing, barely able to communicate. He had been smoking for four years. He smoked seven times a day. He was caught in school with 14 bags of marijuana, nickel bags. Seven empty bags before him, and

when I asked him, Do you think you have a problem, he said, No, man, nope, not at all.

That's the affects, ladies and gentlemen, of marijuana. It might sound, oh, come on now, you know, it's, you know, I heard Deputy Secretary Lawlor said, you know, let's face it, everyone's doing it, that kind of thing. I'm not saying he was certainly condoning it. But that's the effect that it's having. And what we have before us is several bills here that deal with marijuana. One in particular -- two in particular, frankly, decriminalized the use of marijuana. In fact, we want to make it an interaction equal to some other infractions that we have, yes, a speeding ticket.

Or carrying an ounce, keep in mind, an ounce, which is able to roll at least 20 to 40 joints. An ounce of marijuana will now be equivalent to hitchhiking or equivalent to jaywalking or equivalent to the sale of a laser pointer to minors unless for educational purposes. It'll be the equivalent crime as obstructing an intersection or using a motor vehicle on a sidewalk.

What is the message? For those of you who have children out there, I think the answer to that is pretty easy. What we're saying with this bill and also the bill, as written, with regard to using medical -- marijuana for medical purposes is it ain't that bad anymore. It's not that serious anymore. It's equivalent, as I said, to jaywalking. And when you send that message, the likelihood common sense will tell you, it's going to be used more. And what we learned is that from Mr. Lawlor -- Secretary Lawlor was that now when you get caught, you just send in a fine. You send in the check so there's no point wherein somebody in some system can evaluate this person to see if they need more. They can hide behind

just sending in the check, no biggie, no big deal. And I'd like to submit this to you, folks, as a sort of a different take on this, three words, Follow the Money. Because you see if we are going to make it less of a risk to possess and use marijuana, common sense tells us that more people are going to use marijuana. And when more people use marijuana and purchase marijuana, there's a hell of a lot more money going to the people who sell marijuana. And, you know, who those people are at its highest levels, organized crime, organized crime. The same people who deal in human trafficking and the illegal sale of guns, in prostitution, illegal gambling, violent crime and gang activity, all over this state.

We are now allowing that criminal entity at its highest levels -- and think about it, that's what it is. No one legally, thus far, can sell marijuana. That criminal entity at its highest levels, we just gave them a cash cow. We gave them a cash cow. Now, I know every one of you pretty much, and I know none of you would vote for a piece of legislation that helped increase or fund a criminal activity. You wouldn't vote for somebody to -- that was using money and profits to harbor terrorists or produce illegal weapons. I know you, you would never do that. But think about what we're doing by this bill, follow the money, folks. As we learn in life, a lot of it boils down to the almighty buck. Somebody's making money on this; somebody's making money. And I would submit to you that the people that are making money by the decriminalization of marijuana are some of the worst people we have in society who use that money to fuel illegal obli -- operations that go far beyond, far beyond the possession of marijuana.

I also want to call your attention to the two SB1015 HB6516 bills with regard to medical marijuana and its

use. They're two very different bills by the way, and I hope, and I'm sure and trust the committee will note that. In the one case, the Governor's bill, the Governor goes by what has been before this legislature for many years, wherein we, as Representative Smith indicated, we close an eye to the initial illegal transaction of that first seed, and we allow people to grow marijuana by way of plants in their living rooms, up to 4 feet in height. We don't specify how, what the girth or the amount of leaves that are on the plant, but we say 4 feet in height you could grow this marijuana plant. We don't even specify what we do with it after we don't need it anymore -- the -- how we dispose of it. That's what were allowing.

But that's very different from the Committee's bill that's been raised. See, in the Committee's bill that's been raised, we actually start a new industry. We legalize the production and growth and distribution of marijuana. The Department of Consumer Protection, as I read the bill, is allowed to come up with regulations and rules and licensing procedures to license facilities to grow marijuana, marijuana farms. Those are two very distinctly different bills with two very distinctive paths.

With regard to the decriminal of mar -- decriminalization of marijuana, there was a comment made that it is a similar bill to what we did last year. Ladies and gentlemen, at least last year, at least last year, we made the distinction between the possession of marijuana between an adult and a minor. The bill before us doesn't even do that, it doesn't even do that. So when we're talking about saving money and doing the right thing, et cetera, there's a whole lot of kids out there -- a whole lot of parents out there who feel they have lost their kids because of marijuana. SB1014 SB953

As you've heard testimony in the past, this isn't the same as marijuana that -- that was smoked 20 and 30 years ago. It's 100 times more potent. A lot of people would say, oh, with -- garbage with regard to this gateway drug. Again, I'm no doctor, but my experience has been a lot of different -- very different from what I've seen. So if we, as a legislature, are going to send a message with regard to these two bills that it's not such a big deal, it's okay, it's equivalent to jaywalking or blocking an intersection, what price will we end up paying? And remember this, folks, follow the money. Who are we in enriching financially by decriminalizing marijuana? Is it organized crime? I think it could be no one but.

Thank you. I'll be glad to take any questions.

REP. FOX: Thank you, Representative Cafero.

Are there any questions?

Representative Dillon.

REP. DILLON: Good afternoon.

REP. FOX: Good afternoon.

REP. DILLON: I -- just a question -- and they -- if there's so many people here I don't want to -- I respect tremendously the work that you've done, but wouldn't it be true that the young people who referred to you, by definition, are having problems?

REP. CAFERO: With regard to -- by definition, for offenses in the school system?

REP. DILLON: In your role as -- as an expulsion --

REP. CAFERO: Oh, there is no question. But -- but theoretically, and in many cases, none of that -- many of it is not as a result of drug use or possession. A lot of it is fighting, a lot of it might be excessive absences from school or excessive skipping or disrespect -- disrespectful behavior, et cetera. There's a whole sorts of reasons that these kids will come before me. And all you have to do is look at their transcript and peel back that onion just a bit and you'll see in many cases the root of it is their excessive use of marijuana.

REP. DILLON: I -- I respect that. I just -- I just do not know the -- it seems that that would be a self-selected group that's in trouble. And -- and I guess, another thing would be, I think you're quite right about the effects of addiction, but I guess I would separate that out from how we treat it in the criminal justice system. And I guess I won't say any more about that, but I see them as overlapping but separately distinct domains.

REP. CAFERO: If I may, Mr. Chairman, and Representative Dillon, I appreciate that but I guess what I am hearing is -- and I heard Deputy Secretary Lawlor indicate that -- you know, we've had various drug intervention programs, and we've treated drug possession when it comes to marijuana in certain ways. And basically, I think what I heard him say -- and I do not mean to this characterize it is it does not seem to be working that well. So what we're going to do, according to this proposed piece of legislation, is simply say send in a -- it's a fine now just send in your ticket.

And no one, at least, under that system, will be able at that level to evaluate whether or not this particular individual does has -- have a problem. At least now, regardless of its cost,

one could argue that at some level of our judicial system, whether it's the arresting officer, whether it's the prosecutor, whether it's before the judge, whether it's an intervention program or an alternative to incarceration program, somebody's looking at this human being and making some evaluation of how addicted or not that they might be, and maybe they would be open to some treatment. we take all that type of evaluation and face-to-face away when we're merely saying, send in a check and you're okay.

REP. DILLON: I guess part of the of -- of the analogy I would think of would be prohibition of alcohol and -- thank you very much for your courtesy -- and that was that during prohibition you had organized crime on the street with machine guns fighting over territory. And when prohibition was -- and the people who were selling it made huge bundles of money -- it was a black market. When prohibition was repealed, it reduced the cost of criminal justice. It did not eliminate addiction so you have addiction either away.

So, I guess, in my view I would want to sort out the -- the addiction issue from the prison, kind of, system, that's all. And because -- and I understand what you're saying, I think, but a lot of -- a lot of people felt drinking alcohol was wrong and that's why they banished it, you know, but the reality was it went underground. The people who were making it surreptitiously made bundles of money. Elliot Ness had to go in and clean up Chicago over it, and Al Capone made a lot of money. But -- but people got addicted before prohibition. They got addicted during prohibition, and they got addicted to alcohol after adict -- after prohibition. So I -- I don't -- I'd have to sort through all the evidence, but I just would separate those two things a little bit.

And even though I would give tremendous weight to your story because I know you put a lot time into that. I guess I'm -- I would stop at the -- I'm not sure what conclusions I can draw from it.

REP. CAFERO: And I appreciate that, Representative Dillon. I will make two distinctions, however. One is this bill doesn't seek to legalize marijuana, whereas the end of prohibition did legalize the possession and production of alcohol. And secondly, at very least, at very least in our laws, even with a legal substance as alcohol is, whether you like that or not -- or anyone likes that are not -- we distinguished the possession and use from an adult to a minor. This bill does not do that.

And it still -- from what I'm understand -- makes the possession an illegal activity. So it doesn't -- it does not now say it's a legal activity. That's the only distinctions I would make to your comment but thank you.

REP. FOX: Representative Holder-Winfield.

REP. HOLDER-WINFIELD: Thank you.

Good morning, Representative Cafero.

REP. CAFERO: Good morning.

REP. HOLDER-WINFIELD: Just some clarification. Did I hear you correctly that you -- you think that the medical usage bill and the decriminalation -- the decriminalization bill send the same message? SB1015 HB1646

REP. CAFERO: Yes. And, if I may clarify, Representative, I heard the testimony, as I have for several years of my -- my dear friend and colleague, Representative Bacchiochi. And there is no way I can argue -- I'm not a doctor -- and

I believe that certain use of med -- of marijuana helps certain people with some of the most dire conditions. And I look forward to a day, quite frankly, where someone, as you do with other medications, could walk up to a pharmacy hand a prescription that that pharmacists would hand you a bag of marijuana for your medical use. I look forward to that day, but I realize that, unfortunately, some might argue, that has to be done on a federal level. And unless and until it is done a federal level our attempts, our attempts to deal with that situation by either the growing a plants or having legal producers of plants, I believe do send a message to argue that it's not that bad.

If, God forbid, grandma has glaucoma or a terminal condition, this law was passed, she could be growing plants in her living room. And people, who children respect, will see this sort of very loosely controlled substance being grown willy-nilly and, frankly, unfortunately, subject to more abuse than a more controlled substance. So with regard to the purpose of medical use of marijuana, again, I long for the day where these people who are truly suffering can go up to a pharmacist and get a controlled measured amount of a prescription. But short of doing that, which I understand has to be done on the federal level, I do not think we should try to skirt the law by, in some cases, making it -- you know, in order to apply the law, you have to break the law as in the cases that are before us.

REP. HOLDER-WINFIELD: Thank you for that response.

And then my second and final question, when I was listening to your testimony, a lot of it rested upon this discussion about young people and what marijuana does to them. And my question was -- and I think you've actually answered part of the question -- the question was, would it make a

difference to you if there was an age distinction in the law? And so I know that it will and to some degree, at least. I guess, my question is what -- to what degree does it make a difference to you? So I guess the question ultimately is that if there's an age distinction in the law, do you change your position, or is that just one of the things you think is a minimum that needs to be in the law?

REP. CAFERO: Thank you, Representative. It's a legitimate question. First of all, again, I'll remind the committee, I think last year when you did pass this law, you did make an age distinction. The bill that's before us does not have one. Does an age distinction, at least, make it better than it is? Yes. Would that swing me to the point of support? Absolutely, not.

REP. HOLDER-WINFIELD: Thank you.

Thank you, Mr. Chair.

REP. FOX: Thank you.

Representative Cafero, if I could ask you a question on -- on your experience as a school expulsion officer, and I recognize every case is unique and every school district is unique, but -- but how are school districts -- how are you, as the expulsion officer, handling those students who get caught with small amounts of marijuana? What's the typical result?

REP. CAFERO: That's a -- that's a good question, Mr. Chairman, you know, and, again, every case is different as you indicated, but there's times where I'll see, ironically, maybe for a relatively minor offense in -- which has nothing to do with the possession of marijuana, for

instance, I had a young man before me two weeks ago who was involved in a fight. And that was the purpose why he was before me. In doing the hearing, it became very obvious -- in fact, he freely admitted that he is a habitual user of marijuana. So I have to try anyway in my position as due process hearing officer to exact the appropriate consequence for the crime but also take into account what's in the best interest of -- of the kid.

We have limited programs. We have, you know, a school-based health center, some drug counseling programs, the City of Norwalk has a youth services counseling program that I will assign to the kid as a condition of their expulsion. In other words, maybe I'll expel them for a longer period of time, but allow him to come back earlier, if, in fact, they participate in that program.

We have a wonderful program out of the -- that was born in Norwalk, we're proud to say, and I think you'll hear other people testify -- it's called the Courage to Speak. It's a program that was started by Ginger and Larry Katz after they lost their child to drug addiction in a heroin overdose, which started, as she always says, with the first toke on a joint and a first sip of beer. But I try to sometimes get the students involved in that program, again, as a condition, if you will, of their probation. There's not a lot out there, Mr. Chairman, but we try our best with the limited resources to get education and some treatment for these kids.

REP. FOX: Thank you.

Are there any other questions for Representative Cafero?

Representative O'Neill.

REP. O'NEILL: In -- in dealing with the students that you have as an expulsion officer, do you run into the same problem with alcohol? I mean, I keep hearing people tell me -- and the reason I'm asking the question is I hear people say marijuana is much easier to get a hold of. Alcohol is actually harder to get a hold even though it's a generally legal substance, except not legal for -- for teenagers and people younger that. I'm just wondering if you have the same experience with -- with alcohol and expulsion problems?

REP. CAFERO: Not as much, but -- but there is a simple reason for that, in my mind, and I could be wrong. Again, I'm not a doctor, not a psychologist, et cetera. But the -- the evidence of use of alcohol is much more obvious to people in a classroom, to the powers that be in a school setting than it is -- than is marijuana. I don't think the access to either, marijuana or alcohol, that one is easier to get than the other. Yes, obviously, you're not going to walk into a store and buy it if you don't have appropriate identification, but there's a whole heck of a lot of ways that kids, since alcohol was first made, have gotten their hands on alcohol whether it's their parent liquor cabinet or some other source so I don't think the availability of the product. I think they're smart enough to know that if you're -- if you light up a joint before school at seven in the morning at the bus stop, you might be less detected during the school day, than if you had a, you know, a pint of vodka, and that's what I've been told by these kids.

SENATOR COLEMAN: Are there further questions or comments regarding the Minority Leader?

If not, thank you, Representative Cafero.

SENATOR COLEMAN: Kevin Kane.

KEVIN KANE: Thank you, Senator Coleman, Senator -- Representative -- Senator Colman, members of the committee.

We submitted written testimony this morning which I think you have. It was just filed a few minutes ago. I'd like to just make some remarks about the bill to legalize possess -- not legalize it but decriminalize possession of small amounts of marijuana and just point out a couple of things. Ultimately, it's a policy question for you to decide, but I think there is certain factors -- and the division does oppose this bill.

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Right now this bill contains no age limit. The penalty for possession of alcohol by a -- by a minor by somebody under 21 for the first offense is an infraction. For the second offense, it's -- it goes up to a fine of $250 or I think, between 250 and 500 dollars. This bill makes no distinction about age, and, in fact, it makes possession a small quantit -- of an ounce or less of marijuana less serious than possession of alcohol by a minor. Possession of alcohol by a minor also, results in suspension of the motor vehicle driver's license for that minor.

The things I think you should consider of -- it is also no limit at all on the number of infractions. It may -- that would be issued by a person. The first offense would result in an infract -- an infraction so would the 25th offense result in the issuance of an infraction ticket. There's no graduated penalty for this. The other -- and I think it's -- the legislature already understands this. The reality is nobody goes to jail for the possession of small quantities of marijuana.

We've submitted an addendum to the report to there that lists 31 cases that -- that we understand in which people are -- are -- that corrections considers those to be cases in which the primary offense is possession of less than an ounce of marijuana. Well, actually, it's possession of less than 4 ounces of marijuana because that's the only statistics we can govern right now. We don't know whether it's 4 -- 3 and a half ounces or less. In every one of those 31 cases, there were aggravating factors. Either there are other cases pending or there were other companion cases in which -- which -- the defendant was also charged with crimes, like robbery, burglary, possession of weapons. There were cases in which there were lengthy records. Defendants have lengthy records. There were cases in which the charge was reduced from sale or possession with intent to sell to possession as a result of a plea agreement in which the defendant accepted a jail sentence in lieu of going to trial or lieu of pleading guilty to a felony where a prosecutor may have decided that an appropriate incarceration period is all right, but we don't want to give the defendant a felony record for the rest of his -- his life. There are variety of factors which go into that reduction.

But the reality is people do not go to jail for possession of small quantities of marijuana. It doesn't happen without aggravating factors. The thing that I think the legislature has to think about is, is there a benefit to court of appearances? We've set up a whole -- and the legislature has done this over the years and funded programs -- we've set up a whole array of diversionary programs. People who come to court who would not -- who if they had a choice of just mailing in a fine for an infraction, instead what's happening today is they come to court.

They're going one step after another. We -- a person can get arrested five times and go through diversionary programs, one after the other without ever getting a record.

The question for the legislature to ask, is this a benefit for people to be referred to these diversionary programs who would never be referred to them without having been arrested? Prosecutors and defense attorneys, public defenders hire social workers to talk to these kids. Some of them are recognized as -- are in need -- in need of some kind of program or diversion and can benefit by it. Part of this is the court system -- this is a mixture of where the criminal justice system also functions as a safety net here. Are these kids, particularly with regarding -- regarding the kids we've all seen kids who, sadly, started out getting sidetracked smoking marijuana and start not doing things they need to do to become successes. And -- and they get into a way of life that causes them to fail in school, failing in getting jobs, who might not come to the attention. Maybe their parents are aware of it and can't do anything about it, maybe the parents aren't aware.

The question is, do these diversionary programs -- and we're referring larger numbers -- I don't have the stats -- statistics, but they must be available. We're referring large numbers of these people to these diversionary programs. Are these diversionary programs doing any good? Are these diversionary programs actual -- actually helping people to undergo changes which is a positive benefit, and is it worth to the taxpayers to -- to pay the money for that? Those are things that wouldn't be done if all they had to do was mail in an -- an infraction. And I think the legislature should consider that before deciding it.

Another factor is, as I said, the cost of prosecuting these cases, at least insofar as the Division of Criminal Justice is concerned, they're minimal. First offender marijuana cases or second offender or whatever small quantities of marijuana, they get -- the amount of time it takes a prosecutor to handle that is to quickly read the file and make sure there's not important aggravating factors in it, the -- that call for a different attention, but most of the police reports are fairly short and they're very quickly sent to a diversionary program or nollied up front sometimes and that. So the expense on the Division of Criminal Justice is very little. The expense on the Judicial Branch itself doesn't seem much. I don't know how much time the public defenders are tied up having their social workers and other people and themselves talk to their clients to find out what it's all about and what's the defendant is all about and how the defendant might benefit. But that might be a worthwhile -- that might be a worthwhile result if these people aren't getting help anywhere else or aren't going to get any -- any help or any -- anywhere else.

But this is an example in where the Criminal Justice System meshes with -- with social work or whatever it is. Maybe it's not a proper fit. It happened before when the mental hospitals were emptied out and suddenly mental people with serious mental problems were becoming enmeshed in the criminal justice system. Does it serve a value to have these people come to court and -- at least where they can get an opportunity to be referred? From our perspective it seems so but we don't have anything to measure the success and how good these other diversionary programs are working. We know they're there. We know they seem to be looking for clients often. Sometimes I wonder if they're even competing with each other for clients. We know they're there and the

question is, are they benefiting people? If they are benefiting people, then there should be another way to find out how these cases can get to them. But, certainly, it would be nice to have fewer numbers in the courthouse. But they're -- A, number one, they're not being locked up; and number two, they amount of resources in the division is -- is allocating to that is fairly small.

The other thing is we should think about is, are we signaling tolerance for the use of marijuana that we shouldn't be signaling? Use of marijuana -- marijuana's a vice; just like alcohol's a vice; just like gambling and prostitution are vices. They have consequences on -- on people who use them, which may not be desirable, which clearly, are not -- are not desirable. Do we want to find ways to reduce the usage? Do we want to give that signal?

Also, the marijuana trade at certain levels has become increasingly violent over the years. Years ago, we used to say executing a search warrant on marijuana dealers is they're all peaceful, tactful -- peaceful people. Things are not that way anymore. Just like any other illegal goods and services, people who decide to profit from the sale of illegal goods and services, tend to start protecting their territory, tend to start wanting to collect debts that are owed to them, and tend to get into competition with other people and that leads to violence and we've seen that here.

Do we want to signal a -- a tolerance of the product which is -- is highly profitable to these dealers who do engage in the violent trade? And I think it would be a mistake to the legislature to pass this bill without seriously looking at these issues.

Thank you.

SENATOR COLEMAN: Are there questions for Chief State's Attorney Kane?

Representative O'Neill and then Senator Kissel.

REP. O'NEILL: Thank you.

I'm wondering with respect to the structure of this thing, which says that 1 ounce is going to be just an infraction and then over 1 ounce gets to be a crime. Do we have any other substances or models like that so that we can get some sense of how this would actually work in practice in Connecticut, in our criminal law, where if you possess a certain amount, a small amount of X that it's just an infraction, but if you have more than a certain amount, that it goes over to being a crime, and how that's going -- how that's handled by the police and the prosecutors and the court system?

KEVIN KANE: I'm not of any -- any that has a dividing lines between an infraction and -- and a crime which would call for an arrest or issuance of a misdemeanor summons.

Four ounces -- we do have the 4-ounce limitation, which is certainly much easier to gauge. But with an infraction here, our police officers are going to have to weigh these and -- and -- on the street or in their cruisers, weigh that quantity to determine what to do, it's -- it's -- we don't have any precedence.

REP. O'NEILL: And something like this seems to have been adopted in Massachusetts and some other states as well. Do you have any information about how it works in those states, what the practical implementation issue -- mechanism is?

KEVIN KANE: No, I don't.

REP. O'NEILL: Okay.

But -- but one of the things that this was, sort of, advertised as, in terms of the infraction issue, was that it was going to help with our -- the cost of running our -- our criminal justice system. And I just want to make clear, you're saying at least from the division's standpoint, the Criminal Justice Division, you don't see marijuana -- this thing with marijuana is going to change, save any -- any serious money in the division; is that correct?

KEVIN KANE: That's correct.

REP. O'NEILL: Okay. And do you -- since, obviously, the Criminal Justice Division is one half of the prosecution defense process, do you see it, since you're out prosecuting cases on this basis it sounds like, then it's not going to save, by extension, much money for the Judicial Branch and their handling of these cases; is that correct?

KEVIN KANE: Unless to the degree that the ju -- Judicial Branch supervises people who are on diversionary programs. For instance, accelerated rehabilitation cases, I don't think marijuana cases are -- are -- it's ambiguous even whether they're eligible, but unless ju -- unless Judicial is supervising people on these diversionary programs -- and I don't think they are by and large -- I would say the expenses to them are -- are not going to be changed that much.

REP. O'NEILL: Okay. And I -- I think the public defender has testimony that they've submitted, and we can ask them. But, presumably, if you're

not see a reduction in your activity level by much, then they're not going to see a reduction of much on their side either.

KEVIN KANE: They'd have to answer that question. It could be when these cases first come into court, maybe they apply for the public defender. The public defender does have to get involved through determining whether they're eligible, then talking to them to -- to determine whether a program might be suitable, and -- and then request it. So there could be costs to them which -- which are not applicable to us. Now we handle all the cases that come in, and maybe and -- and, I would guess refer a lot to a diversionary programs before. They're entitled to a lawyer when they come in. But I'm not too sure what percentage are -- are represented by the public defender at the time they're referred to diversionary programs. They would know that, though.

REP. O'NEILL: Okay.

Thank you, Mr. Chairman.

SENATOR COLEMAN: Senator Kissel.

SENATOR KISSEL: Thank you very much, Mr. Chairman.

I think your points are very well taken. I'm a dad. I have a 15-year-old and a 7-year-old and I -- I get concerned about what message this sends out to those boys that I have. I have constituents. They're adults, they say, John, you're crazy, why don't you just go ahead with the decriminalization, we know what we're doing. And maybe they do maybe they don't. And maybe it's so prevalent they think that we're behind the times. But I'd like to believe that our diversionary programs have some merit. You know, we have it for domestic violence. We have it for

alcohol education. Don't folks have to actually at least have to pay for some of these programs?

KEVIN KANE: Yes, they do.

SENATOR KISSEL: And so there's -- that's a revenue stream to the state of Connecticut. And I'd -- I'd rather see us try to beef up or redo our programs regarding drug abuse because I think if we could turn some of these lives around, as Representative Cafero said, they wouldn't end up before him with a slew of other problems.

I don't believe in a nanny state, but I also think that I -- I used to do enough work in our criminal justice system, as a special public defender, that I thought the diversionary programs had an awful lot of merit. And my recollection is, is that there may be some costs to the public defenders to assess these cases but, very quickly, you'll find out whether this person is eligible for the diversionary program and they fill out the forms -- make the -- pay the fee and boom, they're off. So I can't see that it stresses the system an awful lot, but changing our attitude regarding it, I think we may be here -- if this goes forward, sails through the House and the Senate and signed by the Governor, I can envision us 10 years from now saying had we known that it would spin out with all of these ramifications, we would never have gone in this direction.

And I think some of these unanswered questions: Where's the marijuana come from, who's -- who are the bosses, where does that chain go up to, how much money is involved? I -- I don't know the value of an ounce of marijuana. But we read about major violence, especially in our urban areas, all the time. And I think a lot of that is fighting over turf regarding drugs and things like that. Maybe I'm wrong, but if we open up a

whole other avenue where there's a lot of cash flowing through and if you get caught, you can send in your $99, I'm wondering where the end of that road is so thank you.

SENATOR COLEMAN: Representative Holder Winfield.

REP. HOLDER-WINFIELD: Thank you, Mr. Chair.

Good afternoon.

KEVIN KANE: Good afternoon.

REP. HOLDER-WINFIELD: So I just want to clarify so would your position change because you pointed out some things that you think are wrong with what's being proposed here?

Would your position change if there were an age limit and graduated penalties?

KEVIN KANE: That would certainly help. Those are certainly two important factors that I -- that -- would my position as to opposition change, no. Beca -- not unless we knew that a referral for these diversionary programs -- there are two things about that. There's, like, appearing in court, people do get referred to diversionary programs. Number one question is, does that have any value? Do these diversionary programs work or not? We, as prosecutors, don't know unless we see people come back, and we do see people coming back on -- on more and more serious charges.

How successful? They may be very successful. If they aren't successful, is there -- is there another way, a better way, to get people who are helped by these, to get them to the program without coming to court. I don't know of any, you know, I do know when they come court, they get referred. Are there other ways they'd get referred if they didn't come to court?

Apparently not because a lot of them have never been referred before.

REP. HOLDER-WINFIELD: I guess I'll have two questions. The first question is the diversionary programs you're talking about, do they have an addiction component to them?

KEVIN KANE: Some do, some don't.

REP. HOLDER-WINFIELD: And you talked about the diversionary programs as being the valuable part of how we do what we do currently and, yet, at the same time, you admit that we don't -- you may suspect that we do, but we don't actually know whether these program are really useful or not. And so I'm trying to figure out how you -- how do you put those two things right next to each other?

KEVIN KANE: I put them together by this, we know almost automatically people with small quantities of marijuana are being referred to diversionary programs. Now is that just a hope and a prayer for us? It may where -- I know the legislature's put money in -- into those diversionary programs and people are spending money to have those diversionary programs there, and we're hoping they work.

The alternative, we're not going to lock kids up or -- and we, certainly, are not going to lock people up for possession of less than an ounce of marijuana. How do we know? We don't -- we -- we have no -- we, the prosecutors, have no measurement for what diversionary programs are successful or not until after we see people coming back again and again and again, we might get some insight into it but --

REP. HOLDER-WINFIELD: So I guess my question -- I guess my question becomes, you know, we keep

talking about message and what message we send to people. And you're sitting here telling me either somebody could potentially come back for five times with a minor drug possession, and we're going to just keep sending them to these diversionary programs.

I'm not sure what message that sends, particularly, when we don't even know if those diversionary programs are efficacious or not. And so, you know, I think that's something for all of us to consider moving forward.

KEVIN KANE: It is, it is, very definitely.

REP. HOLDER-WINFIELD: Thank you, Mr. Chair.

SENATOR COLEMAN: Thank you.

Are there other questions?

Representative Hetherington.

REP. HETHERINGTON: Thank you, Mr. Chair.

And, Mr. Kane, it's always good to see you.

KEVIN KANE: Thank you.

REP. HETHERINGTON: I wanted to explore a little bit about this question of driving under the influence of marijuana.

As I understand it, there's no objective measure as there is with a breathalyzer for someone who has been -- been driving under the influence. So how are these convictions typically structured? Can you tell me? I mean, how -- how -- how do you get a conviction for driving while under the influence of drugs, particularly marijuana?

KEVIN KANE: Well, the answer is we don't get very

many.

REP. HETHERINGTON: Yeah.

KEVIN KANE: Honest, because they're -- it is, as you say, hard to prove. Alcohol, we either have chemical tests or we have observations. We can get a lot -- a lot of convictions based on observation without -- without chemical tests, by descriptions of behavior and all the traditional things that even a layperson can testify to. But always attached to it is some circumstantial evidence that alcohol's involved, whether it's the odor of alcohol, empty beer bottles, or a variety of other things. On marijuana -- or narcotics, those are difficult cases to prove. Sometimes you get them with prescription drugs. We have pills and -- and we can prove it, but without a chemical test, those cases are -- are very difficult to prove.

REP. HETHERINGTON: So it sounds to me, like, if we did generally increase the use of marijuana through the disincentive or the incentive given by our laws, we'd probably see more -- more of a problem in driving; isn't that a reasonable conclusion?

KEVIN KANE: If we increase the use of marijuana, we're going to see more problems caused by people who are -- are under the influence of marijuana and difficult to detect whether that applies to driving or failure in school or whatever.

REP. HETHERINGTON: Right, okay. Thank you, Mr. Kane.

SENATOR COLEMAN: Are there other questions?

Representative Walker.

REP. WALKER: Thank you and good afternoon, sir.

KEVIN KANE: Good afternoon.

REP. WALKER: I'm -- I'm going to pick up where Representative Holder-Winfield left off. I was -- I was listening to your testimony, and it wasn't until you said that people are going to be sent to programs that you don't feel work.

KEVIN KANE: As I said, I don't know whether they work or not.

REP. WALKER: Okay.

KEVIN KANE: They may work and they may work very well, but they may not either.

REP. WALKER: I -- I guess, my -- my concern is I've never heard you express that in any of our discussions in any of the committees, especially, in our criminal justice work that you have concerns about the -- the success of these programs and more so than just about marijuana.

If you don't feel that these programs have the value, then I think it was -- it's up to you in your responsibility to make sure that you let us know about the fact that you don't feel that these are working and give us some evidence to that because we are using state dollars --

KEVIN KANE: I know.

REP. WALKER: -- to go for these programs. So to me as a -- as a head of the -- the Criminal Justice Division, I think it is important that all of us monitor and maintain these programs to make sure that they do deliver what we need to have for the -- for the value the people that we're sending, for the value of not having them come back into the prison system because we should not afford that type of process. So I -- I guess, I just

wanted to make that statement because that really, I mean, I listened and I -- I'm sorry I was late but that part of it really concerns me a great deal because you are part of this organization. So I would really hope that you would express that to us, especially the under Secretary of OPM, he would, I'm sure, like to hear that also.

KEVIN KANE: I would like to. And I have this incent -- and I was very aware of this this morning. I was just involved for -- that's why I was late getting here -- at length talking about domestic violence cases, and -- and wondering -- we were all talking about some of these various programs through DV, which is the same thing. Some are very successful for certain purposes, some don't seem to be. And who -- I don't know -- we need to start looking at these.

REP. WALKER: Well, I -- I think that -- we have a lot of different opportunities where we can talk about those programs. You do come before us in Appropriations, you can bring that up at that point. You do come before us in other areas. I think it should be brought up because we need to make sure that everything that we invest in for the citizens is successful. And if it's not, we have to find out why --

KEVIN KANE: Good.

REP. WALKER: -- and then try to rectify it.

With regard to the marijuana, you feel that the marijuana program that we have for substance abuse do not work?

KEVIN KANE: No. I say we have them. We refer people to them. If they -- if we knew they didn't work, we wouldn't refer -- I suppose we wouldn't refer to people to them, although -- even then it's --

it's an alternative. I'm just saying that we have these programs there, if they are beneficial -- and I'm assuming they are beneficial and hope they are, in fact, beneficial --

REP. WALKER: Uh-huh.

KEVIN KANE: -- this seems to be a primary loop for getting people into the programs who may not get there otherwise.

REP. WALKER: So you feel that incarceration is the best way for us to address people that use marijuana?

KEVIN KANE: No, I don't.

REP. WALKER: Okay.

KEVIN KANE: I don't, that's why we're not. I -- I tried to make it very clear. We're not incarcerating people for possession of small quantities of marijuana.

REP. WALKER: Okay. Thank you. I just got your testimony just now.

KEVIN KANE: Okay.

REP. WALKER: So now I can read it.

KEVIN KANE: We do that because we don't feel it. I mean, possession of small quant -- quantities of marijuana, I -- we don't want to incarcerate people for that and we don't.

REP. WALKER: Okay. All right.

KEVIN KANE: The people we have, we looked at 31 cases, which was a number we were given as the number of people in Corrections now for which the primary charge was possession of marijuana.

Every one of those 31 cases had aggravating factors around it well beyond the possession. Some there were other charges, such as robbery and burglary on other files, and -- and some were convicted of that. Some were larger quant -- some were cases of possession with intent to sell, reduced by a plea agreement to a misdemeanor so they would do time there. We are just not incarcerating people for possession of small quantities of marijuana. And by "small quantities of marijuana," I mean under 4 ounces, not under an ounce.

REP. WALKER: Oh.

KEVIN KANE: We have no way of distinguishing. All we know is -- is that if somebody's convicted or arrested for possession of marijuana, all we know is it's under 4 ounces. We don't know whether it's 3 ounces, 3 and a half ounces or -- or a quarter of an ounce. We can't distinguish statistically and we don't know.

REP. WALKER: Have you seen scientific proof that people that use marijuana automatically accelerate their drug usage?

KEVIN KANE: No.

REP. WALKER: Oh, you have not. Okay. All right.

KEVIN KANE: No.

REP. WALKER: Okay.

KEVIN KANE: And I wouldn't say if I even have common sense to -- impression over the years that people go from marijuana automatically to heroin or cocaine.

REP. WALKER: All right. Thank you, sir.

SENATOR COLEMAN: Are there any other questions or comments to be addressed to Chief State's Attorney Kane?

Senator Kissel.

SENATOR KISSEL: Sorry, Mr. Chair, for a second time.

Just -- you're not the right person to ask this question. I'm wondering who oversees the diversionary programs. Is that Court Support Services? Is that Mr. Carbone? Who sort of -- who should we have in front of us to ask these questions to as to whether these programs are effective and if they've been monitoring their -- their effectiveness?

KEVIN KANE: Well, CSSD certainly oversees some. Other than that, they've done -- and -- Judge Norko in the Hartford Community Court. All of these cases in Hartford or any possession of marijuana cases will go the Community Court in Hartford. Whether they monitor -- and they make a great deal of effort in -- in trying to change people's behavior to -- to get them through the system without being convicted but change their behavior. They may have a good sense of what works and what doesn't work on a day-to-day basis. There are probation officers who work with that court.

SENATOR KISSEL: I appreciate that answer because I think if those folks haven't signed up or if they're not here this morning or this afternoon, we should take it upon ourselves to find out that information because I think that's a key piece of the puzzle that we're just -- we don't have. And before we throw out a whole policy, we should find out if the diversionary programs we have in place are effective or not.

Thank you, Mr. Chair.

SENATOR COLEMAN: Thank you.

Any other comments or questions?

All right. Just quickly, Attorney Kane, you indicate that we're not incarcerating people for possession or use of small amounts of marijuana?

KEVIN KANE: Yes.

SENATOR COLEMAN: Do you have any information concerning how rare or not a conviction for possession or use of marijuana in small amounts occurs?

KEVIN KANE: I -- those should be readily available from the Judicial Branch. Their statistics should show the number of people convicted of -- of violating that statute.

SENATOR COLEMAN: Given the implications of the criminal record, insofar as it concerns participation in certain occupations or applications for employment, do you think it's, perhaps, counterproductive to have people end up with a record -- a criminal record -- for the use of possession of small amounts of marijuana?

KEVIN KANE: No, I don't, and that's one of the reasons we avoid it by the diversionary programs. And that's another thing I forgot to mention that we mentioned in the written testimony. If a person gets referred to a diversionary program and the charges are dismissed later on, which is routine after successful completion -- and by successful completion -- we should put that in quotes -- because that means not being arrested again while they're on the program basically. That if a person gets their charges dismissed, their record's sealed automatically. It's erased; it's gone. If a person mails in a fine

on an infraction and -- and is, as a result, there's an entry that the person's guilty or pleads guilty or nolo contendere as they do on infractions. There's going to be a public record of that somewhere.

Now whether that will disable the person from later on getting a job at, say, Electric Boat or Sikorsky or somewhere else where there's a need for a securance -- a security clearance, we don't know the answer to that. And people ask prosecutors, if I'm convicted of an infraction what -- who will know this? We don't know. There -- it could be that a person will have a future employment opportunity is more restricted by paying infractions than they would have by coming to court and getting a dismissal at the end. I don't know what the answer to that question is.

SENATOR COLEMAN: Are you aware of situations where a person comes to court, may not qualify for a public defender, end up representing himself and just has the desire to get the matter over with without full knowledge or appreciation of what the implications of a conviction for a violation of the statute may be?

KEVIN KANE: Yes, yes.

SENATOR COLEMAN: And how often does that happen?

KEVIN KANE: It prob -- it happens more often than we like it, and it happens less often now than it used to. Right now, the Judicial Branch has public -- has desks or places in the courthouses where they can advise people about the existence of diversionary programs.

Most prosecutors when they have time, in most courts -- and I hope they're doing it all over -- but, certainly, when they have time, they'll take

the time to tell a person, look, you don't need a record on this, you can get a diversionary program.

Now there are some -- there are some people who come in and say, I don't care, I want to get out of here today, I don't want to come back, I'll plead guilty. Most prosecutors won't let somebody plead guilty to something like that and will recommend otherwise, but they have a right to plead guilty if they want to if they insist on it.

The other thing that's important to your question is even if you knew the number of people being convicted of -- and I forgot the statute number, it's 21-a something -- I can never remember the number. I have to look it up every time -- but even we could look at that and see the number of people convicted of that offense, you'd have to go beyond that and see what they were initially arrested for. You'd have to see why. I'm sure a lot -- I'm sure that the huge majority of convictions for that offense are charges where -- where it's been reduced or other charges haven't been disposed of or is part of an agreement. So most of the convictions -- and I'm sure it's an overwhelming majority of convictions, there are either additional charges that have been -- been wrapped up or disposed of in return for that plea. So knowing the -- the number of convictions won't tell us much. You'd have to look at what the original arrests were and maybe even go behind it because, by and large, I don't believe that people are being -- people who are arrested only for possession of less than an ounce of marijuana, I can't imagine very many people being convicted. Unless they are ones who say I don't care what happens; I'm pleading guilty; I want to get out of here today; I don't want to come back again; I don't want to go to any diversionary program; I'm doing that.

There's a small number of people who are like that. They're probably -- I would think the convictions are limited pretty much to those people. Unless there are people who come back time and time and time again. And somebody finally says you've been here too many times; this time you're going to plead guilty.

SENATOR COLEMAN: Okay, thank you.

Any other questions or comments for Attorney Kane?

KEVIN KANE: Could I -- the longer you keep me here, the more I remember. I'll -- another thing if paying an infraction, there's no incentive really, a person doesn't have much to lose by pleading guilt -- not guilty and having a trial before the magistrate. When that happens, we're going to have to have the lab tests -- the substance that's believed to be marijuana -- we're going to have to request the lab to test it in order to be able to put on a trial even though it's just a magistrate trial. That's going to drive the expenses of the lab up considerably, and I suspect there will be an awful lot more not guilty pleas that are sent in by mail and require us to have infractions trials to the magistrate. That's going to drive up expenses, my hunch, is considerably, but that's only a hunch.

SENATOR COLEMAN: Any other questions?

Seeing none, thank you very much.

KEVIN KANE: Thank you.

SENATOR COLEMAN: Barry Williams is next.

BARRY WILLIAMS: Thank you for allowing me to testify today. My name is Barry William, and I'm here to SB1015

SENATOR LOONEY: Afternoon, Senator Coleman, Representative Fox and members of the Judiciary Committee.

My name is Martin Looney. I represent the 11th Senatorial District, New Haven and Hamden.

I'm gratified that Governor Malloy has proposed and expressed strong support for several of the proposals that are being heard in this committee today that will make our justice system more rational, as well as create savings for the State, and I'd like to testify in support of several of these bills.

First, House Bill 6391, AN ACT CONCERNING PENALTIES FOR CERTAIN DRIVING UNDER THE INFLUENCE OFFENSES, OFFENDER RISK REDUCTION, EARNED CREDITS AND HOME CONFINEMENT FOR CERTAIN NONVIOLENT DRUG OFFENDERS would require the use of ignition interlock device by a person convicted for the first time of drunken driving and would give judges the discretion in certain cases to sentence a person convicted of DUI to house arrest and monitoring by a global positioning system device and an alcohol consumption device rather than sending such person to prison. SB1014 SB953 SB952

Now while DUI represents a serious violation of the law, a conventional prison sentence is not necessarily the best or most cost-effective punishment and deterrent. The ignition interlock allows these violators to remain productive citizens, keeps our state safe from intoxicated drivers. And, in addition, the bill would allow home confinement for certain nonviolent drug offenses as, again, we need to find ways to save costs in our prison system and reduce the number of people incarcerated in the State.

Finally this bill would restore good time credit for inmates and under this plan an inmate who

exhibits good conduct, obeys the rules and participates in reentry education programs may earn credits to reduce his or her sentence. And rehabilitating prisoners is in the interest of everyone in this state. And these common sense changes to our laws regarding DUI, drug possession, home confinement and good time credits would restore reasonable judicial discretion and improve the rationality and balance in our criminal justice system.

Two other bills regarding -- Senate Bill 953, AN ACT CONCERNING NONVIIOLENT DRUG POSSESSION OFFENSES and Senate Bill 1014, AN ACT CONCERNING THE PENALTY FOR CERTAIN NONVIOLENT DRUG OFFENSES represent a change in our approach to the prosecution of possession of small amounts of marijuana and represent a compassionate and pragmatic policy change. Our State certainly should not encourage illegal drug possession and use but possession of these small amounts of illicit substances and related paraphernalia for personal use should not leave a person with a lifelong criminal record.

In addition the bill would create budgetary savings in these challenging times since it would reduce cost to police departments, the court system and the offices of the public defenders and state's attorneys as well. These proposals would provide additional cost-effective reforms for the justice system by allowing for a more balanced approach to handling these relatively minor drug offenses.

In addition, Mr. Chairman, I think we all know, those of us who have done any criminal defense work in our own legal practices know that the worse position to be in as a criminal defendant in Connecticut is someone who is slightly about the income level to qualify for a public defender. Very often in those cases people

venture into the system unrepresented and they are, in some cases, more likely to accept a plea where they might have had a defense or might have otherwise have had a diversionary program. So I'm sure we all know of young people who wound up being branded with a permanent criminal record because they -- they took that option out to end a prosecution by a -- by a guilty plea to a relatively low level drug charge that has then hounded them and shadowed them for the rest of their lives.

And reducing the -- these offenses to infractions of the very lowest level would follow other states, such as Massachusetts, who have done this by way of a ballot question initiative and there was strong public support, I believe, for doing so in Connecticut, witness the results of the recent Quinnipiac poll that had about 65 percent support for this proposal.

Another bill, Senate Bill 952, AN ACT CONCERNING THE ENHANCED PENALTY FOR THE SALE OR POSSESSION OF DRUGS NEAR SCHOOLS, DAYCARE CENTERS AND PUBLIC HOUSING PROJECTS, we all know that in cities, such as New Haven, Hartford and Bridgeport, there are very few places which are not within 1500 feet of a school, daycare center and public housing. This urban density creates a situation which almost any sale or possession of illegal substances in the city is subject to the enhanced penalty, while such activities in many parts of suburban communities of larger area, are subject to lesser penalties. This bill would lower the distance to 200 feet and make the enhanced penalties apply only when the facility, such as schools and daycare centers are, in fact, open and having children on the premises.

This legislation would also allow judges more discretion regarding the use of the increased penalty, which is appropriate in these

not have ready access to these products.

Thank you very much. I urge your support, and I also wanted to mention that I am supportive House Bill 6391, the ignition interlock devices, I think, are crucial to safety as well.

Thank you.

SENATOR COLEMAN: Thank you, Senator.

Are there questions or comments for Senator Stillman?

Seeing none, thank you very much, Senator.

SENATOR STILLMAN: Thank you.

I'd just like to add one little thing if I may before I leave the microphone.

I just wanted to let you know that recently in -- I come from Southeastern Connecticut near the naval base. They have actually ordered through their -- obviously, they can do that in the military -- they've actually ordered that their sailors not use it and they're prohibited from even frequenting the businesses around the sub base or anywhere that sell both K2 and K2 Spice. It's got a variety of names as well as salvia. So I just wanted to let you know that this is of really of military importance also.

Thank you.

SENATOR COLEMAN: Thank you. We appreciate that.

Michael Rinaldi is next to be followed by Chief Harry Rilling.

MICHAEL RINALDI: Good afternoon, Senator Coleman, [SB1015] [SB1014] Representative Fox and the distinguished members [SB953] [HB6566]

of the Judiciary Committee.

My name is Michael Rinaldi, and I am president of the Connecticut Narcotic Enforcement Officers Association.

Connecticut Narcotic Enforcement Officers Association in conjunction with National Narcotic Officers Coalition opposes all efforts at the local, state and federal levels to decriminalize, legalize or normalize marijuana possession, production and use. This includes efforts to legalize marijuana under the auspices of medical necessity. Smoked marijuana is a dangerous psychoactive substance that has caused untold pain and suffering to individuals, families and communities. The drug -- the Food and Drug Administration and the American Medical Association have deemed smoked marijuana not to be a medicine. In contrary to popular belief marijuana has been evaluated to have little or no medicinal benefit as a smoked drug and the respiratory damage caused by the inhalation of marijuana is greater than that of cigarettes.

The facts on marijuana are as alarming as they are clear. Based on law enforcement data, the vast majority of substance abusers and addicts initiated their drug use with marijuana. In fact, more than half of young people in treatment for substance abuse are receiving treatment for marijuana as their number one drug of abuse. Additionally, marijuana is the most prevalent legal -- excuse me, illegal drug detected in testing following traffic fatalities and accidents involving illegal drugs, a fact with grave impacts on public safety.

Considering these facts, the Connecticut NEOA is disappointed that some people would actively advocate the decriminalization, medicalizing or outright legalization of marijuana sales and

possession. The Connecticut NEOA disapproves, in the strongest possible terms, of all efforts to decriminalize, legalize or medicalize herbal cannabis or smoked marijuana at the local, state and federal levels. Legalizing chemically active drug substance is not the right thing to do from any side, be it the criminal justice position, health care approach, or social perspective.

In short, the repercussions of softening marijuana policies could be devastating. By reducing penalties and actively promoting medical qualities of the smoked substance, policymakers would remove the negative social stigma associated with marijuana use. With its dropped barriers of deterrence and increased access to marijuana, abuse of other more harmful chemical substance is tactically encouraged and enabled. Furthermore, making marijuana abuse more accessible would also lead to a substantial increase in use. Even social scientists who advocate various decriminalization policies admit that the decreased perception of harm and the perception of social disapproval leads to decreased use.

The truth is in -- undeniable. Increased drug use will have disastrous wide range consequences. The effects, of which, will be highly difficult to roll back. Increases in marijuana use and other drugs use would lead to increased addiction rates, increased workplace incidents, increased health care and emergency costs, increased addiction treatment demand, increased public health burden borne by states and local governments, increased insurance premiums and increased traffic fatalities and accidents. When advocates of softening drug policy say government would save millions in enforcement costs, they say nothing of new costs that would have to be borne by the taxpi -- taxpayers to deal with all of the above consequences. Even if there were no

negative social consequences to decriminalizing or legalization, the economics just don't make sense.

Advocates of decriminalization and legalization suggest that prohibition fosters a massive black market for narcotics and removing the prohibition would eliminate the black market. While sales of addictive chemicals offer rich incentives for those who disregard social health and welfare, creating a legal and regulated market for marijuana and other substances would never completely eliminate criminal profit incentives. Often they accelerate criminal en -- enterprises, such as gambling, alcohol and tobacco. The black market for cigarettes illustrates the point. Organized crime groups reap enormous profit by exploiting tax disparities of legal items.

Rest assured criminal groups will engage -- engaged in marijuana sales and other drugs will quickly exploit any legal loopholes for illicit advantage ensuring that dangerous substances are still available to anyone who wants them regardless of legal status.

Those who believe that drug enforcement and the overall war on drugs has failed are wrong. Drug use by teens has decreased substantially since the early 1980s. Violent crime, property crime, burglaries and theft have all sig -- significantly less prevalent that they were even 15 years ago. Each has declined by more than 30 percent. Strong enforcement practices, multijurisdictional task force operations, effective preventive messages, improved intervention strategies and meaningful sentencing policies have all played a part in this success.

Connecticut NEOA flatly rejects any notion that drug enforcement has failed and that the decriminalization or legalization is the only

answer to the problem. As an example at one point in Los Angeles County, there were more medical marijuana than there were Starbucks coffee shops. Along a 20-mile stretch of Ventura Boulevard, you could find a medical marijuana shop every quarter mile. Of the total prescriptions filled for medical marijuana, only 1.5 percent were for cancer, glaucoma and AIDS patients. The remaining 98.5 were for soft tissue injuries, sleeping problems and other minor issues. Of all prescriptions written, 70 percent were for persons under the age of 40 and this Compassion Act in California was originally put in for the sick and dying population of their state.

There were -- there were four marijuana dispensaries in 2004; 98 in '06; 187 in 2007; and between February and June of 2009, there were 481 submitted applications for marijuana dispensaries. Many marijuana exhibits examined were found to hold high levels of pesticides, including DDT, which was banned in the United States 20 years ago, with most samples originating from Mexico.

There is no delivery system approved by the Food and Drug Administration for ingestion of marijuana. The State of Montana has moved to repeal the medical marijuana law as a result of safety, health concerns and the stigma of being compared as a source state similar to that of Mexico and Colombia. Arizona and New Mexico have also started the process of trying to repeal their marijuana laws.

The Connecticut NEOA believes that an effective drug policy is rooted in sound prevention and education programming, proven and affective addiction treatment and intervention and strong enforcement of laws against production, trafficking, sales and possession of dangerous

substances. Recent successes would be threatened by the softening of our drug policy approach to marijuana. The fact remains that while research continues into the medical efficacy of the chemical components of cannabis, herbal cannabis and smoked marijuana is an addictive and dangerous substance that has no medicinal value. This would greatly hinder com -- companies who offer drug-free work environments from remaining in Connecticut.

We strongly disapprove of efforts to make this substance more available to the public particularly vulnerable -- and particularly to the vulnerable American youth.

The impact of your decisions will have far rippling consequences to the health and the safety of Connecticut residents and their businesses.

I thank you, gentlemen and ladies, for your time.

SENATOR COLEMAN: Thank you, sir.

Senator Kissel.

SENATOR KISSEL: Thank you very much, Mr. Chairman.

One of the things that had been stated earlier today was that this has rolled forward in Massachusetts and New York, and I haven't heard anybody offer any evidence as to -- and I'm talking about the decriminalization not the --

MICHAEL RINALDI: Uh-huh.

SENATOR KISSEL: -- medical marijuana. But with the decriminalization, do you have any information as to what may be some of the downsides that's occurring in those --

MICHAEL RINALDI: Well, some of the downsides, I know, from Massachusetts, as an example. There is no teeth in their law. People simply aren't paying the fines for the possession of less than an ounce, and there's been no action taken against them whatsoever. This is widely known by those in those states as well.

And also in -- what is proposed here in Connecticut, you may have someone who has possession of less than an ounce. What if that's packaged in six, seven, eight, ten smaller packets? Could that be considered distribution or intent to sell even though it is less than an ounce? Should it be dealt with in a different manner than just a simple possession of a less than an ounce? The packaging and how it's presented has to be taken into consideration when you're looking at the amount. Not just the amount but how it is packaged and what the intent was.

SENATOR KISSEL: And I -- I don't know what's going on in the marijuana marketplace, but are there amounts that are less than an ounce that are, sort of, the coin of the realm? I mean, I've heard like these little bag amounts, I mean --

MICHAEL RINALDI: There's -- there's -- it's sold in all types of, you know -- it's sold -- it's sold by the joint. It's sold by the, you know, the sixteenth of an ounce, an eighth of an ounce -- any -- any size that you want it can be distributed in. And quite often when you hear the specials ones being sold and pushed towards the younger people, they don't have the money to pay for an entire ounce. They might want it just, you know, enough to roll three or four joints for that evening's activities.

SENATOR KISSEL: How much is an ounce of marijuana nowadays?

MICHAEL RINALDI: Approximately -- and this varies depending on the quality of it, the location of where you're buying it, on average, it's about $120 an ounce.

SENATOR KISSEL: Okay. And the last question I have is the driving while impaired. That's sort of being dismissed but marijuana, I'm sure, affects your ability to drive, and I -- I'm unaware of any test. And it's sort of just been put out there that, oh, well, you'll smell it and, you know, then you can do a further investigation but that doesn't -- it just sounds to me that you're opening up a can of worms and that there would be problems there. As opposed to alcohol, where there's pretty -- pretty good data as to how you can assess that.

MICHAEL RINALDI: Well, unfortunately, here in Connecticut we do not really have a driving while drugged law. We do have -- it says alcohol and/or drugs but in some other states where they have passed marijuana bills, they've gotten even much more specific with driving while drugged. And it does -- it involves in training all of your officers to be drug recognition experts. It involves an additional testing beyond just a simple breathalyzer. So the cost of this -- of these would be astronomical when you consider training all of those officers and then having to deal with the analysis of -- of your blood samples and things along those lines.

SENATOR KISSEL: Thank you.

Thank you, Mr. Chair.

SENATOR COLEMAN: Are there other questions or comments?

Seeing none, thank you, Mr. Rinal -- Rinaldi.

MICHAEL RINALDI: Thank you, sir.

SENATOR COLEMAN: Chief Harry Rilling.

HARRY RILLING: Thank you very much to the committee for allowing me to testify today.

Unfortunately, I do not have any written comments. I had a much busier than expected weekend so I didn't have a chan -- a chance to sit down and write anything, but I would like to make some comments. I think we find ourselves -- well, first of all, let me first qualify my -- myself. I am past president of Connecticut Police Chiefs Association, lifetime member of the International Association of Chiefs of Police, and have been appointed by the president of the International Association of Chiefs of Police to serve on the National Committee on Narcotics and Dangerous Drugs.

I think we find ourselves now on a very slippery slope. We're looking at three bills that I'm concerned about. One of them decriminalizes marijuana, one of them actually legalizes marijuana, and another reduces the enhanced penalty from 1500 feet down to 200 feet.

I'd like to start with the 1500 feet down to 200 feet bill first, if I may. I'll be the first person to recognize that there are problems in the urban areas with regards to 1500 feet from a school, a housing property or a daycare center. I think if we measure correctly in Norwalk we have about one square yard that doesn't come under within that 1500 feet rule. So I can understand why somebody would want to reduce that, and I'm not totally against that. But I think to reduce the distance from 1500 feet down to 200 feet, which if my math serves me correctly, is about an 87 percent reduction is a

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little bit too much.

Two hundred feet if we look at this room -- this room is probably 100 feet long so 200 feet would be twice the size of this room and my children and other children and my grandchildren, I should say, will be walking home from school passing somebody that may be 201 or 2 feet away from the school and certainly may be approached by that person and that person may attempt to sell them marijuana, some other kind of a drug. So I really think that you should relook at the distance from the school or a housing pro -- property or a daycare center. If you wanted to reduce it to 1,000 feet or 750 feet, I think that would be a much more reasonable reduction.

Number two, regarding the decriminalization of marijuana, again, I don't have any statistics, but I do have some comments from a study done by the International Association of Chiefs of Police. It dealt mostly with legalization but certainly has some implications for decriminalization. One is increased acceptance of drugs leads to increased level of drug use. Drug use increases dramatically when a society reinforces the acceptability of drug use. And I know that some of this may sound dated, but I think the most appropriate way to protect -- predict future behavior is looking at past behavior. When -- in 1962, fewer than 4 million Americans had ever tried drugs. By 1995, almost 74 million had. During the intervene -- intervening years, many prolegalization and decriminalization proponents actively sought to broaden public acceptance of drug use, and our society saw the number of drug users increase steadily.

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In the late '70 -- in the late seventies drug tolerance and leniency reached a peach -- a peak in the United States. Not surprisingly, drug use

among children skyrocketed. Reaching a high point in 1979 when 1 in 10 high school seniors was high on marijuana every day of the week; 2 out of 3 high school seniors had tried marijuana. In 1979, over 56 million had tried illegal drugs. In 1985, that number rose to 66 million.

I think what we see here -- you talked about marijuana being a gateway drug, alcohol being a gateway drug. Certainly young people finding medicines in their parents' medicine cabinets are gateway drugs. Is the answer -- does marijuana lead to increased drug use of -- or increased acceptance of other drugs? I think the answer is a resounding yes. Not in all cases, we've heard testimony here today where people say they've tried marijuana and they had a 3.90 grade point average, and you admire those people. But there are young people, who probably have more addictive personalities, that, perhaps, are going to be more prone to trying other drugs. I don't think we want to take that step without proper research, proper knowledge and determining if this is the way we want to go.

I've heard also today that 15 other states have medical marijuana. That means 35 other states don't. Two other states have decriminalized marijuana on our border. I don't know if any other have but, apparently, that means 48 have not. Are we willing to take the lead in this when we really don't have much information -- or supportive information to suggest that this is the right way to go.

Also increased drug availability will worsen our crime problem. Police officials know that numerous govern -- numerous government reports clearly demonstrate that drug users are more likely to be involved in criminal activities. The premily -- the preliminary findings of the 1966 National Institute of Justice Study that

compiles statistics of the level of drug use among arrestees indicated that a median 68 percent of arrestees test positive for at least one drug at arrest. And the same study conducted in 1995 revealed that 31 percent of both male and female arrestees reported they were under the influence drugs or alcohol at the time they committed crimes. So increased drug -- acceptance of drug use, certainly, will increase our -- our crime problem here in the state of Connecticut.

As far as the palliative marijuana issue, again, we are sending a message to our young people that society in Connecticut is finding that drug use or drugs are more acceptable, and it's sending them a tremendous mixed message. We spend many hours in the schools trying to convince our young people through the DARE program, through the GREAT program and other health programs that drug use is not good. Now we're turning around and saying, well, possession of less than an ounce of marijuana is probably similar to going through a red light. And, again, if my math serves me correctly, there's 28 grams in an ounce. What happens if a person -- so a person possessing 27 grams has gone through a red light, a person who's possessing an ounce is a criminal. I don't think there's been enough research done. I think we may be rushing to some end that, perhaps, we're -- we're not going to be pleased with once all the statistics -- statistics come in. SB1015

So I do appreciate your time and certainly would be willing to answer any questions about any of my comments (inaudible).

REP. FOX: Thank you, Chief Rilling.

Are there any questions from members of the committee? Representative Gonzalez.

they are good people. They are using marijuana but, you know, but they live across the school or they can stop -- the police they might stop them, you know, next to the school. (inaudible), you know.

HARRY RILLING: Well, that's going to happen you say if they live across the street from the school. Generally, they're living within the 200-feet zone so it's going to happen whether or not you change it from 1500 to 200 feet. But I'm saying a drastic reduction of 87 percent is a drastic reduction. And to go for years and years and years we said possession within 1500 feet of a school or a public housing project or a daycare center is not good, and it's very, very bad and you're going to be subject to increased penalties some of those penalties -- those penalties reducing prison sentences, some of which cannot be reduced.

REP. GONZALEZ: Okay.

HARRY RILLING: But now you want to go down to 200 feet, I'm just saying it's a drastic reduction. I think something more palatable would be a 1,000 feet or 750.

REP. GONZALEZ: Okay. What about if they -- if they legalize the marijuana then? And if the sick person passes by the school and they have, you know, marijuana on that person. Maybe it's that 200 feet and that's, you know, next to school. What then is going to happen?

HARRY RILLING: If they legalize marijuana?

REP. GONZALEZ: Let's say that they legalize marijuana for a per -- for a sick person. But they don't change --

HARRY RILLING: But then they have a permit.

talking about so --

HARRY RILLING: Yeah. I got off -- I'm thinking ounces and grams, but I had originally mentioned 27 bags each containing a gram.

REP. FOX: And that's what I thought you were -- that's what I thought that's what you were talking about.

Any other questions of Chief Rilling?

Seeing none, thank you very much.

HARRY RILLING: Thank you, sir.

REP. FOX: Senator Boucher is here.

Good afternoon, Senator.

SENATOR BOUCHER: Good afternoon, Chairman Fox.

We've already had a long day, and I'm sure it's going to be much longer, and I appreciate all that you all do and distinguished members of the Judiciary Committee.

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I 'm here along with a mom, Ronni McLaughlin and also Mr. Dave Evans, an expert in this field that we're discussing today. And I appreciate you allowing us, as a team, to come up and to testify before you.

I became involved in opposing legalizing marijuana several years ago after deeply painful appeals from local parents who had lost their children from drug abuse. They experienced the devastating impact of marijuana firsthand and believe it is a gateway drug for other drugs.

You will have testimony and have had testimony from parents who cite marijuana as the real

killer for their beloved children. Their experience and that of countless others is the reason that I advocate so strongly against decriminalizing marijuana and legalizing medical marijuana. Their personal story with marijuana is validated by numerous research studies.

The claim that marijuana decriminalization will do no harm or reduce cost does not considered the various health risks that marijuana creates. Marijuana use is shown to cause addiction, permanent memory loss, distorted perception, depression, psychosis, and other severe long-term psychological disorders.

In fact, a couple of studies state that cannabis use was statistically significant predictor of later depression and significantly increased the risk of any psychotic outcomes in individuals. Correlations between marijuana use and mental illness remained even when other factors, such as socioeconomic status and the abuse of other drugs and alcohol, were taken into account in various studies.

The British Medical Journal warned that using cannabis once or twice a week doubled the risk of developing psychotic illnesses, including schizophrenia, later in life.

Other research documents the harmful effects of marijuana on the body. A study by Yale states that marijuana and tobacco use cause similar respiratory problems. In another study, by Doctors at UCLA School of Public Health found that smoking marijuana increases the risk of developing cancer of the mouth, throat, and larynx.

And the Anderson Cancer Center, doctors remarked that it appears marijuana smoke is a stronger carcinogen than cigarette smoke. The same study

noted that marijuana deposits four times more particulate matter in the mouth, throat and windpipe than cigarette smoke compounding the risk of cancer and, gram for gram, contains more cancer causing agents, higher levels of ammonia, hydrogen cyanide, and nitric oxide than tobacco.

But you don't have to take my word for it. I have some experts here that can talk about a little bit more. They also argue, folks, that that it's useful medicine ignoring the FDA and other major medical associations. And many of these are the very organizations whose maladies are listed in here: the American Medical Association, the National Multiple Sclerosis Society, the American Glaucoma Society, the American Cancer Society. They all have come out SB1015 HB1566 and opposed medical marijuana.

Bills, such as this, continue to include glaucoma as a condition for which marijuana can be recommended. Even though just recently, the American Glaucoma Society warned patients that marijuana can actually make the glaucoma worse. In addition, it does produce heart problems, fetal, genetic, and hormonal aberrations -- just as tobacco and maybe even more -- compromises the immune system and is dangerous to patients suffering from cancer and AIDS. There also will be some information with regards to how this actually can be a very negative for people suffering with AIDS.

In addition to this, actually classifying marijuana as "medical" creates a false impression that it's benign and it does increase their use. We only have to look at other places where this is, in fact, been put in play. And some alarming things that bother me the most is we've seen a precipitous rise after many years of marijuana use going down on our young and it is now has spiked back up again, showing this trend is

deeply troubling.

In addition, some of the bills you're looking at is reducing the size of drug-free zones around schools and public housing projects. Well, I did represent an urban center in South Norwalk, and I visited with single mothers in South Norwalk in their housing project, and they wanted drug dealing out of their neighborhood away from their children and away from their schools. Drug dealing had become such a magnate for violent crime and made her neighborhood a terrible place to raise her family. And instead of reducing these drug-free zones around schools, as many have already stated, we should be expanding them and protecting those very people, particularly, in the urban centers. SB952

Damaging the public's health aside, decriminalization doesn't accomplish even the goal that's stated about reducing costs. Only a small percentage of criminals, as you heard from our state -- Chief State's Attorney, actually are really prosecuted for small amounts of marijuana. And in fact, it's mostly about those that are trafficking, assault and burglary, and other such things. SB1014 SB953

We had talked a great deal about the volume or the amount that we'd be decriminalizing. You've already been noted that we're talking about four plants being grown in the home to 4 feet high. We're talking about the inability to really monitor this. In fact -- and to the level in which states have already experimented with this, they have seen their crime rates skyrocket due to marijuana-related crimes. Drug cartels have even moved into the Sequoia National Forest and the states of Montana, the state of New Mexico, and Arizona and recently New Jersey are all moving to actually repeal a lot of the laws we're trying to put in place, and, in fact, 90 cities of SB1015 HB6566

communities and counties in California have worked to try to remove these laws, as well, because of drug-related crime. It continues to exist and exacerbate even in places where they think they've made it now legal so it's not -- not a big deal. There's so much fraud and abuse, it's very dangerous.

Drug-free workplace rules have been impeded and liability issues on insurance have come in question. Drug driving fatalities are up. Note that marijuana can stay in your system from between 24 and four weeks that is the difference between alcohol. That is a significant difference and the genetic changes that can occur in young particularly.

Marijuana is harmful. It's a Schedule I federally illegal drug that does not save or improve lives. It can undermine the seriously ill's best prospect of recovery, and I believe it's a strong prescription for Connecticut. And I urge you for the sake of the public's health, for the safety of vulnerable people that you repeal these proposals.

I'm worried that we're going to be giving Connecticut a "get soft on crime" reputation where it's easy to come get out of free -- get out of free ticket here in Connecticut, quite honestly, you know. And I didn't even mention, of course, you know, the three DUIs and you get a house arrest.

I -- I have been tremendously proud that we have fought these repeated attempts in the past and not take our state down this dangerous path and have not broken the trust that we all have given to our constituents to doing no harm and uphold the laws and the constitution of the state.

I hope that we can work to continue to keep our

children and our neighborhoods safe, and I thank you so much for your thoughtful consideration of my testimony, and I -- I pass it on to a parent that has a personal story. And, certainly, the expert here that you are welcome to grill at length and myself included. Thank you so much.

REP. FOX: Thank you.

Can you just state your name please and proceed.

RONNI MCLAUGHLIN: Hi. My name is Ronni McLaughlin and distinguished members of the Judiciary Committee. I appreciate your time to listen to my testimony. SB1014 SB953 SB952

I'm not here to discuss the fact of the physical and mental harm marijuana has. I'm here to tell you that I have experienced firsthand what marijuana can do to a family.

On May 5, 2004, I found my son, Daniel who had turned 20 on April 18th in his bed already gone from a heroin overdose. This was my son.

You're probably thinking, well, that's heroin, not marijuana, but marijuana is a gateway drug that leads to heroin, which very likely leads to the end of life. Alcohol and marijuana are drugs that teens and preteens will try for many reasons, such as peer pressure, stress, inquisitiveness.

With all the media exposure to celebrities in drug commercials, it seems to be a surge of thinking that marijuana and drugs are okay for kids. My son started smoking when he was 14 years old and then went on to cocaine, ecstasy, LSD, and finally after priding himself on doing anything but heroin, gave into that drug, as well.

When one person in the family is using marijuana, it affects the whole family. I used to search his room and find homemade pipes. I used to be up when he came home to see if he smelled of marijuana. I wanted to believe his lies. When he was seeing a drug counselor and had to give urine each week, one time he even asked his little brother to urine because he had smoked marijuana.

When we finally had evidence that he couldn't refute, he agreed to go to rehab. Dan really want to stop doing drugs. Dan was smart and funny, who loved his parents, his two brothers and sister. He was the oldest and would watch over them whether we we're all on vacation together or at home. He was a respectful young man, who even attended Norwalk Community College for a semester and worked at the Outdoor Sports shop in town.

When a teenager starts drinking or smoking, they don't know how addiction can affect them. When he came home from rehab after ten days, he thought he could try it again, but the heroin was too strong and his resistance was low.

Besides being a gateway drug, marijuana affects many parts of the brain -- and I have seen with my other children that it can make one so unmotivated to do anything. Dan and Brian, who's my second oldest, had failed classes because of smoking marijuana and then they were too lazy to go to school. My daughter got involved in drugs, as well, after Dan died. My husband and I sent her to a lockdown school where she received a lot of therapy.

I'm happy to say now, she just graduated University of Connecticut, majoring in psychology and is planning on getting her master's degree to become a drug counselor for young adults.

If these proposed bills are passed, there will be a very high need for drug counselors in Connecticut. By lowering the penalties of possessing marijuana, the next generation will do poor in school and will look to more exotic drugs. I understand the State is in serious financial trouble but compromising our youth is not the answer.

On the first day of high school, my youngest son Patrick, who is now 20, told me that the first thing he learned was who sold what drug. He couldn't believe that marijuana, pills and ecstasy were so easy to obtain.

To reduce the drug-free zones is ludicrous. If anything, they should be extended. In any high school in our state and even in many middle schools, it is already so easy to obtain drugs. Please do not make it any easier. SB952

The proposed -- these proposed bills are sending the wrong message to children and adults alike. If the state can ignore the federal governments laws about marijuana, why should the people of Connecticut have to obey the laws of our state? Local government needs to respect the state government and state government needs to respect the federal government. Until the time the federal government changes the Controlled Substances Act, Connecticut should not pass any of these proposed bills.

Thank you.

DAVE EVANS: Hi. I'm Dave Evans, and I'm an expert. Toni didn't discuss my expertise. I'd just like to share it with you and to see if I gain any credibility with you as a result of that. SB1015 HB6546

I am an attorney. I've written five law books

REP. FOX: Thank you. And I just would like to thank -- thank all of you for being here today, especially Ms. McLaughlin, thank you very much for taking the time to be here. I know your story is a difficult one, but it's important one for all of us so thank you.

And, Senator Boucher, I know you've consistently taking -- led the opposition on all of these bills from our time together in the House of Representatives and now you're -- as a Senator, and we certainly respect your knowledge and your commitment to this issue.

I -- I do have one question and it deals with the SB1014 SB953 decriminalization bill. And it's really the -- the most basic question dealing with that and what it is is -- recognizing that we have some pretrial diversionary programs that -- that handle arrests for small amounts of marijuana, the way the statute currently reads if an individual is caught with a small amount of marijuana, they're subject on a first offense to a fine of up to $1,000 and up to one year in prison, and I believe a second offense is $3,000 and up to five years in prison, and this is for a small amount of marijuana. And my question would be, what -- do you believe that that is the appropriate penalty or, if not, what is the appropriate penalty?

DAVE EVANS: What I -- I'll tell you what I've seen works. On -- in New Jersey, we have a program called "Conditional Discharge." It's built -- built into our statute and anybody with under 25 grams of marijuana at any age, it's a first offense. They get what's called a Conditional Discharge Program, and they have to go into -- it's like a probation for six months or a year depending on the circumstances where they can be evaluated and provided with treatment if they need it. Not everybody who smokes pot needs

treatment. And that's what I would recommend. I would recommend --

And the same thing with alcohol offenses, a young person who gets in trouble with alcohol, we should have a program where they get evaluated to see if there's an addiction there and -- and recommend treatment. I think even Massachusetts law provides something similar to that, which I noticed was left out here. I think in Massachusetts, you have to go through some educational program or something like that or evaluation if you get caught with that. So that's what I would recommend. I -- I'm not in favor of getting any young person that makes a mistake a criminal record. I would like them to get evaluation and treatment, get their parents involved. That's the way we ought to be going with this instead of prosecuting them.

By the way, it will not stop them from getting a college loan. A conviction -- the only time that you will not get a college loan is if you get a conviction while you're currently getting the loan. So if you had a conviction in high school, it will not stop you from getting a college loan in college. It's only when you're actually getting government money and use drugs that you do that, and even then it doesn't stop you from getting a loan. If you go through a rehabilitation program, the loan can be reinstated.

SENATOR BOUCHER: I would also like to add that I'm very concerned that we make this be considered less of an infraction than, say, talking on your cell phone in a car or what have you. Just look at New York City the -- the -- we turned that city from the most dangerous city in -- in America to one of the safest, not only in America, but in the world, because they got pretty serious about the smaller infractions and

crimes. I was subjected to it every time I was going to New York, and I -- it made you reluctant to go there. But after things improved because they got tough because when the smaller crimes -- and you find that with your children at home sometimes, you know, if the smaller crimes are taken seriously, then the larger crimes seem to be reduced. And we need to set this much bigger issue, it's also about sending a message to young people about whether or not they should be involved in this at such an early age when there's so many negative associated with it, too.

REP. FOX: And I understand that devising the appropriate penalty can be difficult somewhat, but -- but right now the way the law reads and has read for a number of years, possession of a small amount of marijuana can -- an individual convicted of that can be sentenced up to one year in jail. And I don't think I hear anyone saying that that's the appropriate penalty.

DAVE EVANS: No, I don't think it is. But you also -- nationally, there's very few people in prison for marijuana possession in the United -- if look at the federal system, anybody in there for possession of marijuana possessed, on average, 115 pounds of marijuana. So this is the myth that small users -- I mean, I've been a criminal defense attorney since 1974, at least in New Jersey. I've never known anybody who ever did a day in jail for possession of a small amount of marijuana. It's just not true. State prison, it's about 1 or 2 percent nationally.

REP. FOX: Actually, no, I agree with you. I think it's pretty hard to go to jail for possession of marijuana --

DAVE EVANS: Yeah, it is.

REP. FOX: But -- but does it make sense then to have that as our penalty. Should we try to, you know, craft something that actually goes more to the heart of the problem than --

DAVE EVANS: Yeah, I would, but it's important --

REP. FOX: -- than jail?

DAVE EVANS: -- also to have it sanctioned to get the person's attention or direct them. I'm a big advocate of drug courts. I think anybody with an addiction problem should go to drug court. But you got a get their attention. You got to hang something over their heads to make them do what needs to be done. You know, very few addicts just wake up one morning and say, you know, today I'm going to go to treatment. Okay, virtually all of them are forced to do it either by family or their employer or some sanction.

I would say, in my criminal caseload, 80, 90 percent deal with addicts and that's just the normal. That's what happens. So we have a big problem but you need sanctions to get people (inaudible). It's very difficult to overcome an addiction. People are dependent on it. Their whole world is really wrapped up in their addiction, and it's very hard to get them out of it. If you get them in the treatment, treating them gives them the motivation to (inaudible).

SENATOR BOUCHER: And it's not a small amount.

REP. FOX: Sorry, Senator Boucher.

Are you -- do you something with you?

SENATOR BOUCHER: Yes. This is a representation of what the -- and it's actually dried leaves.

REP. FOX: I am sure it is.

SENATOR BOUCHER: You can -- you can test it yourself, but it's just a depiction of just about what that amount would -- would represent.

REP. FOX: Thank -- thank you.

And are there any other questions?

Seeing none, thank you very much for your testimony.

SENATOR BOUCHER: Thank you very much for your attention.

DAVE EVANS: I apologize for the long-winded response, Senator.

REP. FOX: Next we have Dr. Mark Kraus.

MARK KRAUS: Good afternoon. I'm going to say, ditto and take your questions. I think they answered everything possible, excellent testimony.

My name is Mark Kraus, Dr. Mark Kraus. I represent the American Society of Addiction Medicine, the Connecticut Chapter of the American Society of Addiction Medicine and the Connecticut State Medical Society. I am board certified in addiction medicine, and I'm a practicing internist and addiction medicine specialist in Waterbury, Connecticut.

I'd like to thank you all for the opportunity to provide testimony in opposition of Senate Bill 1015.

Research into -- and what I'd like to do is to put some more emphasis on what Mr. Evans has said -- but, research into therapeutic potential of cannabis and cannabinoids has lagged behind that of other modern medications. Clinical research

drug called Aromasin. It keeps my body free of cancer by restricting the estrogen levels in my body. It is also approved by the FDA, yet my oncologist cannot answer the basic question of what will the long-term effects on my body be or what happens when I stop taking it.

The general reply is that they don't know, as there is no research study long term to support the effects on this medication on women who do not have ovaries. Yet, the FDA says it's okay for me to take it. And anecdotally, they assume I -- assume I am as safe as a women with ovaries. This time, I live everyday hoping they're right.

I'm here in support of the following bills, the raised HB 6566, AN ACT CONCERNING COMPASSIONATE USE OF MARIJUANA; SB 92 -- 953, AN ACT CONCERNING NONVIOLENT DRUG POSSESSION OFFENSES; in support of Governor Bills, SB 1014, AN ACT CONCERNING THE PENALTY FOR CERTAIN NONVIOLENT DRUG OFFENSES; and SB 1015, AN ACT CONCERNING THE PALLIATIVE USE OF MARIJUANA.

As I mentioned, I am a breast cancer survivor, what I am not is a pot smoker. And I do come from the age where in the late sixties and early seventies it was readily available, but I somehow fell through the cracks and stayed straight edged so I've never been a pot smoker. But, as I said, I am a cancer survivor and the mother of a young man whose life has been impacted by the harsh residue of marijuana laws.

In my battle to beat cancer, I did not have to suffer pain and the side effects of chemotherapy; however, I do suffer with pain every day. The medication that I take to keep my body cancer free and some of the side effects of that, is sleeplessness, constant and sever arthritic pain and stiffness in my joints. It is -- is has also caused me to have advance osteoporosis, which

adds to my discomfort. Every morning I take arthritic strength Tylenol to get through my day and every night I take a prescription sleep med and a muscle relaxer.

The pain is not diminished and the sleep me -- the sleep that I get, when the medication does work, leaves me groggy and lethargic. Other cancer survivors that I have made friends with through social support sites sometimes suggest that I should try marijuana for relief at night from the pain and also to reduce my stress and get a good night's rest so that I can awaken refreshed and embrace the quality of life that I have right now. These are -- my friends do not live in Connecticut but in states where the use of palliative marijuana is accepted and legal. These same friends are dismayed and confused, as I am, and other sufferers of chronic and debilitating diseases, that the state sanctions the use of addictive sleep medications and other narcotics to give me relief but not a natural and benign substance, such as medical palliative marijuana.

There are times when the pain has become so intrusive to my everyday functioning, but my doctor will suggest a few days of Vicodin or oxycodone or other narcotics and habit-forming drugs to give my body and mind a release and break from the sleeplessness and pain. On those days, that I have elected to follow that protocol, I am rendered almost immobile and incapacitated. On those days, my husband goes to work and comes home to cook and do daily chores. On those days, one of my sons stays with me to make sure I do not get hurt in the house trying to use the stairs or make something to eat. On those days, I cannot really read a book or a magazine, and if I do, I don't remember what I have read. On those days, I feel weak, sickly, helpless and incoherent and later I feel

resentful because I have lost another day of a real life spent living in a cloud of prescription medication haze.

There are those who'd wonder why, in the privacy of my own home, I do not self-medicate with marijuana, especially at night, so that I can sleep and restore my body's strength and reclaim my life at the start of a new day. It's because I must choose -- I must choose between the right to relieve my pain and suffering without the side effects of legal, yet addicting, and debilitating medications or my chances to work in a profession that I've worked on to get my degree in and that I love. I hold a bachelor's degree in social work and hope to soon be working on my master's.

In the field that I've chosen to become part of and to study for, there are very few jobs that do not require drug test before I may work for an agency or an organization. When I begin working on my master's, I'd like to work in a field placement, or if I should get a social work job at the bachelor's level, I will have to pass a urine test and I will. I may be sleep deprived, hung over from a sleep aid, taking a prescription painkiller or even hungover from drinking alcohol until the pain cannot be felt anymore so I can sleep. All those things that I would do are things that can impair my afficien -- efficiency at a job, but I will pass the urine test because there will not be any marijuana found in my system. Moreover, that fact will make me an acceptable candibit -- date for the job for which I was hired. Yet should I choose to smoke or take palliative marijuana to ease my pain or get some sleep, though, I will have the same intelligence, the same qualities, the same qualifications and no loss of ability due to impairment, I would no longer be an acceptable candidate for the job or to be a social worker.

In fact, the ways our laws are stated now it would be questionable if I would even any longer be an acceptable and viable member of our society, especially if I should be stopped with my palliative marijuana in my car or on my person for any reason by an officer of the law. On paper, at the very least, I would no longer be the responsible woman I was who raised a son as a single mother, remarried and then raised another son in a successful marriage, never drank, despite the urges to get rid of pain, or had any illegal violation or any significant behind -- beyond the parking ticket. I've survived cancer and earned a degree in social work. Now despite reason and logic I would have a mark on my record for an arrest, and all my years of good standing as a citizen will be wiped away. It would not matter what the reason or the amount was that I had on me. It would only matter that I had it and it would forever be on my permanent record that I was no longer acceptable for many jobs and positions and, certainly, not qualified to be a social worker and, definitely, not anyone's caretaker. In addition it would all be because I wanted a good night's sleep and a respite from a life amongst constant pain for the last two years.

In addition, may I just add on the subject of a person being convicted of possession of marijuana not being a primary caregiver for a qualifying patient. My eldest son is 26 years old. At the age of five, he was tested to be a bone marrow donor for his father. At the age of nine, he helped me organize fundraisers to pay for his father's bone marrow donor search. At the age of 14, he was elected by his peers and teachers to represent his school at a Mothers Against Drunk Driving camp for peer mediation. At 15, after his father's and my divorce, I was in an accident that left me with a shattered bone in my arm and unable to perform daily functions. My son went

to school, came home, made dinner, did laundry and helped me do my exercises to regain the strength and use of my arm.

When he was 17, I had begun going to college and was working two jobs. My son also worked as a camp counselor during the day and at a pizza shop at night, and he would give me his paychecks and tell me, Mom, you shouldn't have to work so hard, I can help you.

At 18, he graduated high school and gave me away at my wedding. At 19, he was going to college, working and leading a slightly successful local band. In 2008, he stood by my side in my oncologist's office while I was given my diagnosis and supported his stepfather, stepbrother and me through the painful emotional maze of our family struggle for me to survive. He was there to help nurse me back to health, take me to doctors' appointments and take care of me when my husband and my other son could not be home.

Throughout 2008 and 2009, he also took time from his own schedule to drive me to school so I could finish my degree. While I was sick, I could not drive because of physical restrictions and, of course, the reactions to the pain medication. In the spring of 2009, he graduated with his associate's degree and won an award for writing. At this moment, he holds two jobs which is why he's not here to testify himself today. In May, he will turn 27 years old.

Oh -- and oh, yes, when he was 22 he was arrested for having a joint on his person -- on his person. At that time, he did not come to us, his parents, to bail him out of trouble. Instead he acted responsibly and sold his own prized possessions, a guitar, an amplifier, his video game and the collection of games that went with

it and used the money to pay his court fees and fines. He then took the assigned classes and completed them successfully. He has had no further arrests.

My son had been my caretaker for off and on throughout my life, but if I should go out of remission and need him to be a caregiver now, he could not be a caregiver for me or medica -- medical marijuana. Yet, this young man works two jobs also because he's always turned down for jobs that will move his future and finances along because when they run his personal and public record that shows that he was arrested for possession, he is deemed irresponsible and not a worthy citizen that can be trusted to do a good or respectable job. My son is not a criminal or irresponsible. He is a young man trying to build a life.

And I am and would not be a criminal if I used marijuana. I would be a woman in pain trying to rebuild and regain my life. We are not alone. There are thousands like us. Please change our laws and let all of us live our lives pain free and in good standing.

And I thank you for your time.

SENATOR COLEMAN: Thank you.

Are there questions from the committee?

Representative O'Neill.

REP. O'NEILL: With respect to your son, was his arrest here in Connecticut?

JACQUELYN PARKER: Yes.

REP. O'NEILL: And was he convicted or what happened to those charges?

JACQUELYN PARKER: He was arrested. He -- he paid -- he was convicted. He paid restitution; he paid a fine. He went to the classes, but it stays on his record because he was not a youthful offender so it comes up when they run -- it just comes up that he was arrested for drug conviction.

REP. O'NEILL: Okay. Because based on what we had earlier testimonies and from what I understand, in general, a single joint of marijuana would normally be disposed of by some of the diversionary programs that we have.

JACQUELYN PARKER: He -- at the time, he didn't -- he was 22. He didn't have an attorney. No one represented him. I don't know if this is okay to say but at the time he was arrested the police at -- in the town that he was arrested told him that if he pleaded guilty that they would -- and helped them find the person who was the dealer that they would support my son and come to court and not let him be convicted or have a mark against his record. And he did do that and the person was caught. People found out it was my son. My son actually left for a little while because he was being threatened in the town that I lived in. The police neither showed up at court nor did anything when I called to ask for protection for my son.

REP. O'NEILL: Thank you, Mr. Chairman.

SENATOR COLEMAN: Are there other questions or comments?

Seeing none, thank you both.

Sandy Straub?

SANDRA STAUB: Good afternoon.

SENATOR COLEMAN: Good afternoon.

SANDRA STAUB: Senator Coleman, Representative Fox, members of the committee.

My name is Sandra Staub for some reason I'm in the system as "Straub" but there's no R. I just thought I'd say that for the record. I'm the legal director for the ACLU of Connecticut.

And I'm here to support Governor's Bill Number 1014, AN ACT CONCERING THE PENALTY FOR CERTAIN NONVIOLENT DRUG OFFENSES. We've also submitted written testimony in support of 1015, but I'm going to use my time on 1014.

This legislation, making the possession of a small amount of marijuana a civil infraction, is a sig -- significant step toward rational drug policy for this state. This approach would remove many criminal cases from the prosecutorial apparatus. Even in the story that you just heard, I think as a practical matter in this state, like in many states, people come before criminal justice system on these charges for small amounts of marijuana. And this bill would conserve important resources, including law enforcement resources, legal and court costs and free the police to keep us safe rather than bring young men, particularly young men of color, into the court system.

Mari -- marijuana arrests effective -- effectively introduce thousands of people into the criminal justice system. And studies have shown na -- nationwide and in New York and in other locations that young men of color, in particular, are profiled. And there are harsh penalties even if they aren't enforced but they are hung over the heads of these young people or people who are brought in on possession charges.

And despite the testimony that has gone earlier today, these decriminalization bills in other states, according to your own Office of Legislative Research, there's no basis to conclude that marijuana use, marijuana-related crime or juvenile use has increased in these other states. I read -- I read the OLR research, and there's no basis for those conclusions as far as I can tell.

When you consider the harshness of the penalties with the disproportionate application to people of color and one writer talking in New York asks questions how would history be different if a young African American man in New York in the eighties had been profiled and -- and not been able to become president of the United States? So those are important questions in terms of where our resources are going and what we're doing to young people who may have committed an indis -- indiscretion.

And this is an important law to protect civil rights and civil liberties, and we urge your support for this bill.

We also support 1015 because we don't believe, as Senator Kissel asked one of the witnesses, that there's any basis for the state to interfere with the ability of a patient to access treatment as recommended by their physician.

So I think I've used up my time. I'm available for questions. That would be my testimony.

SENATOR COLEMAN: Are there questions for Ms. Straub?

Seeing none, thank you for your testimony.

SANDRA STAUB: Thank you.

SENATOR COLEMAN: Seeing none, thank you, Mr. Braunstein.

Jay Ruane?

JAY RUANE: Good afternoon, Senator Coleman, Representative Fox and members of the committee.

My name is Jay Ruane, and I am here testifying in my position as an executive-at-large member of the Connecticut Criminal Defense Lawyers Association Board. The Connecticut Criminal Defense Lawyers Association supports Governor's Bill 6391, which deals with the alterations of the penalties for the drunk driving statute to allow the Corrections Department to allow for house arrest for people convicted of operating under the influence for first, second and third offenders.

It should be noted that this isn't something that's new, although it's new to Connecticut. Many other states, California, Washington, Nevada, Arizona, West Virginia, Pennsylvania, a number of the states have house arrest for DUI offenders. It has allowed those states to save on the corrections costs for housing, feeding the inmates while they are being held for otherwise nonviolent offenses, and I think more importantly, as noted in my submitted testimony, the -- one of the biggest problems I see as an attorney who represents about 400 people in the state of Connecticut every year who are arrested for the charge of operating under the influence is that nobody has a problem with alcohol when they're in jail because they can't get it. It's when they discharge from corrections and they're put back in their home, the potential for abuse occurs. And it's at that time when, perhaps, we have a situation where a person with a prior alcohol problem getting reintroduced to that, the opportunity for further offenses occurs.

SB1014 SB952

By allowing for house arrest, you put people in the position where they can be living the life that they will live once they are outside of the eyes of correction and get used to a life without abusing alcohol that put them in the situation in the first place. So by allowing them to be on a house arrest situation and monitored for alcohol use through modern technology, it gives them the opportunity to prepare for a life without alcohol abuse. Now, certainly, we cannot eradicate it in any situation, but when you take the cost savings to the state as well as the opportunity for ameliorative action with the -- with the alcohol abuse, I think certainly Bill 6391 is a great opportunity for the State to be on the forefront of addressing alcohol abuse in our state.

And so for the C -- and for those reasons the CCDLA supports that Governor's bill.

With respect to Bill 1014, which there's been a lot of discussion today. Attorney Kane testified earlier today about how the decriminalization of marijuana and making it an infraction would cause many more trials to occur. I don't believe that to be the case simply because if it were to be an infraction the presumptive positive in the field that is done by the arresting officer would be -- would be enough to be at the trial level, and it would be incumbent upon the defendant to then disprove that. So I think the testimony of Attorney Kane may misstate the potential for the trials and that certainly I can --

I also want to add that CCDLA also supports Bill 952 which would reduce the ti -- the time -- or the distance from 1500 feet to 200 feet.

I'd Be happy to take any questions about DUI since there haven't really been many today.

SENATOR COLEMAN: Okay. Good, proceed.

DANIEL MALO: Okay.

SENATOR COLEMAN: Everybody remembered from last week you spell your name M-a --

DANIEL MALO: -- l-o.

A VOICE: We found you.

DANIEL MALO: Okay.

Well, since taking up this issue, I've come to know thousands, actually, of people that would take serious offense to some of the testimony presented earlier. Much of it was diversionary, not getting to the heart of this issue and ill-informed. And I would say, actually, many of the people here today are testifying in support of cannabis bills and they arrived before the aforementioned people came to testify, and they'll be here long after their testimony for their shot to say their piece on this issue. SB952 SB953 SB1014 SB1015 HB656

I found that a lot of the sources presented had biases that have been refuted for years. On the case of can -- cannabis being carcinogenic, there's no proof of that, and I can say that wholeheartedly. I do a lot of research on this issue. I want to make sure that I know what I'm talking about, and I would disagree with the statement on carcinogenics.

The characterization of a lot of people in this room as dealers, addicts or users in need of treatment is also very painfully false. Cannabis users don't need treatment. In a lot of cases it is the appropriate treatment. People can self-medicate. They have long before cannabis prohibition. Marinol doesn't solve the problem.

That's just THC-9. There's many cannabinoids that still haven't been looked at, and Marinol only provides that one particular cannabinoid. Meanwhile, the rest of the benefits of the plant go unexplored, unmedicated through that pharmaceutical method.

For very few people cannabis is a gateway drug. One out of 99 will move on to something harder, and I don't believe that the rest of them should bear the brunt of this being a criminal activity or highly regulated medicine. This treats far more than glaucoma. It's funny that I've heard that come up in a lot of testimony. This treats far more than glaucoma from headache, menstrual cramps, and it's even being explored for its benefits with cancer.

There's been a long effort to undermine and prevent the use of this plant, and it's just been criminalized for just a fraction of history and the reason of such is greed more than anything. What I've seen today would be categorized as "reefer madness," and I'm just at a loss on some of this testimony that we've had to sit through because it hurts me, the research that I've done and the people behind me that are here in support of this to come here and hear inaccurate truths to promote a political agenda or just an unbias and unwillingness to change in a positive, progressive direction.

In fact, I think that all members of this committee should sponsor this, co-sponsor it when it gets to the floor because if you're looking at addiction issues, the criminal justice system is no place for somebody with a drug problem. You also have to consider that for many people, cannabis is not an addiction problem. It's a lifestyle. Some people do it -- I mean, many people in this building that work here. Should we have all been arrested?

I think that's the conclusion of my testimony.

Questions?

SENATOR COLEMAN: Thank you, Dan.

Are there questions?

Seeing none, thank you for your testimony.

DANIEL MALO: Thank you.

SENATOR COLEMAN: Margherita Giuliano?

MARGHERITA GIULIANO: Good afternoon, Senator Coleman, Representative Fox, members of the committee.

My name is Marghie Giuliano, and I'm the executive vice president of the Connecticut Pharmacists Association.

And I'm here today to support the Governor's Bill SB 1015 and Raised Bill 6566, regarding the medical use of marijuana, basically, with recommendations.

I think, first, it's important to clarify that those who are opposed to this legislation do have some legitimate concerns. We can decriminalize marijuana. We can make it available for medical use, however, that doesn't diminish the fact that this is a highly abused substance. And even if used for medicinal purposes, it should be highly regulated.

I think, you know, getting right to our recommendations. If this -- if this type of legislation is to pass, I think that we should really look at how we want to have this distributed. Again, a lot of the concerns that were voiced today, I think, are certainly

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Alcohol and Drug Education at Central Connecticut State University. I work with a group of students called "Natural Helpers" and they're peer educators that educate the college campus about drugs and alcohol, and we do surveys every two years on campus. From our 2010 survey data, it tells us there's a significant difference between perception versus reality about marijuana use on campus. Of the students surveyed, 73.6 percent believe that everyone smokes marijuana every day. When in reality, only about less than 17 percent of those students surveyed say that they smoke on a daily basis.

A similar misperception exists with K2 and salvia. The students think that it's safe. They think because it's something that isn't -- that doesn't come up on a drug test that it's safe for them to use. They're safe from the police. And that it's also safe for them to put in their bodies. Not enough people are educated on those chemicals and because of this we don't know enough about the substance. I support the (inaudible).

Thank you.

REP. FOX: Thank you for your testimony and thank you for waiting all day to -- for your opportunity.

Are there any questions?

Senator Kissel.

SENATOR KISSEL: Again, trying to, sort of, coherent legislative plan, do you see a disconnect between of trying to ramp up protections and making these drugs controlled substances while at the same time this legislature's contemplating decriminalizing the real marijuana and turning it into an infraction. SB1015 HB6556

And also I'd like to hear your insights or recommendations. With alcohol, we have strict parameters regarding minors and there's nothing in the decriminalization bill that -- that touches that minor issue. So that if your 14, you just pay the ticket just like anybody else.

And so we were -- we were taking a whole drug that's illegal, and we're going to make it an infraction and there -- therefore, my guess is, is that it's highly accessible by minors. What's your opinions regarding those things?

JONATHAN POHL: For the first part, it would lead to a mixed message similar to helmet laws for -- in fact, we don't have helmet laws for motor cycles, but we do have seat belt laws. Again, there's a mix message there that's given to people. (Inaudible) going to be one component of this.

It would be nice if that the second bill, concerning marijuana, could include education as a portion of it. I'm sure that they'll go further. So that individuals who were given this citation as opposed to just mailing in a fine would also be in a position to learn further about marijuana and other choices.

SENATOR KISSEL: And do you think that if we decriminalize marijuana, there should be some king of threshold regarding minors or people under 21?

JONATHAN POHL: Absolutely.

SENATOR KISSEL: If we're going to have a carve-out for mandatory education my guess is that we should at least require it of young people.

You know, depending on what bill we have before us on any given day, you know, we'll hear that -- and I agree with raising the age because young

people don't have mature brains to make decisions. And we've had professors from Dartmouth come and talked to us and say, if you ask an adult if you want to jump into a pool full of sharks, they'll say absolutely not; and if you ask young people and they'll go, well, the sharks had supper maybe they won't bother me, they make crazy decisions.

And so that -- so if we're -- so if we understand that as a concept regarding young people in our society and we want to move forward to, sort of, craft out bills that address that shortcoming that young people have because they don't have fully matured senses of danger, then at the same time, I think if we're going to move in a different direction where we have substances that, if abused, clearly can put reduced people's threshold for making these judgments that we need to be similarly sensitive to the fact that young people in our society, you know, they can make bad decisions and their whole lives are ruined. And I'm just hoping that we can figure a way to do all that sometime soon.

Thank you for coming.

JONATHAN POHL: Thank you.

REP. FOX: Thank you.

Are there any other questions?

Thank you very much for your testimony today.

Next is Holly Murphy.

HOLLY MURPHY: Good evening.

REP. FOX: Good evening.

HOLLY MURPHY: My name is Holly Murphy. This is my SB1015

for those of us who have not imagined it in a certain way so thank you.

MOLLY MURPHY: Thank you.

REP. FOX: Thank you very much for your testimony.

Next is John Lorenzo. Is he still here? Yeah.

Good evening.

JOHN LORENZO: My name is John Lorenzo. Distinguish members of the joint committee, thank you very much for giving me the opportunity to present the views of law enforcement against prohibition also known as LEAP, L-E-A-P, in support of each of the marijuana decriminalization bills and the bills that protect medical marijuana. SB953 SB1014 SB1015 HB6546

As chief of marine police for the Lake Lillinonah Authority in Brookfield, Connecticut for 20 years, I struggle to maintain a safe, drug free recreation environment for boaters.

I'm the speaker for the -- actually, for one year. I just started. It's an organization of 40,000 current and formal criminal justice professionals and civilian supporters. We are cops, sheriffs, prosecutors, judges, prison guards, and others from nearly every level of law enforcement.

Like other law enforcement organizations, LEAP does not endorse nor condone the use of marijuana or any other drug.

All of these bills will provide important efficiencies and resources, specifically to law enforcement. Passing this bill will allow police who are tied up in booking rooms and courts, dealing with marijuana arrests, focus on much higher priority law enforcement matters at a time

when resources for public safety are scarce and stretched thin.

In the case of medical marijuana, patients, physicians, and caregivers are the ones who should be making decisions about medical care. It is inappropriate the police to substitute our judgment for that of physicians and those in need of medical care, except where public safety is concerned.

Medical marijuana bills would give clear direction to law enforcement on all types of procedural matters surrounding medical marijuana.

Senate Bill 1015 provides necessary protection for patients who have debilitating medical conditions. House Bill 6566, is even better because it gives patients the safe access they need. Forcing patients to go into the streets and buy marijuana benefits the criminal element and threatens patients' safety. The State can vet and license legal producers putting the criminal producers out of business. Let police get back to protecting all of us from violent criminals and child molesters. We all would be much better off.

Thank you for your time and thank you for listening me.

I have one comment that doesn't have any -- anything about marijuana. It has to do with this facility. I would -- I would like to suggest, especially earlier in the day, and there's so much noise in the -- in the lobby out there. Have some kind of cordoned off area where people must go beyond in order to chit chat and talk because every time they open that door, I can't hear what's going on in here. It's really, really annoying.

REP. FOX: Well --

JOHN LORENZO: I don't know that you people can do anything about it but --

REP. FOX: To the extent that some that loud talk is from legislators, we'll do our best to see what we can do.

JOHN LORENZO: No, it just people laughing and joking and --

REP. FOX: No, you're right. And I know -- and you've been here now for over eight hours so you've certainly had an opportunity to hear it so --

JOHN LORENZO: Well, it was really this morning.

REP. FOX: No, it get -- it get -- it can get very busy there. First of all, thank you for being here, and thank you for your testimony this evening.

Are there any questions?

Representative Flexer -- oh, I'm sorry, I thought she was looking at me for a question. Well, thank you very much.

JOHN LORENZO: Thank you

REP. FOX: Next is Eric Williams.

ERIC WILLIAMS: Good evening, Chairman, members of the committee. My name is Eric Williams. I'm a resident of Coventry, Connecticut, and a volunteer executive director of the Connecticut Chapter of NORML. It's a National Organization for the Reform of Marijuana Laws. It's the oldest and largest marijuana reform organization in the country.

I'm here today to testify in favor of SB 953, 1014, 1015 and HB 6566, supporting the decriminalization of less than 1 ounce of marijuana and in favor or patient access to their prescribed medicines.

We support equally the language of the decriminalization bills. However, on the palliative or compassionate use of marijuana, we favor the language of HB 6566, for reasons which I shall explain shortly.

First, I would like to briefly address the decriminalization of marijuana. I would like to applaud our Governor and so many legislators who have taken a stand against this arcane and counterproductive criminalization of so many of our productive members of our community. We applaud the reprioritization of precious public safety and law enforcement dollars towards fighting violent crimes and crimes against property. The cost of prosecuting this nonviolent crime is wasted. This will also save millions of dollars for thousands of individual taxpayers and result in a better quality of life. The taxpayer money saved from arresting, prosecuting and putting people in a correctional system is no-brainer.

The positive monetary effect and improved quality of life on decriminalization on average individual citizens, your constituents and families is clear as well. Thousands of adults attending higher education institutions have lost their federal or state financial aid, jeopardizing their college careers. This alone could ruin a person's life for a simple possession of a single seed or a joint.

The effect of having to answer the arrest record question on employment applications has also stunted the lives and earning potential of too

many of your friends, neighbors and constituents. People may ask -- it's been brought up here today -- what the message is that this legislature is sending? Though I balk generally at the idea that our children are turning to the legislature for messages about how to comport their lives and be good moral productive citizens, I submit that any message is a positive one.

First of all, drug use among children is wrong and NORML stands against that, and we stand against that on alcohol and tobacco, as well as marijuana. We think that the legislature should do the same. But, first, the message that you should send is that a person's life should not be ruined by possessing a plant that grows in the ground and which has never killed a single individual, not one. And the Connecticut got -- and the other message that we should send is that Connecticut's government is truly representative of the people, not the subject, the fear campaigns and mistruths, and that the legislature is willing and able to correct the wrong of bad public policy.

Lastly, on the decriminalization, contrary to the concerns of some, making marijuana possession offenses a civil matter, would not negatively impact marijuana use patterns or attitudes. Passage of similar legislation has proved this out. In fact, the US Health and Human Services study com -- conducted by the Bush administration, the only US government study ever commissioned to assess whether the enforcement of strict legal penalties positively impacts marijuana use found, quote, Overall the preponderance of the evidence which we have gathered and examined points to the conclusion that decriminalization has had virtually no effect either on the marijuana use or on related attitudes and beliefs about marijuana use among America's young people.

Those who state decriminalization has increased marijuana use are simply and absolutely wrong. The facts do not bear this out. The canaries have been fall -- flying in and out of this mine shaft for many years.

Further, on the medical marijuana, we at NORML support allowing doctors and patients, doctors and patients, to make medical decisions and allow legal access to medical marijuana.

I will not testify as to the medical benefits of marijuana. I think we've all heard plenty of very heartbreaking stories today. Too many of your fellow citizens, my fellow citizens and your constituents, are suffering enough without having to suffer the indignity of being called criminals in their times of crisis.

So what we would like to do is discuss a few of the specific issues that we find with SB 1015 -- some of those issues that have been remedied in HB 6566. First is the 1-once limit. We think that that's -- it is -- would have been -- will be or would be the -- among the lowest of the legal thresholds in the country and arguably would not suffice for some patients needs. HB 6566 addresses this through the formation of a commission made up of relevant doctors through the Department of Consumer Protection.

Second, access to doctor-prescribed medicines, we do not see any means for persons suferating -- suffering from debilitating diseases or elderly persons living in urban apartments to grow their own medicine as a practical matter. Asking such a person who may or may not be able to have the ability to grow a geranium let alone medical grade marijuana plant is not practical. We support some form of state regulated dispensaries or through any kind of a pharmacy, some means of

other places in Connecticut law where we codify the specific diseases or illness that allows to be treated with a specific therapy or prescription drug.

Quickly, I just want to address the FDA question and why it should not have to go through this process. It's a plant. It's not something that's being manufactured in a facility. It's a plant. I know we were talk -- some people had mentioned their gardens. I happen to have a very large vegetable garden, an herb garden, and none of those are regulated by the FDA.

Members of the Judiciary Committee, NORML supports both these common sense ideas of decriminalization of small amounts of marijuana and allowing for the compassionate use of mar -- of medical marijuana. The general public, your constituents, overwhelmingly support both these common sense ideas and we urge you to support these bills as well.

Thank you. I'd be more than happy to answer any of your questions.

REP. FOX: Thank you, Mr. Williams.

Are there -- Senator Kissel.

SENATOR KISSEL: Thank you very much, Mr. Chairman.

I appreciate the fact that you've been here all day and, obviously, listening to the colloquy that occurred.

You stated that you agree that minors shouldn't be involved in using marijuana. In the decriminalization bill, we don't really have a carve-out, and I was wondering what your opinion might be as to a mandatory educational session just to point out to young people that they have

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certain choices that it's a critical time of their life. The way I envision it is it could be done just as simply as mailing in the $99. In fact, I'd rather have them take the course if they're under 21 than mailing in the $99. But for adults, we'll leave that aside. So what -- at the outset, what's your opinion regarding the fact that the proposal really doesn't have a distinction between adults and minors?

ERIC WILLIAMS: As the father of two children, I -- I disagree with it, and I think that NORML supports responsible marijuana use. And frankly, I don't think that children have the ability to make that responsible decision. So I think that, you know, if we want to look at possible legalizations years down the road, that's something that should be done along the same model that was done when we ended the prohibition on alcohol. We can see how much that has helped regulate, effectively regulate, and keep alcohol out of the hands of minors. But at this point, if that was the case, then I think that we would need to treat adults like we do in every other section of -- of Connecticut law and that's as an 18-year-old.

SENATOR KISSEL: Okay. So, let's say the line was 18, but are -- would you be okay with something like, instead of, you know, you check off a box on that ticket, if you're over 18, mail in your $99, but if you're under 18, we're going to at least have you take a mandatory course so that you know certain decisions. The notion that I have is not to, you know, penalize these young people but as an alternative to, at least, you know, like we had the counselors from universities come and they talk to, you know, they counseling on people as to the importance of their life choices. And to me, that would be a good sort of, you know, you don't have to drag them into court, but it's a -- it's a way that we could catch their attention going forward.

ERIC WILLIAMS: I agree and I think that if there was anything else added on top of just the ticket for persons who are under 18 that has the effect of bringing an adult into the situation besides law enforcement. I think that can only have a positive effect on -- on children -- on these children.

SENATOR KISSEL: Great. I appreciate that.

And we heard from the pharmacists that they felt that we could change the classification from a Scheduled 1 to Schedule II here in the state of Connecticut and that that would -- I guess, what that means is that in limited circumstances that drug would have some sort of beneficial impact as far as medicine goes. And are you in agreement with the fact that we unilaterally can make that change here in Connecticut?

ERIC WILLIAMS: I can't give any expert testimony on that. I really don't know. I'm sorry.

SENATOR KISSEL: And my last question is the representative from the Connecticut Criminal Defense Lawyers Association when I asked him, you know, the testimony had been earlier that Massachusetts is having a hard time getting people to even pay the $99 and they don't really disrespects the system. I don't know whether that true or not but somebody testified to that -- and his recommendation was, well, to catch their attention, you know, if they don't either send in the $99, you know, the whole notion is we're not going to incarcerate them but if we suspended their license, we wouldn't -- he felt that that would make sure that people took it seriously and that they would actually comply with the fairly minor financial penalty.

ERIC WILLIAMS: Well -- well, first things first,

that's absolutely not the case whatsoever in Massachusetts. First, I've heard of it today was among a series of shocking mistruths that have come before this committee today. I think it's a good idea in terms of attaching it to a license (inaudible). It seems perfectly fine with me. It's -- it's the law of the land that you have to pay this infraction. You've been caught with it, pay the ticket and there should be consequences.

SENATOR KISSEL: Okay. The only reason I threw that out there is because when we have infractions for motor vehicle there's -- there's implicit parameters. You're either going to get points -- you're going to, eventually, if you get so many points, you're going to lose your license. Your insurance is likely to go up. So there's a whole lot of things out there that stop people and make them focus on what they got to do. Whereas over here, I think that if we don't have anything else then people might not take it seriously. So I appreciate your candor regarding the special --

Thank you, Mr. Chairman.

REP. FOX: Thank you.

Are there any other questions?

Representative Adinolfi.

REP. ADINOLFI: Thank you, Mr. Chairman.

Real quick, you mentioned about marijuana being a plant and that the FDA really shouldn't control what you grow in your garden. Isn't cocaine a plant?

ERIC WILLIAMS: Cocaine is derived from a plant through a very harsh chemical process so, no, it is not. You could not grow cocaine in your garden, no.

would then be subject to that additional charge, is that --

DEBORAH DEL PRETE SULLIVAN: They could be, yes.

REP. FOX: Okay. And is that how you would anticipate this would work with decriminalization? Would that -- if you fail to make a payment --

DEBORAH DEL PRETE SULLIVAN: If that were one of the statutes enumerated because there's two different classifications under that statute. Certain types of crimes are "C" misdemeanor other types of crimes could be an "A" misdemeanor.

REP. FOX: Okay.

DEBORAH DEL PRETE SULLIVAN: So it depends on where it gets classified.

REP. FOX: Well, thank you. Now -- now you can begin with your testimony, Ms. Sullivan.

DEBORAH DEL PRETE SULLIVAN: Sure. My name is Deborah Del Prete Sullivan. I am legal counsel to the Office of Chief Public Defender. I thank you and good evening to you all.

I'm here today to testify on behalf of Susan Storey, who is the chief public defender, in regard to four different bills, 1014, 953, 952, and 6391, all in support of these bills.

I wanted to just address one other issue that came up earlier as well. And that was the comment that was made that people are able to use these diversionary programs over and over again. In fact, the diversionary programs that are available are the Drug Education program, which you can only use once. You can get a dismissal if you're successful in that program. The other program is the Community Service Labor. You are

able to use that if you've used the Drug Education Program. You can use it once and you can get a dismissal if you're successful in that program. You can use it a second time, but it's usually in a postconviction mode, which means you've pled guilty and then you are able to use that program. So you are -- you do have these programs. You are limited in the number of times you can use this.

And also a comment made earlier, a question that was raised earlier is about the savings. For the Public Defender Division, this would be a savings if this was enacted to make marijuana -- the possession of marijuana under 1 ounce -- an infraction. Because, currently, anyone who is facing this charge is eligible to at least apply for the Public Defender Services because they are facing a jail sentence, potentially, or probation. So under our statutes, if someone is facing incarceration -- and right now this is a crime that is punishable by -- right now, under 4 ounces, it punishable by up to one year in jail for the first offense, and for any subsequent offense up to five years in jail, currently. Therefore, if someone was eligible financially, they could have a public defender appointed to them. If this becomes an infraction, we would not be appointed so there is a savings.

And I -- we did a quick little study while everybody was here today just to see what we're talking about for numbers for our agency, and I -- I can't vouch that it's totally 100 percent accurate. We've got approximate numbers, but just so you know that there was -- if we're looking back to the '09, '10 fiscal year, conservatively, the numbers would say that we've got approximately 3,520 cases that we were appointed on back then in that fiscal year, which represents about 5 percent of all the cases we are appointed on through that time period that

our person had calculated today. About 3,404 of those 3,520 would be first-time offenders. So there are a number of cases that we would be appointed on that would be saved with this, as well as the time that we have to spend with the client to explain to them the diversionary program. Our social workers would be doing intake for these individuals who have been charged, and also we want to make sure that we're talking with the client that we believe we're not setting up for failure. We want to make sure that we take all the information pertaining to the client into consideration.

Just an aside, there's a wonderful fiscal analysis, Office of Fiscal Analysis report that came out in 2009, OFA 1575, which gives numbers as to what the State might look at as far as savings if such a provision had been passed. And another question that came up earlier was about the revenue loss because currently people pay to go into these diversionary programs. A number of our clients are not able to. They might be doing community service hours instead of paying the fees, but there would be revenue that's generated because of the fines that would be imposed.

So we are in favor of all four of these. I've brought Mike, Michael Alevy. He is someone who is assisting me this legislative session. He works at GA 23, which is a very, very, busy GA in New Haven. And I thought that if there were any questions specific to what actually happens in the courts, he is a much better person to testify about that than I am. It's been a while. And so if you have any questions for him, he's here to answer those.

SENATOR COLEMAN: Senator Kissel.

SENATOR KISSEL: Thank you very much, Chairman Coleman.

Do you have -- do either of you have any insights -- we were debating earlier today as to the effectiveness of the Drug Education Diversionary Program. And do -- has anybody studied this or looked into whether folks that actually use that as a diversionary program don't end up back in the court system?

MICHAEL ALEVY: Senator, if I could just respond to that. I -- I'm not aware of any specific studies that put any numbers on the efficacy of the Drug Education Program or CSOP. Obviously, in our situation if we see people coming back in, we're meeting the people where it was not effective and they're back in on a new charge. But clearly, we've had people who participate in the program and that we generally do not see -- see back. It's kind of -- we've been trying to prove the negative is difficult but we only see the ones, unfortunately, that are coming back with new cases.

SENATOR KISSEL: Okay. Only because I actually believe in the diversionary programs and I think these -- they give people a second chance, probably provides them with information they didn't have. And so given that belief, I'd like to believe that most, if not all, of our diversionary programs have a place. I understand the public defender not wanting the hassle of having to deal with 3 -- 3500 cases where this -- the reality is they're not going to go to prison, but it's going to take time and, you know, once upon a time when I was a special public defender -- and actually there was a whole week where I actually had to help run the Public Defender's Office in GA 13 -- and you just can't get to everybody, and so if you can take anything off your plate, that's a real bit -- big help. And so -- and as the Governor looks for savings throughout our criminal justice system, as well

as anywhere else, I'm sure that that's a concern that he has to.

Nonetheless, given the fact that I actually think that there's some benefit to these educational programs, what about the notion of a carve-out. We had the suggestion that it would be for under 18. You just check the box. Instead of mailing in the $99, if you're a minor -- I wouldn't even call it counseling. It would just be an educational program to sort of spell out for young people, this is what you're getting yourself involved with, these are your alternatives, they're at formative stages and -- and then, you know, if they ended up getting a second infraction down the road, I guess we'd have to figure that one out as well. But I just think that as these proposals stand, they -- they actually treat minors exactly the same as adults, and I see that as problematic. What's your feelings on that?

DEBORAH DEL PRETE SULLIVAN: Senator Kissel, you're right. It does -- it does not have a distinction there, and we discussed this earlier. I don't have an official agency position on that, which I can get for you for tomorrow, but, at this point, I mean, it's very interesting. It's something that was not carved out in the statute, and I think it is something that needs to be looked at as a policy issue for yourselves here on the Committee. And I'd be happy to get back to you as to where the Chief Public Defender is on that.

SENATOR KISSEL: Great, I appreciate that. And I know that we have it on statutes that if you don't comply it's either a Class A or Class C misdemeanor, but I think the whole idea is that as a practical reality, people with small amounts of marijuana, unless there's some other charge associated with that, don't go to prison. And the notion was floated that perhaps rather than

facing an A or C misdemeanor than maybe a license suspension, which granted not everybody has a license, but certainly that might be motivational as well. What do you have, folks, have an opinion regarding that?

MICHAEL ALEVY: The one -- the one comment I have about this issue of people who possess small amounts not going to jail. I've heard that a lot -- I -- I think that it is probably a rare occurrence. But, certainly, clients are being offered to plead to that charge and they're going on probation and they're going on conditional discharges in a lot of cases, and, hence, they have exposure down the road. So I think -- and I'm not going to make any statements about numbers or percentages. I know people have said that they're sure or highly confident that doesn't happen. I wouldn't go that far. I think that there may be cases depending on somebody's situation, their history, the facts of a case, they could be conceivably offered jail time on a simple possession, and certainly pleas are being entered where people are going on probation and conditional discharges in those cases.

SENATOR KISSEL: Okay. So disagreement with initial supposition, but what about the license suspension as a motivational tool to try to get people to comply as opposed to saying, you know, you're looking at a Class A or Class C misdemeanor, which the whole idea is that we've -- I think it just goes forward. The whole idea is we don't want people incarcerated for this level of social behavior.

DEBORAH DEL PRETE SULLIVAN: Yeah. I think -- I think I'd -- I'd -- I would really like to consider a license suspension instead of that other misdemeanor coming up as a charge.

SENATOR KISSEL: And the last thing -- and I don't

know if you're -- you said you're testifying on four bills. Were you testifying or do you have opinions on the medical use of marijuana bill or no?

DEBORAH DEL PRETE SULLIVAN: No, we're not a position on those bills at all.

SENATOR KISSEL: Okay. Thank you.

Thank you, Mr. Chair.

DEBORAH DEL PRETE SULLIVAN: You're welcome.

SENATOR COLEMAN: Representative Holder-Winfield.

REP. HOLDER-WINFIELD: Thank you, Mr. Chair.

Good evening. Like Senator Kissel, I would like to believe our diversion programs work. And so I have a question, when we're dealing with people who have this drug for whatever reason they have, some of them for usage, and so my question is do the -- I asked this question before of the public defender, I just wanted to know from you -- do the -- because you didn't mention it in what you said the diversion programs do. Do they have a addiction component to the diversion programs?

MICHAEL ALEVY: They do. Both of them now involve not only community service but some classroom and educational component, both programs.

REP. HOLDER-WINFIELD: And so another question I have is so you mentioned that there was a limited number of times you could use the programs. What happens if you have a similar offense afterwards if we don't put anyone in jail, what happens with people?

MICHAEL ALEVY: Well, that's the situation you run into when you're no longer program eligible,

diversionary program eligible, you're looking at either pleading or trial.

REP. HOLDER-WINFIELD: Thank you.

SENATOR COLEMAN: Are there other questions?

Representative Adinolfi.

REP. ADINOLFI: Thank you, Mr. Chairman.

Welcome, again. We've seen you here quite a bit. I was reading your testimony on Raised Bill 1014 and 953. And I got very concerned in the first paragraph when all of sudden we're quoting Quinnipiac polls, when last week we sat here for 14 hours listening to testimony on a death penalty and quite a bit of time was given by your department -- Office of the Public Defender, and how come they didn't use the Quinnipiac polls in their testimony at that time when it was adverse to what you were pushing for?

DEBORAH DEL PRETE SULLIVAN: Actually because this poll came out on March 10th which was after our testimony.

REP. ADINOLFI: But even the polls -- even the polling before that was much higher than this in favor of the death penalty. And I just -- I just question the, you know, I just question the use of the -- of the testimony when you -- when it's convenient for you, and I don't really think that's what the department normally does.

DEBORAH DEL PRETE SULLIVAN: It's just written -- it's actually, risen 10 percent over the last two years ago. And I think that was something that was quite a change to rise that much in just two years.

REP. ADINOLFI: That's all. I'm done.

SENATOR COLEMAN: Any other questions? I guess I wanted to sample your opinion on the issue of the statute that you cite for failure to pay an infraction -- to plead or pay an infraction -- it would seem to me as a practical matter that would accomplish getting the defendant into court, and, at that point, you think the defendant would be offered the opportunity once again to pay the infraction or -- I guess as some of us have expressed today, unrepresented defendants sometimes get taken advantage of by the process, perhaps not intentionally, but just by not being familiar with the process. Do you think, as a practical matter, there would be that final opportunity to pay the infraction or do you think that there would be the full fledge prosecution on the C misdemeanor?

MICHAEL ALEVY: My experience in New Haven has been that when people have come back in on a failure to pay or plead warrants, they have been given the opportunity simply to pay the fine for the underlying infraction and that the State has not proceeded against them on the misdemeanor charge for failure to pay or plea. That's been nollied.

SENATOR COLEMAN: That would make sense to me as a way to proceed, but I hope that would be the case.

Any other questions?

If not, thank you both for your testimony.

DEBORAH DEL PRETE SULLIVAN: Thank you very much.

SENATOR COLEMAN: Stephanie Spargo.

Barbara Albert.

BARBARA ALBERT: Sorry. I kind of got a little sore. SB1015 HB6566

SENATOR COLEMAN: Of course.

STEVEN PURDY: Thank you very much.

All right. I'm -- I'm very tired by the way. I'm on about five hours sleep. I've been here since 8:40 in the morning so don't mind me if I seem a little funky. SB1014

So greetings, Co-Chairs Coleman and Fox, the whole committee, thank you for hearing me speak today.

My name is Steven Purdy a resident of District 149, under Representative Livvy Floren and Senator Scott Frantz. I am a member of the National Organization for the Reform of Marijuana Laws or NORML.

Today we stand here to discuss our state -- how our state has change its opinions about the war on drugs and cannabis' effect on public safety. This has become a mission for me now over the last five years. After long research and observation of the effects of cannabis on different people and unbiased reports from outside the reach of the DEA and FDA, I decided it was worth experimenting with because it seemed clear that it was more beneficial then detrimental.

There is no system in America beyond the reach of the DEA for testing your mind and body first so I had to take a risk, but I was glad I did. I found two profound things immediately after becoming high. My head did not become clouded, like with alcohol, and second, I felt a relaxation come over me. This has remained consistent for me since 2005. The second most apparent thing about it was I was, quote/unquote, sober about an hour later with no hangover or

crash effect. Life simply returned to normal. There was no itch for the next hit. No change in my personality other than I was more in a good mood, like having a really good day you just want to tell people about it. My life was showing un -- my life was so usual that my family didn't even know I smoked until I was interviewed in the newspaper about it. This proved one thing that cannabis does not ruin families. However, the war on drugs has. My family was more upset that I had done something illegal than harm someone. I also have a 3.56 GPA and I have made the dean's list at NCC this semester, Norwalk Community College, higher grades than I've ever had previously, proof that cannabis doesn't inhib -- inhibit mental performance.

My situation is the rule not the exception. To my knowledge I am not special at all, which is why my reaction is like most people I've ever known. It's important that science is allowed to study independent reports on cannabis and know where the small threats lie for people who may have them. Not every drinker is an alcoholic. And I am sure that after session today, some of you will seek a cold one, some won't.

I close my testimony with this consideration. For those who feel like cannabis consumption is sin, Mark 7:15-16 states, nothing outside a man can make him unclean by going into him, rather is what comes out of a man that makes him unclean.

Thank you.

JOSEPH ABAMAITIS: I'd like to talk about the -- the bill that is trying to ban on salvia divinorum and also medical marijuana and decriminalization. SB1098 SB1014 SB1015

Salvia divinorum, if you don't know, it's a plant that's indigenous to Oaxaca, Mexico. It's a --

they been -- the Mazatec Indians have been using it medicinally. They found many medicinal effects with it, and our current researchers are researching it for effects with arthritis and many other possible diseases. They're not sure yet. It could help pain. It's related to the mint family. Again, it's just a plant. And I also fear -- if this law does pass with salvia, I fear we'll be here -- be exactly where we are today, 20 years from now being, hey, we need to medicalize salvia for its effects, if this bill (inaudible).

Please -- please don't pass that legislation.

As far as decriminalization of marijuana, I'd like to start off by saying that using marijuana isn't wrong or immoral, but criminalizing it is. We all know America's made many mistakes from burning witches to killing Native Americans, from slavery to Japanese internment camps. We realize our mistakes on those issues and have corrected those things. But there are still many issues in country that need correcting. Marijuana Law Reform being one of them. SB1014

This is a civil rights issue. And I have the right to use marijuana without fear of prosecution. Our current laws are unfair and unjust. There's no reason why someone should be treated like a criminal for ingesting a plant. I do understand our country has problems with drug abuse, but -- but we don't need to treat people who do drugs like criminals. I mean, why aren't we arresting nicotine addicts and alcoholics? It's clear to me that our current strategy to fighting drug abuse isn't working.

I was born in -- in 1988 and I grew up seeing all the antismoking advertisements and those worked. It worked for me, never smoked in my life. All they did was tell people the truth, and the truth

is that you will most likely die from smoking tobacco. The tobacco usage dropped drastically from the majority of the population smoking to a lot less people now using tobacco. So in order to combat drug abuse, all we have to do is tell the truth and not arrest people because we all can see arresting people isn't working.

It is my opinion that our current laws are just as bad, if not worse, than Jim Crow laws. These laws effect people of all colors and races and treat them as if they're evil soulless people and that is not the case. Our current laws have caused many innocent and nice people to lose their financial aid, lose their children to protective services or cause people to go to prison. Marijuana decriminalization's not the solution to our -- to our drug laws but a step in the right direction.

My father has two fake hips, diabetes, neck and knee problems that he possibly has to get surgery on. My father is also very irritable because a lot of the time he's in a lot of pain. He would take me -- many pain medications from Vicodin to Percocet, but he has recently got off them because he didn't like the way they made him act. I also have an aunt who can hardly walk without her cane. I have to help her up and down stairs, in and out of cars and other basic things. She's on Vicodin and it helps her from time to time but it doesn't do that good of a job. These pills that my father and aunt are on can easily cause a physical addiction and that is one of the worst battles a person can face.

SB1015

Medical marijuana would be the perfect solution to all the problems they have. I know my father would be a much more relaxed and less irritable person if medical marijuana laws were enacted.

Marijuana is not addicting at all. It is one of

KURT GUBRUD: Good evening.

Thank you for having this (inaudible) hearing for considering these bills on decriminalizing marijuana and providing for medical marijuana in the state of Connecticut.

My name is Kurt Gubrud. I live in Sharon, SB1014 SB1015 Connecticut, where I operate a small horticultural and caretaking and pest management firm since 1984, and it's got an organic emphasis. In other words, I control pests using good bugs against bad bugs and nontoxic integrated pest management techniques, so that I don't have to use chemical pesticides, and I can rely on biologically mechanical or other measures.

And I am also a manic depressive, who has other medical conditions. I have been self-medicating for many, many years. And I've got to say that the alternative to that was access to a health care system which I could not afford. I had no medical insurance. The chemical drugs that they gave me weren't working so I found self-medicating to be the most effective cure for my depression, and I can say effectively it hasn't cured but food supplements and organics.

I also have a heart condition, and I'm on a number of very debilitating antihypertension drugs that cause cramping, discomfort and pain. And I've been in a number of accidents where I have chronic pain so --

The cannabis family from industrial hemp right through -- I'm going through my prepared remarks here -- through the psychoactive varieties of sativa, indica, ruderalis basically saved my life. And I think they are tremendously valuable medically for physical and mental health, food, fuel, fiber, high quality protein. They have

Omega 3, 6 and 9 long chain fatty acids. And that's just from the industrial hemp, never mind the psychoactive varieties, which between the three different families that we're talking about here have such a versatility of treatments that they can use for many, many, many disorders and have been for thousands of years.

I really think it's such a valuable health tool that to ignore it, if you're a health care practitioner and your arsenal of weapons against disease, is almost criminal and it's -- and it's malpractice. I mean, there is so much you can do with so little and it is so inexpensive.

I can understand why this great insurance capital of the world, which supports tremendous pharmaceutical companies and amazing amount of medical stuff, is going to have a hard time with lobbyists fighting against it because they can maybe genetically engineer a variety and patent it or they can maybe try to find a way to patent some delivery device but there's no way that they can really completely profit and control the production and sale of marijuana when it's so easy for somebody to plant a seed legally or illegally.

It's going to happen and unfortunately, right now, organized crime and the war on our southern borders show us that the bad guys are making all the money here and we're spending all the money trying to repair the damages of the (inaudible). So as a citizen in the state of Connecticut what I would suggest is that we create the infrastructure to fairly and cost effectively license and distribute safe organic cannabis products in the manner of, like the Coloradoans, Arizonans -- not quite the Californians they got a little bit too much going on -- but, I mean, there are models that will work.

And -- and, you know, if we don't do that in Connecticut, we're going to have bordering states in the next few years they're all going to have dispensaries and where are our Connecticut citizens going to go? They're going to go there, then there's going to be problems with that. You know, there's going to be (inaudible) prescriptions. We're going to start ending up looking like California in the worst way if we don't do something more proactive.

So I think a small grower should be protected, too, against large pharmaceutical interests. I mean, people can set up these mega farms and say, well, we've got better security, we've got better science, we've got better labs and they could preclude the use of small organic growers to produce the same crop for the people -- possibly higher quality just because they have more corporate or more political clout.

Now I've been acquainted with hemp, Maryjane, since I was about -- oh, I don't know -- 10 years old and intimately acquainted with them for the last 40 years, and I've got to say there is -- there is no nasty side effects from any of these plants that I can see except getting arrested. And I've done that, too, and that's not fun. And I've had friends whose lives were ruined, had to remortgage their houses, had their families busted up. I've even had friends beaten to death in jail because of drug-related activity when they were being passed contraband.

So I've seen so many lives ruined and so many families torn apart that I -- I would pray and hope that -- also as part of these bills, this wonderful package of bills that are going to head to the Governor's desk and hopefully pass. I would hope that they would be amended slightly to include amnesty for the people that are now doing time for simple possession in the state of

Connecticut.

And thank you very much for hearing my arguments. I appreciate it very much. Do you have any questions?

SENATOR COLEMAN: Thank you.

Are there questions? I don't see any.

KURT GUBRUD: Thank you.

SENATOR COLEMAN: Thanks for your testimony.

Kurt Barnes is next.

KURT BARNES: My name is Kurt Barnes, and I'm in support of (inaudible) 1015 of marijuana use (inaudible). I'm a lifelong citizen of Connecticut. I've been running a small business since 1999. I am state licensed and insured.

I've come here because I've heard that Governor Rell in 2007 vetoed the bill because of the lack of a plan to supply the starting material to allow medically-approved citizens of Connecticut to self-medicate. Basically she said where would these people get their marijuana? We don't have anything set up. And I'm here to represent a colleague, business owner, who is experienced, passionate, willing and able to supply this material to resolve this issue in a safe, secure and proper manner.

Marijuana can be grown with 100 percent consistency. There -- the last two speakers have covered the fact that it can be tested by independent labs and also on the -- the issue of driving under the influence. There has been tests done on that on driving simulators, and it was determined that after smoking marijuana, the test subjects were able to drive safely and were

But this person who's jacking me around at UConn about giving me lithium is a -- is a problem. So who knows? What you do with lithium and a Wellbutrin worked for me and so does marijuana but it's illegal. So can she withhold legal drugs because I'm doing illegal drugs? Will that go away with this?

SENATOR COLEMAN: Thank you.

KAREN FRAME: That's all I got to say. I like pot, okay. I don't like all their pharmaceuticals, but she's saying she won't except for the -- except for lithium, and I can't get that on the streets, not one of your street drugs. Okay?

SENATOR COLEMAN: Are there questions?

Seeing none, thank you for waiting and thank you for addressing us.

KAREN FRAME: Thanks for answering my question.

SENATOR COLEMAN: David Zimmer. David Zimmer?

Kathleen O'Callaghan?

KATHLEEN O'CALLAGHAN: Kind of gone from bad to worse so, hopefully, you'll listen to me.

Okay. You know my name. I'm in support of the palliative and the decriminalization. SB1014 SB1015

And I was employed by the State of Connecticut as a court stenographer, official court reporter and acting supervisor to transcript services for 22 years when I retired on disability because I have multiple sclerosis.

I tell you that only because I have a little bit of information. I'm not a lawyer, but I have

information here having been in court for so many years.

My symptoms include spasms, extreme pain, and insomnia among others. I attempted pharmaceutical drugs to ease these symptoms but the side effects are not conducive to my lifestyle. This includes a possible invasive surgery for an implant to ease the spasms, but I would like to avoid that if at all possible.

It's been my experience that marijuana helps to ease these symptoms. I am the lucky one. There are many more people out there with MS that don't do as well as I do. And others have told me that marijuana also eases their symptoms.

So if you please consider passing these bills, I would appreciate it. I think a lot of other people would appreciate it.

And I have a little blip in here about tax savings, though, you've heard enough about that today.

And that's all I needed to say. (Inaudible.)

SENATOR COLEMAN: Are there any questions for Ms. O'Callaghan?

Seeing none, we thank you.

KATHLEEN O'CALLAGHAN: Do what you can for inaudible), and I go along with the dispensaries if it matters.

Thank you.

SENATOR COLEMAN: Kaitlin Tyrol?

Jason Ortiz.

Representative Holder-Winfield.

REP. HOLDER-WINFIELD: Yes, thank you, Mr. Chair.

I don't have a question I just wanted to say to you pretty quickly that the fact that you did not have your testimony ready and you testified in the manner that you did. I don't know where your mind has been but it seems pretty clear to me. So thank you for sitting around and if Jeff Ford wasn't Tom Ford, I appreciate the fact that Tom Ford was here to testify. Thanks.

TODD FORD: It's -- it's Todd, I'm sorry.

REP. HOLDER-WINFIELD: Todd.

SENATOR COLEMAN: Any other questions or comments?

If not, thank you, Mr. Ford.

TODD FORD: Okay, thank you.

SENATOR COLEMAN: Chris O'Brien?

Richard Shriver?

Mark Klingsley -- Kingsley.

David Hyde.

DAVID HYDE: It's been a long day. Good afternoon -- night -- the time it is.

I'd like to thank the committee and staff for allowing me to speak before you today. SB1014 SB1015

I'm only 19 years old. My looks might be perceiving.

I've conducted an unscientific poll of students

and teachers at WestConn and Naugatuck Community College. A total of 128 individuals, which included 20 teachers, were polled randomly; 75 percent of the teachers supported decriminalization of an ounce or less; 53 percent of the teachers supported decriminalize -- teachers; 73 percent of students ranging in age 18 through 35 supported decriminalization. Those that did not support decriminalization supported medicinal marijuana.

The consesus -- consensus among economists is that liberalization of marijuana laws will result in net budgetary savings for the state's criminal justice system. Money saved may be utilized to fund rehab for people with more serious addiction problems and law enforcement can be deployed to combat hard drugs and violent crime.

Research from two separate studies showed negligible impact on DUI rates in decriminalize -- decriminalized jurisdictions. Even heavy smokers are only slightly impaired compared with alcohol users behind the wheel. Statistics from states that decriminalized marijuana showed no significant increased drug abuse rates at all.

In conclusion, the time is right for this change in Connecticut. A carefully crafted law should allow the criminal justice system to recognize and provide help to minors and other abusers while permitting adult citizens to carry on in the privacy of their own lives without fear of criminal prosecution.

Now, I've listened all day and you have all listened all day. I'm actually from California so I have -- I've taken notes all day. I'd like to just say a couple few things because I know everyone's eager to retire.

Like everybody -- a couple people said today that

marijuana doesn't have to be smoked which is true.

I have an uncle right now in California. He's in San Francisco. He's suffering from terminal cancer, and he's going to die in two years. I'm going out in April to visit him. Hopefully, it won't be the last time. He's smoking marijuana right now. He has been a courageous man his whole life, well educated. But it's -- it is the only relief that he can get due the nausea and all the side effects of chemo.

I recommend -- I like the idea about the license idea for people -- for them to pay the infraction because that would be a very good incentive, me being a driver, and everyone else in this room. I do think that 18 is the appropriate age since we can be drafted.

A couple more things -- I want to go back to possession of -- of school -- possession of marijuana at school for people under the age of 18 or above. I believe that should be -- that is the only thing that should be kept a misdemeanor and that should be written down hard core.

When it goes back to distribution today, and we were listening on -- technically more than one bag can be considered distribution. I would say -- and if you guys were to write the bill it would be four or more bags quantifying up to an ounce which is 28.5 grams of marijuana.

I heard a gentleman today. He was a police officer, I believe. He said that an ounce of marijuana costs $150 or $200. That's not true. It's $400 to $350 of quality weed for people that cannot buy it medicinally or people who wished to smoke.

I have been through rehab for marijuana. I have

a 4.0 GPA. I'm here to speak before you today in the hopes that you will listen and listen very carefully. Ironically, three of the people in my rehabs suffered from Crohn's disease, Asperger's and thyroid cancers -- thyroid cancer. Asperger's is a social deformity -- they don't socialize very well. And all these people, you know, going through the rehab which was a 10 -- a 10-week process which I had to -- my parents had to pay for because I'm going to school full time. It was really ironic because me, being from California, growing up in California -- I moved here two years ago, I know all the beneficial exis -- things that exist inside the plant itself.

My uncle, bless his soul, is going through it right now. I have got to say going in high school -- going to high school in both Connecticut and California, I'm from the East Bay/San Francisco area so give you an idea where -- there is really no difference between the amount of abuse with teenagers from either state. That's just my personal view from being around it at school and people -- I mean, it's high school.

I do think that if you were to make the infraction $100, it would -- it might be a little -- it might not be harsh enough because, again, we're trying not to have people smoke weed, but we're also trying to rationalize the law so I think more than $100, maybe up to 150 with the license suspension of 30 days, if not paid within the 10-day period of the infraction would be a good one.

Well, I support -- I support it all. I do not -- I do not agree with minors using, and one thing I would like to add would be deterring them to a lot of community service and a -- and a program like -- as, I believe, you recommended, Senator, that would be a good idea and repeat offenses

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shall remain, as I would say, let's say, 100 hours of community service that they do not necessarily have to go to court for. It can be issued through the infraction as a misd -- as a minor. And they would have to go to -- let's see in Danbury (inaudible) they'd have to go to the government issued community service place to fulfill their requirements and make sure that they are doing what they are supposed to be doing.

But other than that, I do think adults have their right to privacy. I have -- I'm going to be submitting a detailed remark -- it's probably about four pages. I didn't give it to you guys because you'd have a headache of lists of sources quantifying my evidence.

I really think the time is right now to do this. I'm on probation, currently, for less than a gram of marijuana, and I have gone -- I'm on -- I've gone through eight months probation. I've been clean. I do not wish to smoke nor do I have the urge to smoke, but I do believe that in certain quantities it should not hold people from pursuing their careers. I want to be a politician so on that note I hope that you all are going to get a good night's sleep and you paid attention to what I had to say and regarding California I have -- I could answer pretty much any question that you might have, but thank you very much for your time.

SENATOR COLEMAN: Are there questions for Mr. Hyde?

Seeing none, good luck with your political aspirations.

DAVID HYDE: Thank you very much.

SENATOR COLEMAN: Okay. Mary Press Morita?

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Paul Blasenheim.

Mr. Malo, did you have something further you wanted to say to the committee?

DANIEL MALO: (Inaudible.)

SENATOR COLEMAN: It's what?

DANIEL MALO: (Inaudible.)

SENATOR COLEMAN: Please come forward.

DANIEL MALO: Good evening, night crew and day crew.

I spoke earlier in support of any progressive cannabis reform, and I -- I stand by that.

But what I would like to cover in my testimony right here is the school zone. I think regarding school zones urban residents are unfairly placed pretty much in a school zone just by where they live. They've got that additional charge that really only comes from the fact that they live near a school. They're not being peddled, drugged, you know -- they're not peddling drugs on the corner to school children. School children, more than likely, will get this from their friends first. SB 952

But I am in support of the school zone legislation. Too many people have told me what can I do, I live in a school zone. Well, I tell them, well, you overlap a few school zones, maybe you can get double jeopardy. But anyway SB 92 -- 952 I support.

I stayed around actually to make an important point regarding SB 1098. I've spoken to the sponsor of this bill with what I'm about to tell you. There must be an important distinction, K2 and Spice and salvia extract are chemical.

In SUPPORT OF THE FOLLOWING RAISED BILLS:

SB 952 AN ACT CONCERNING THE ENHANCED PENALTY FOR THE SALE OR POSSESSION OF DRUGS NEAR SCHOOLS, DAY CARE CENTERS AND PUBLIC HOUSING PROJECTS **and**

SB 953 AN ACT CONCERNING NONVIOLENT DRUG POSSESSION OFFENSES

In SUPPORT OF SB 1014 AN ACT CONCERNING THE PENALTY FOR CERTAIN NONVIOLENT DRUG OFFENSES

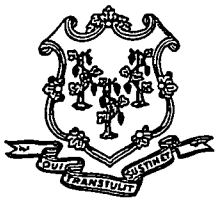
Dear Judiciary Committee,

My name is Scott Gabriel; I'm a 25 year old white male from Manchester Connecticut. I currently have two jobs and I attended Manchester Community College part time. I am for decriminalizing marijuana in Connecticut because of my personal experiences and also because of what I see the law do to other young adults like me.

In October of 2009, my friend and I were experimenting with marijuana in Manchester Connecticut when we got arrested. We were arrested by four guys in sweat shirts and in an unmarked green Taurus. But before our arrest we got in a chase with them because we thought they were going to rob us and do harm too us. All they did to signal that they may be cops was to give us a hand signal to pull over but because we were scared we did not want to stop until we heard or saw a cop car. While being chased I through out the bag of marijuana and told my friend "if he hears cop sirens then pull over". A few minutes later we heard cop sirens and pulled over, to only be thrown out of a car on to somebody's front lawn. Then I was charged with three felonies and two misdemeanors. The charges were 1500 feet of a school zone, tapering with evidence, carrying less then four ounces of marijuana and two other charges I can't remember at this time.

This has had a great impact in my life financially and emotionally. I feel as though its wrong for kids like me, that experiment with a drug that has been proven over time not to have killed anyone or be addicting in anyway to be arrested and branded as a felon. I have been a good kid all my life never getting in trouble in school or out of school for anything. I have also been athlete in and out of school and an average student trying to do whatever I can to make something out of myself. This angered me and upset me when I got arrested for something that is less dangerous then alcohol. With the felonies I was even more scared, not knowing what they meant or what they could do to my future. Thank god I have a good family and good people in my life to help me out and get me a good lawyer. But, if I didn't have these people in my life my goals and opportunities could have been ruined because I was branded as a felon. I feel that this happens to a lot of kids my own age and I feel as though many kids my own age get there lives ruined over such little things as in experimenting with marijuana. This is why I feel so strongly on decriminalizing marijuana and revising the Drug Free School Zone Law in Connecticut.

Thank you,
Scott Gabriel
Manchester, CT



State of Connecticut

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March 14, 2011

Chairman Eric Coleman, Chairman Gerald Fox, Ranking Member John Kissel, Ranking Member John Hetherington and other distinguished Members of the Judiciary Committee.

Thank you for the opportunity to testify in opposition to ***SB 952 An Act Concerning the Enhanced Penalty for the Sale or Possession of Drugs Near Schools, Day Care Centers, and Public Housing Projects, SB 953 An Act Concerning Nonviolent Drug Possession Offenses, SB 1014 An Act Concerning the Penalty for Certain Nonviolent Drug Offenses,*** and ***SB 1015 An Act Concerning the Palliative Use of Marijuana.***

I became involved in opposing legalizing marijuana several years ago after deeply painful appeals from local parents who lost their young children from drug use. They have experienced the devastating impact of marijuana first hand and believe it is a gateway for other drugs. You have testimony from these parents who cite marijuana as the real killer of their beloved children. Their experience and that of countless others is the reason I advocate so strongly against decriminalizing marijuana and legalizing medical marijuana. Their personal story with marijuana is validated by data and numerous research studies.

The claim that marijuana decriminalization will do no harm or reduce costs does not consider the various health risks that marijuana creates. Marijuana use has been shown to cause addiction, permanent memory loss, distorted perception, depression, psychosis and other severe long term psychological disorders. Cannabis use was a "statistically significant predictor of later depression," (University of Colorado study involving 20,000 individuals over a 14 year period) and significantly "increased the risk of any psychotic outcomes in individuals" (2007 Lancet study). Correlation between marijuana use and mental illness remained even when other factors, such as socioeconomic status, and the abuse of other drugs and alcohol had been taken into account in various studies. The British Medical Journal warned that using cannabis once or twice a week doubled the risk of developing psychotic illnesses including schizophrenia later in life.

Other research documents the harmful effect of marijuana on the body. A study by Yale states that marijuana and tobacco use cause similar respiratory problems. Another study by Dr. Zuo-

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Feng Zhang of the UCLA School of Public Health found that smoking marijuana increases the risk of developing cancer of the mouth, throat and larynx. Li Mao of the M.D. Anderson Cancer Center remarked, "it appears marijuana [smoke] is a stronger carcinogen than cigarette smoke." The same study noted that marijuana deposits "four times more particulate matter in the mouth, throat and windpipe than cigarette smoke," compounding the risk of cancer. Gram for gram, marijuana contains more cancer causing agents, higher levels of ammonia, hydrogen cyanide, and nitric oxide than tobacco (and tobacco contains seventy.) There is no FDA approved medication that is smoked as dose, frequency or duration of administration cannot be determined and is detrimental to the lungs.

Marijuana proponents argue that the drug is a useful medicine, ignoring that the FDA and other major medical organizations (such as the American Medical Association, the National Multiple Sclerosis Society, American Glaucoma Society and the American Cancer Society) have all opposed medical marijuana. Marijuana bills, such as SB 1015, continue to include glaucoma as a condition for which marijuana can be recommended, even though the American Glaucoma Society warned patients that marijuana can make their glaucoma worse. In addition, marijuana produces heart problems, suppresses the immune system, and is dangerous to patients suffering from cancer and AIDS. It can even increase the risk of Kaposi's sarcoma in AIDS sufferers. Many people believe that medical marijuana is just a smoke screen for legalization.

In addition to marijuana's unsuitability as medicine, classifying marijuana as medicine creates the false impression that it is benign, and increases its use. A recent survey of 46,000 American teenagers concluded that marijuana use has risen to the point where more teens are smoking pot than cigarettes (Lloyd Johnston, lead investigator). "After nearly a decade in decline, marijuana is making a strong comeback among high school students, with growing use and softening attitudes about the risk of smoking pot starting in the eighth grade. For the first time since 1981, high school seniors that reporting they had smoked marijuana in the last 30 days outnumbered those who said they smoked cigarettes" (Healy, LA Times).

We should also oppose any measure which reduces the size of drug free zones around schools and public housing projects. A single mother from a South Norwalk housing project confided to me that she wanted drug dealing out of her neighborhood, and away from her children and their schools. Drug dealing has become a magnet for violent crime and made her neighborhood a terrible place to raise her family. Instead of reducing drug free zones around schools, we should be expanding them to protect our children and hers.

Damaging the public's health aside, decriminalizing marijuana does not accomplish the goal of reducing costs. Only a small percentage of criminals are incarcerated for marijuana possession alone. Most often, they plead guilty to the charge of possession to avoid being sentenced for more serious crimes such as trafficking, assault and burglary. Decriminalizing the possession of an ounce (60 joints) of marijuana could in fact have the potential of increasing costs to our health care system, local law enforcement and DSS, that would offset any savings that decriminalization might initially achieve by emptying our jails. In states which have passed marijuana laws, marijuana related crime has skyrocketed. Drug cartels have even moved into the Sequoia National Forest. Montana, New Mexico, Colorado and 90 cities and counties in California have moved to repeal, due to drug related violence, fraud and abuse. Drug free

workplace rules have been impeded and drugged driving fatalities have gone up. Note that marijuana stays in the system for over 24 hours and can be detected in the blood for four weeks or longer.

Marijuana is a harmful, Schedule I, federally illegal drug that does not save or improve lives. It can undermine the seriously ill's best prospect of recovery and is the wrong prescription for Connecticut. I urge you, for the sake of the public's health and for the safety our vulnerable young people that you reject these proposals. We must not give Connecticut a "soft on crime" reputation where it becomes easy to obtain a get-out-of-jail free ticket.

I am tremendously grateful and proud that we have we have fought repeated attempts in the past to take our state down this dangerous path and have not broken a trust with our constituents of doing no harm. Let us all work to continue to keep our children and neighborhoods safe.

Thank you for your thoughtful consideration of this testimony. I would be happy to answer any questions you may have.

Judiciary Committee Hearing Monday 14th March 2011.
Nicholas Payne speaking against SB 952, SB953, SB1014, SB1098 but in favor of SB1015 HB6391, HB6554, HB6566 nwpayne@earthlink.net, 203 417 3978

Madame Chair, Mr Chairman and members of the Committee
I was here three weeks ago to speak in favor of the bill the register gun offenders. After out daughter Rebecca was murdered by mistake, it was not a great leap for me to consider that people who go and murder people they don't know is the hallmark of organized crime and in the current climate, drugs are almost certainly involved somewhere.

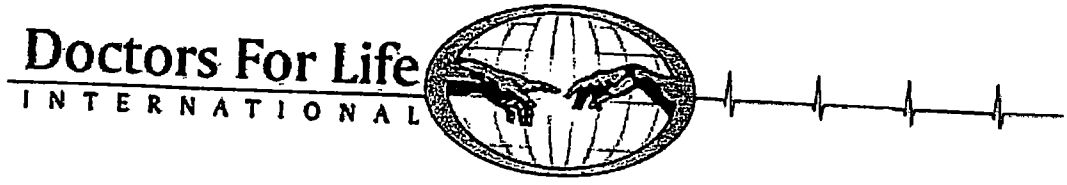
Last year I ran on the Green Party ticket for State Representative in the 67th District. I took the premise that much as we would like it to be otherwise, current drug policy does little to reduce the availability of drugs, but much to create violence and I don't want other parents to keep having to go through what we are going through. I proposed the legalization of marijuana and treating it like alcohol, Portuguese style dissuasion commissions for hard drug users and Swiss style provision of heroin as necessary to addicts in treatment. I am given to understand that the Portuguese Dissuasion Commissions are evoking some interest at DMHAS. Of the hundreds and hundreds of doorsteps I campaigned on, I must have had about a hundred "about times". Only two people argued for the status quo. One said he was a heroin dealer and I can see how what I proposed would play havoc with his business model and another was one of my daughter's contemporaries at High School and by repute at least, dealt drugs during his High School career. Of course you might be thinking that I might come over as a nice guy that people would declined to argue with, but I can tell you that that was not the case if I spoke about gun control.

Therefore I think SB952 is drug dealer heaven and taxpayer hell, because the smart dealers don't get caught anyway and are happy that the State is incarcerating their wannabe competition. Also I am not sure that kids buy their drugs anyway from scary drug dealers hanging around school yards but from kids they know in school. In truth it is not cost effective to jail such people anyway, the money is better spent on police patrols to keep moving them on and make it hard to do business. On no doorstep in New Milford did I hear people say drug dealers should be jailed, just that they should be driven out of the local parks.

SB1015, HB6554 and HB6566 however are steps in the right direction
I also support HB6391 since 30 years ago there were 3,500 prisoners and now there are around 18,000. Unfortunately this means that in certain neighborhoods there are enough men taken out of circulation to upset the natural balance. This destroys family cohesion and gives rise to likely a new generation of criminals in the next decade, that is perhaps sometime after the last taxpayer has left the State.
Ladies and Gentlemen of the Committee thank you for your time and forbearance.

SB 1014

952, 953, 1014, 1015



MEDIA RELEASE

Embargo: Immediate release
Date: 18 January 2011

Enquiries: Dr Thomas Gray
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Harm Reduction: More than just side effects!

The recent stance from the managing editor of the South African Medical Journal in favor of the extremely controversial practice of decriminalizing drugs of abuse (Harm Reduction) is both surprising and disconcerting. It shows a mixture of "arm chair medicine", selective quoting of studies and conventions, and some really flawed reasoning.

One wonders when last he has sat in front of a drug addict who's lost their family, through being consumed by an overriding passion for drugs, or lost their job due to multiple accidents in the workplace related to the abuse of cannabis, heroin or other drugs. Or when last has he treated a marijuana smoker who has developed schizophrenia as a result of his marijuana smoking, a complication which has become increasingly well established in medical publications over the last 4 years?

Medical Science is exploding with new research on virtually a weekly basis, that proves the harmful effects of marijuana use including:

- Causing psychosis in healthy people. [1]
- Harming the brains of teenagers. [2]
- Increasing the risk of testicular cancer. [3]
- Poor foetal growth. [4]
- Suppression of the immune system. [5]

I suppose he has also not had to treat wash-out drug addicts from Switzerland like some of us have had to, where they have tried to regulate substance abuse through the medical provision of clean needles, syringes and drugs.

The archaic argument that we cannot root out drug abuse by keeping it a crime is also a strange way of thinking to Doctors for Life. Since time began we have not managed to root out one single crime, but we are far from considering decriminalizing murder, rape, theft and fraud, to name but a few. Really, to use the example of Jackie Selebi's corruption as a argument to legalize drugs is an illogical and distorted way of reasoning.

Even though the article has quite a few references and appears very scientific, one is kind

of left wondering what has happened to common sense. Dr van Niekerk keeps on quoting the fact that more harm is caused by legal drugs such as tobacco and alcohol (90% of all drug related deaths in the UK!) than illegal drugs, and somehow seems to miss the obvious point that having legalized them did not reduce the harm done by them. On the contrary, it appears to have increased the harm they cause. The implications of legalizing the use of drugs of abuse for the benefit of the economy of the country are vast. To mention just a few:

- Politoxemia, the simultaneous addiction to different drugs.
- The financial implication of increased accidents in the workplace.
- An increase in hours off work.
- Medical expenses for treating the complications of substance abuse.

It also includes the expense of establishing an infrastructure of medical personal to oversee the handing out of these drugs (and that in a country where our health system is already overloaded). DFL finds the reasoning justifying decriminalization immature.

Dr. van Niekerk also quotes the UN Single Convention on Narcotic Drugs of 1961, but does not mention the UNODC's 52nd session of the Annual Commission on Narcotic Drugs *March 2009*, to which South Africa is a co-signatory. When some parties tried to slip in a Harm Reduction policy (such as Dr. van Niekerk is supporting), Sweden, Russia, Japan, USA, Colombia, Sri Lanka and Cuba refused to sign the document unless the reference to harm reduction was removed.

Experiences of a few countries that have moved in the direction of decriminalisation should also be taken note of:

The Alaska Supreme Court ruled in 1975 that the state could not interfere with an adult's possession of marijuana for personal consumption in the home. Although the ruling was limited to persons 19 and over, a 1988 University of Alaska study, the state's 12 to 17-year-olds used marijuana at more than twice the national average for their age group. Alaska's residents voted in 1990 to re-criminalize the possession of marijuana, demonstrating their belief that increased use was too high a price to pay

In Holland the Dutch government started closing down a third of their coffee shops because they found that many of the coffee shops had become a legal outlet for the illegal drug trade and after 15 years of legalised marijuana use, they were unable to separate the illegal and crime related activities from the legal trade. With the South African Police Force struggling to effectively police crime in the country, how do we think we ever are going to better the Dutch!

The U.K. first reclassified marijuana as a less harmful Class C drug, but in January 2009 moved it back to a more dangerous Class B drug.

Doctors For Life International is all in favour of doing more regarding the rehabilitation of drug addicts. But we do feel that having a prison sentence as an alternative to being sent for rehabilitation is a powerful incentive for many substance abusers to try and get help. To this end we would argue for more government funding to established rehabilitation units, and for NGO's, who to a large extent have taken over the

responsibility of the government in this regard.

Doctors for Life International, represents more than 1800 medical doctors and specialists, three-quarters of whom practice in South Africa. Since 1991 DFL has been actively promoting sound science in the medical profession and health care that is safe and efficient for all South Africans. For more information visit: http://www.doctorsforlife.co.za

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STATE OF CONNECTICUT
EXECUTIVE CHAMBERS

M. JODI RELL
GOVERNOR

June 19, 2007

The Honorable Susan Bysiewicz
Secretary of the State
18-20 Trinity Street
Hartford, CT 06106

Dear Madam Secretary:

I am hereby returning without my signature House Bill 6715, *An Act Concerning the Palliative Use of Marijuana.*

I sincerely appreciate that this bill seeks to provide relief to patients suffering from debilitating medical conditions. The medical profession, as well as public and private biotechnology researchers, have made great strides in both pharmacologic and non-pharmacologic modalities for pain management, and they continue their search to find effective pain-relieving drugs. And yet, for those suffering from unrelenting pain, these scientific advances are hardly sufficient.

I am not unfamiliar with the incredible pain and heartbreak associated with battling cancer. I have struggled with the decision about signing or vetoing this bill. I have spoken and met with dozens of people on this issue, all of whom have presented their positions passionately and articulately. In the end, however, I believe that it is most appropriate for me to veto this bill.

Unquestionably House Bill 6715 attempts to provide an additional option for patients suffering severe and persistent pain. There is no mistaking the fact, however, that it requires that patients or primary caregivers who wish to use or supply marijuana for palliative purposes must first engage in an illegal activity in order to do so. Once a patient receives a written certification for the use of marijuana, where does the patient go? There are no pharmacies, storefronts or mail order catalogs where patients or caregivers can legally purchase marijuana plants or seeds. I am troubled by the fact that, in essence, this bill forces law-abiding citizens to seek out drug dealers to make their marijuana purchases. It puts individuals at risk at a very difficult and vulnerable time in their lives and potentially increases the illegal drug trade.

I would also note that smoked marijuana as medicine has been rejected by the American Medical Association, the National Multiple Sclerosis Society, the American Glaucoma Society, the American Academy of Ophthalmology and the American Cancer Society. Our own Connecticut State Medical Society has also rejected the use of smoked marijuana for medicinal purposes.

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One can only surmise that this rejection is in large part due to the lack of guidance and standards on the medical use of marijuana and the lack of proof of its effectiveness. Indeed, there are no studies or clinical trials that establish the appropriate quantity to be administered to relieve pain, the optimal frequency and duration of administration, or the most effective method of administration for the medical conditions specified in the bill. Additionally, since the marijuana plants will be grown in unregulated environments, the usable marijuana harvested from different plants may vary dramatically in potency and effectiveness.

There should be no doubt that all of us would want to relieve the pain of a suffering patient. That is why our state in 1981 authorized physicians to prescribe marijuana for medical use. I believe that House Bill 6715, if enacted, may prove to be as ineffective as that equally well-intentioned legislation. Experience has shown that very few, if any, physicians have prescribed marijuana to treat glaucoma and the side effects of chemotherapy since 1981, because doing so would cause them to violate federal law. We cannot predict how many physicians would issue certificates for the use of medical marijuana pursuant to House Bill 6715. I do not want to give false hope to the people this bill intends to benefit, nor do I wish to place them in legal jeopardy by encouraging them to purchase, plant or grow marijuana in violation of federal law.

I am also concerned that this bill would send the wrong message to our youth. I believe that we undermine our own efforts to teach children about the dangers of illegal drugs when we say "... except in this case." While it is imperative that we teach our children to be compassionate, we must also teach them to have respect for the law, and to not excuse illegal acts when we deem them to be justified by the ends to be achieved.

Additionally, there are many important issues not addressed by this bill. For example, there is no provision for monitoring the use of marijuana by qualifying patients and their caregivers to ensure that the drug is used properly and only by qualified patients. Similarly, there is no mechanism for assessing the effectiveness of the use of marijuana in relieving pain and other symptoms.

Another complication is the fact that the bill is not limited to terminally ill patients. It may, therefore, significantly impact the relationship between an employer and an employee who is a qualifying patient. If this bill were enacted, would a positive pre-employment test or a drug test given periodically in the course of employment disqualify an individual from employment? What problems may arise if an employee uses marijuana off-site during sanctioned breaks? Or, put another way, would this bill unintentionally provide a defense for employees who abuse marijuana during the work day?

Madam Secretary, for all of the reasons discussed above, I disapprove of H.B. 6715, *An Act Concerning the Palliative Use of Marijuana.* Therefore, pursuant to Section 15 of Article Fourth of the Constitution of the State of Connecticut and Article III of the Amendments to the Constitution of the State of Connecticut, I am returning House Bill 6715 without my signature. I do so with sincere sympathy and compassion for those who suffer unrelieved pain, but also with great hope and optimism that the medical community will make significant progress in the development of effective drugs and pain management techniques to alleviate their pain in the very near future.

Very truly yours,

M. Jodi Rell

M. Jodi Rell
Governor

Study relates marijuana and tobacco use

Conditions caused by smoking marijuana are similar to those produced by smoking tobacco, University-led study indicates

By Micah Ziegler

Wednesday, January 19, 2005

A recent Yale study shows that marijuana use and smoking tobacco lead to similar health problems.

University researchers have found that smoking marijuana is correlated with an increased risk of conditions similar to those produced by smoking tobacco and can compound health problems resulting from smoking tobacco. Brent Moore, a professor of psychiatry at the Yale School of Medicine, led the study, which was published in the Journal of General Internal Medicine.

"What we found is that marijuana use is associated with a number of self-reported respiratory symptoms including chronic bronchitis, frequent phlegm production, shortness of breath, afrequent wheezing, chest sounds without a cold, and pneumonia," Moore said.

While about 11 million Americans have used marijuana within the last month and 4 million are daily users, Moore said, the study focused on people who had reported using the drug at least once in the past 30 days and 100 times within their lifetime.

Some research subjects smoked tobacco in addition to marijuana, as 77 percent of marijuana users in the United States also smoke tobacco, said Richard Moser, a research psychologist at the National Cancer Institute and a co-author of the paper.

"It turns out that a lot of the marijuana smokers also smoke tobacco," Moser said. "What we did, though, is statistically control for the number of cigarettes, and even controlling for the number of cigarettes we still found that marijuana use was associated with these respiratory problems."

After controlling for gender, age, current asthma and tobacco cigarettes used per day, marijuana use was associated with greater odds of respiratory ailments, according to the study.

There is a greater risk of symptoms for people who smoke both tobacco and marijuana, Moore said.

The data for the study was collected from the third National Health and Nutrition

Examination Survey, conducted by the National Center for Health Statistics at the Centers for Disease Control and Prevention. During a three-year period, the survey will create a statistical model for general health in the nation, said Bill Crews, a spokesman for the survey.

By relying on the Census 2000 data and its updates, the survey is designed to collect data from a range of rural, urban and suburban counties and a diverse array of participants of different ages, races, sexes, ethnicities and incomes, Crew said.

"What makes this study unique is that it is using a national sample," Moser said.

Moore said researchers hope the study will raise awareness of the consequences of marijuana use.

"Hopefully [the study] will lead physicians to basically ask more about whether people smoke marijuana," Moore said.

More teens smoke marijuana than cigarettes

By Rita Rubin, USA TODAY, 12/14/2010

More high school seniors this year used marijuana than smoked cigarettes in the past 30 days, according to government data released Tuesday.

In addition, daily marijuana use increased significantly among eighth-, 10th- and 12th-graders, with about one in 16 high school seniors using marijuana daily or near-daily, the annual "Monitoring the Future Survey" found.

Teens in all three grades exhibited more favorable attitudes toward the drug, according to the national survey of more than 46,000 teens.

The survey's lead investigator, the director of the National Institute on Drug Abuse (NIDA), and the White House "drug czar" blamed the rising use among teens in the past three years on publicity surrounding medical marijuana.

"Young people are increasingly seeing marijuana as not dangerous," said lead investigator Lloyd Johnston of the University of Michigan's Institute for Social Research. When the proportion of teens who view marijuana as risky declines, Johnston says, use typically increases.

Marijuana use by teens declined from 2002 to 2007, noted Nora Volkow, director of the National Institute of Drug Abuse. But today's eighth-graders "have been exposed to a very different perspective on the way that the world is looking at marijuana."

More than a dozen states and the District of Columbia have legalized medical marijuana, so teens might tend to view the drug as beneficial, not risky, Volkow said.

She said marijuana interferes with memory and learning, which is of particular concern in teens, whose brains aren't yet fully developed. Volkow said her institute plans to fund research into whether U.S. students' grades and test scores have fallen as marijuana use has increased.

"I don't have any hesitation telling you that I think the legitimizing of marijuana and calling it medicine is absolutely the wrong message to give to young people," White House drug czar R. Gil Kerlikowske said.

His daughter lives in Colorado, where medical marijuana is legal. When she drives his granddaughter, a high school freshman, past marijuana dispensaries, "it's a tough explanation," Kerlikowske said.

According to the National Cannabis (marijuana) Industry Association, a new lobbying group in Washington, "thousands of American businesses are involved in some fashion in the cannabis industry."

Marijuana wasn't the only drug that teens increasingly used this year, the survey found. Ecstasy use rose in all three grades, with significant increases among eighth- and 10th-graders. The younger teens may not remember stories about casualties related to Ecstasy, whose use peaked in 2001 and then dropped sharply for about four years, Johnston said.

Use of narcotics other than heroin hasn't changed significantly since 2004, when 9.5% of 12th-graders had used the drugs in the previous year — nearly three times as many as in 1992. Injecting heroin with a needle showed a small but statistically significant increase in 2010, but it's still so uncommon in teens that Johnston said he can't yet be sure that use is growing.

Montana House votes to repeal medical marijuana law

By CHARLES S. JOHNSON Missoulian State Bureau missoulian.com | Posted: Friday, February 11, 2011 5:30 am

HELENA - On a mostly party-line vote with Republicans in favor, the Montana House voted 63-37 Thursday to repeal the voter-passed 2004 law that legalized the use of marijuana for medical purposes, as GOP lawmakers labeled it a "scourge" that is corrupting Montana.

"Today, we're not talking about medical marijuana," said House Speaker Mike Milburn, the sponsor of House Bill 161. "We're talking about marijuana. It has gotten so far out of hand. We're talking about a totally uncontrolled epidemic by the drug trade industry. It's starting to undermine the very fabric of our state that we so greatly cherish."

After endorsing the repeal, the House sent the bill to the House Appropriations Committee to examine the financial impacts of repealing the law. HB161 then will return to the House for a final vote before going to the Senate.

The final vote Thursday had 62 Republicans and one Democrat voting for HB161, while 31 Democrats and six Republicans opposed it.

Milburn, from Cascade, quoted a narcotics officer who estimated that medical marijuana is a $1 billion unregulated industry here, with Montana now considered "a source country" for marijuana, along with Mexico and Colombia, and other parts of South America.

He quoted a school principal who said children are "prostituting their own selves to gain access to drugs."

"It's time to take back the state and its culture," the House speaker said.

In 2004, 62 percent of Montana voters supported the ballot measure legalizing the use of marijuana for medical purposes, while 38 percent opposed it.

Rep. David Howard, R-Park City, a retired FBI agent, told of how the drug industry had corrupted Chicago politics and could do the same here if its huge profits are spent to elect a governor and attorney general, he said.

Howard said he fears for children and the state of Montana.

"They have no idea of the tsunami that's coming," he said. "There's only one way to get rid of this scourge."

The number of people getting cards authorizing them to use medical marijuana has skyrocketed the past year. As of last month, Montana now has more than 28,300 people

who have been authorized to use medical marijuana, up from more than 7,300 in December 2009.

***

But opponents such as Rep. Diane Sands, D-Missoula, urged a vote against the repeal bill. She said the Legislature has never repealed a voter-passed ballot issue before.

"All of us who have been dealing with this issue the last couple of years understand this is a very serious issue and it is in need of legislative attention," she said. "I want to suggest there are more appropriate options for dealing with the situation than repealing a voter-passed initiative."

Sands pointed to HB68, which she is sponsoring on behalf of an interim legislative committee that investigated the issue, and SB154, by Sen. Dave Lewis, R-Helena. Each impose licensing and regulatory structures for the industry. Both bills, she said, enjoy the strong support of law enforcement and local governments.

The problem, she said, is that the 2005, 2007 and 2009 legislative sessions failed to deal with the medical marijuana issue and impose a regulatory and licensing system.

"Temperance and prohibition does not work," Sands said, referring to the national effort to ban alcoholic beverages from 1920-33. "Marijuana has been in our communities for years. It is not going away. It does have legitimate medical use."

Rep. Pat Noonan, D-Butte, questioned why the House Republicans are pushing the repeal bill and not taking up good bipartisan bills. He chided Republicans for rejecting attempts in past sessions to enact legislation to regulate the industry.

"It's not the initiative's fault that this industry grew so fast," he said. "It's not the voters' fault."

He urged colleagues not to go against the voter-passed initiative and instead govern and regulate the industry.

*****

House Majority Leader Tom McGillvray, R-Billings, criticized what's happened in Montana since the ballot measure passed.

"Do we want the drug cartels of Mexico to be now in place in Montana?" he asked. "I think not. Do we want drug wars in our cities and towns and communities? I think not. Do we want our schools infiltrated with this harmful, addictive drug? I think not. Our culture is being corrupted. Our children are being exploited."

All Republicans voted for the repeal bill except for Reps. Steve Gibson of Helena, Austin Knudsen of Culbertson, Mike Miller of Helmville, Jerry O'Neil of Columbia Falls, Sterling Small of Busby and Bob Wagner of Harrison.

Rep. Bob Mehlhoff of Great Falls was the only Democrat to vote for HB161.

If Milburn's bill passes, the repeal would take effect July 1.

Missoulian State Bureau reporter Charles S. Johnson can be reached at (406) 447-4066 or at chuck.johnson@lee.net.

Exposing the Myth of Smoked Medical Marijuana

Marijuana: The Facts

Q: Does marijuana pose health risks to users?

- Marijuana is an addictive drug[1] with significant health consequences to its users and others. Many harmful short-term and long-term problems have been documented with its use:
- The short term effects of marijuana use include: memory loss, distorted perception, trouble with thinking and problem solving, loss of motor skills, decrease in muscle strength, increased heart rate, and anxiety[2].
- In recent years there has been a dramatic increase in the number of emergency room mentions of marijuana use. From 1993-2000, the number of emergency room marijuana mentions more than tripled.
- There are also many long-term health consequences of marijuana use. According to the National Institutes of Health, studies show that someone who smokes five joints per week may be taking in as many cancer-causing chemicals as someone who smokes a full pack of cigarettes every day.
- Marijuana contains more than 400 chemicals, including most of the harmful substances found in tobacco smoke. Smoking one marijuana cigarette deposits about four times more tar into the lungs than a filtered tobacco cigarette.
- Harvard University researchers report that the risk of a heart attack is five times higher than usual in the hour after smoking marijuana.[3]
- Smoking marijuana also weakens the immune system[4] and raises the risk of lung infections.[5] A Columbia University study found that a control group smoking a single marijuana cigarette every other day for a year had a white-blood-cell count that was 39 percent lower than normal, thus damaging the immune system and making the user far more susceptible to infection and sickness.[6]
- Users can become dependent on marijuana to the point they must seek treatment to stop abusing it. In 1999, more than 200,000 Americans entered substance abuse treatment primarily for marijuana abuse and dependence.
- More teens are in treatment for marijuana use than for any other drug or for alcohol. Adolescent admissions to substance abuse facilities for marijuana grew from 43 percent of all adolescent admissions in 1994 to 60 percent in 1999.
- Marijuana is much stronger now than it was decades ago. According to data from the Potency Monitoring Project at the University of Mississippi, the tetrahydrocannabinol (THC) content of commercial-grade marijuana rose from an average of 3.71 percent in 1985 to an average of 5.57 percent in 1998. The average THC content of U.S. produced sinsemilla increased from 3.2 percent in 1977 to 12.8 percent in 1997.[7]

Q. Does marijuana have any medical value?

- Any determination of a drug's valid medical use must be based on the best available science undertaken by medical professionals. The Institute of Medicine conducted a comprehensive study in 1999 to assess the potential health benefits of marijuana and its constituent cannabinoids. The study concluded that smoking marijuana is not recommended for the treatment of ***any*** disease condition. In addition, there are more effective medications currently available. **For those reasons, the Institute of Medicine concluded that there is little future in smoked marijuana as a medically approved medication.**[8]

- Advocates have promoted the use of marijuana to treat medical conditions such as glaucoma. However, this is a good example of more effective medicines already available. According to the Institute of Medicine, there are six classes of drugs and multiple surgical techniques that are available to treat glaucoma that effectively slow the progression of this disease by reducing high intraocular pressure.

- In other studies, smoked marijuana has been shown to cause a variety of health problems, including cancer, respiratory problems, increased heart rate, loss of motor skills, and increased heart rate. Furthermore, marijuana can affect the immune system by impairing the ability of T-cells to fight off infections, demonstrating that marijuana can do more harm than good in people with already compromised immune systems.[9]

- In addition, in a recent study by the Mayo Clinic, THC was shown to be less effective than standard treatments in helping cancer patients regain lost appetites.[10]

- The American Medical Association recommends that marijuana remain a Schedule I controlled substance.

- The DEA supports research into the safety and efficacy of THC (the major psychoactive component of marijuana), and such studies are ongoing, supported by grants from the National Institute on Drug Abuse.

- As a result of such research, a synthetic THC drug, Marinol, has been available to the public since 1985. The Food and Drug Administration has determined that Marinol is safe, effective, and has therapeutic benefits for use as a treatment for nausea and vomiting associated with cancer chemotherapy, and as a treatment of weight loss in patients with AIDS. However, it does not produce the harmful health effects associated with smoking marijuana.

- Furthermore, the DEA recently approved the University of California San Diego to undertake rigorous scientific studies to assess the safety and efficacy of cannabis compounds for treating certain debilitating medical conditions.

- It's also important to realize that the campaign to allow marijuana to be used as medicine is a tactical maneuver in an overall strategy to completely legalize all drugs. Pro-legalization groups have transformed the debate from decriminalizing drug use to one of compassion and care for people with serious diseases. The New York Times interviewed Ethan Nadelman, Director of the Lindesmith Center, in January 2000. Responding to criticism from former Drug Czar Barry McCaffrey that the medical marijuana issue is a stalking-horse for drug legalization, Mr. Nadelman did not contradict General McCaffrey. "Will it help lead toward marijuana legaization?" Mr. Nadelman said: "I hope so."

Q. Does marijuana harm anyone besides the individual who smokes it?

- Consider the public safety of others when confronted with intoxicated drug users:

- Marijuana affects many skills required for safe driving: alertness, the ability to concentrate, coordination, and reaction time. These effects can last up to 24 hours after smoking marijuana. Marijuana use can make it difficult to judge distances and react to signals and signs on the road.[11]

- In a 1990 report, the National Transportation Safety Board studied 182 fatal truck accidents. It found that just as many of the accidents were caused by drivers using marijuana as were caused by alcohol – 12.5 percent in each case.

- Consider also that drug use, including marijuana, contributes to crime. A large percentage of those arrested for crimes test positive for marijuana. Nationwide, 40 percent of adult males tested positive for marijuana at the time of their arrest.

Q. Is marijuana a gateway drug?

- Yes. Among marijuana's most harmful consequences is its role in leading to the use of other illegal drugs like heroin and cocaine. Long-term studies of students who use drugs show that very few young people use other illegal drugs without first trying marijuana. While not all people who use marijuana go on to use other drugs, using marijuana sometimes lowers inhibitions about drug use and exposes users to a culture that encourages use of other drugs.

- The risk of using cocaine has been estimated to be more than 104 times greater for those who have tried marijuana than for those who have never tried it.[12]

In Summary:

- Marijuana is a dangerous, addictive drug that poses significant health threats to users.

- Marijuana has no medical value that can't be met more effectively by legal drugs.

- Marijuana users are far more likely to use other drugs like cocaine and heroin than non-marijuana users.

- Drug legalizers use "medical marijuana" as red herring in effort to advocate broader legalization of drug use.

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During the 1990s in Connecticut, major crimes began to migrate from shrinking cities
like New Haven to growing suburban communities under stress

New Haven Police Officer Robert Fumiatti was shot in the face on the evening of June 13 as he exited a van, preparing for a drug bust at the intersection of Washington Avenue and West Street. According to published reports, he was shot before his feet even hit the ground.

May 17,2007- Woodbridge one of Ct's largest drug bust

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Teen Cannabis Use Predicts Depression

The study of more than 20,000 found that "depression did not seem to increase the risk of cannabis use at a later time."

BY BETSY BATES

LOS ANGELES — Cannabis use in adolescence is associated with the subsequent development of depression—not the reverse, a large longitudinal study shows.

Dr. Hon Ho and his associates from the department of psychiatry at the University of Colorado, Denver, presented the study at the annual meeting of the American Academy of Addiction Psychiatry. He and his colleagues examined data from the National Longitudinal Study of Adolescent Health, a probability sample of people surveyed several times over 14 years on social, economic, psychological, and medical topics.

The sample consisted of 10,778 female and 10,519 male participants who were between the ages of 11 and 21 in the mid-1990s, when the first and second waves of interviews were conducted. About half of the sample was white; 23% were African American; 13%, Hispanic; 8%, Asian; and 2%, Native American.

The median age at Wave 1 was 16, and at Wave 3 (during 2001-2002), 22 years

Dr Ho combined responses from Waves 1 and 2, which represented only 1994-1996,

COURTESY MARK GROTH, UNIVERSITY OF COLORADO DENVER

The association between cannabis and depression "is definitely something we want to consider" in the counseling of adolescents and families, says Dr. Hon Ho, of the University of Colorado, Denver

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said at the annual meeting of the American Academy of Addiction Psychiatrists

'Benign' Views Challenged

Cannabis *from page 1*

and then tracked temporal patterns between first stated use of cannabis and the first indicator of depression based on the Center for Epidemiologic Studies–Depression scale.

Prior cannabis use proved to be a statistically significant predictor of later depression after adjustment for age, sex, race, socioeconomic status, and drug and alcohol use. The relative risk for depression after any cannabis use was 1.27 (95% confidence interval 1.07-1.49), compared with nonusers. That risk increased to 1.33 (1.07-1.64) in people who reported using cannabis on 10 or more occasions. Low socioeconomic status and black, Native American, or Asian race also were predictive of later depression, reported Dr. Ho in an oral presentation of his paper.

The investigators analyzed the reverse scenario: depression at Waves 1 or 2 followed by cannabis use at Wave 3, but found no significant temporal relationship. "Depression did not seem to increase risk of cannabis use at a later time," he said. The large sample size was a strength of his study, but reliance on self-reported behaviors and the lack of more precise dose information compromised the study's ability to determine causality, rather than a mere association, Dr. Ho said. Nonetheless, the findings do have some policy implications, particularly as local governments consider easing restrictions on marijuana purchasing and use for medicinal purposes, he said

The apparent association between early cannabis use and later depression is "definitely something we want to consider," in counseling of adolescents and families, he said.

Dr. Robert L. DuPont, the first director of the National Institute on Drug Abuse, noted that the results "undercut the old view that cannabis [and other drug use] is often a reaction to depression and other psychiatric disorders" and that "cannabis use by adolescents is benign."

Also in an interview, Dr. Mark S. Gold said the findings are an example of the continual shift in thinking about cannabis. "Research has a way of answering questions, and in this case, and also in the case of mood disorders, substance-induced changes are likely the cause [of dysfunction]," said Dr. Gold, the Donald R. Dizney Eminent Scholar and Distinguished Professor at the University of Florida, Gainesville. "Our work with other drugs of abuse suggests that long-term changes in neuronal and brain function result from chronic or high-dose use and could also occur in those particularly vulnerable by environmental or genetic risks."

Dr. Ho received U.S. federal funding for his study and had no financial conflicts to report. ■

002778

Should drugs be decriminalized? No.

By Joseph A. Califano Jr., 11/9/2007

Drug misuse (usually called abuse in the United States) infects the world's criminal justice, health care, and social service systems. Although bans on the import, manufacture, sale, and possession of drugs such as marijuana, cocaine, and heroin should remain, drug policies do need a fix. Neither legalisation nor decriminalisation is the answer. Rather, more resources and energy should be devoted to research, prevention, and treatment, and each citizen and institution should take responsibility to combat all substance misuse and addiction.

Vigorous and intelligent enforcement of criminal law makes drugs harder to get and more expensive. Sensible use of courts, punishment, and prisons can encourage misusers to enter treatment and thus reduce crime. Why not treat a teenager arrested for marijuana use in the same way that the United States treats someone arrested for drink-driving when no injury occurs? See the arrest as an opportunity and require the teenager to be screened, have any needed treatment, and attend sessions to learn about the dangers of marijuana use.

The medical profession and the public health community should educate society that addiction is a complex physical, psychological, emotional, and spiritual disease, not a moral failing or easily abandoned act of self indulgence. Children should receive education and prevention programmes that take into account cultural and sex differences and are relevant to their age. We should make effective treatment available to all who need it and establish high standards of training for treatment providers. Social service programmes, such as those to help abused children and homeless people, should confront the drug and alcohol misuse and addiction commonly involved, rather than ignore or hide it because of the associated stigma.

Availability is the mother of use

What we don't need is legalisation or decriminalisation, which will make illegal drugs cheaper, easier to obtain, and more acceptable to use. The United States has some 60 million smokers, up to 20 million alcoholics and alcohol misusers, but only around six million illegal drug addicts. If illegal drugs were easier to obtain, this figure would rise.

Switzerland's "needle park," touted as a way to restrict a few hundred heroin users to a small area, turned into a grotesque tourist attraction of 20 000 addicts and had to be closed before it infected the entire city of Zurich. Italy, where personal possession of a few doses of drugs like heroin has generally been exempt from criminal sanction, has one of the highest rates of heroin addiction in Europe, with more than 60% of AIDS cases there attributable to intravenous drug use.

Most legalisation advocates say they would legalise drugs only for adults. Our experience with tobacco and alcohol shows that keeping drugs legal "for adults only" is an impossible dream. Teenage smoking and drinking are widespread in the United States, United Kingdom, and Europe.

The Netherlands established "coffee shops," where customers could select types of marijuana just as they might choose ice cream flavours.2 Between 1984 and 1992, adolescent use nearly tripled. Responding to international pressure and the outcry from its own citizens, the Dutch government reduced the number of marijuana shops and the amount that could be sold and raised the age for admission from 16 to 18.2. In 2007, the Dutch government announced plans to ban the sale of hallucinogenic mushrooms.

Restriction

Recent events in Britain highlight the importance of curbing availability. In 2005, the government extended the hours of operation for pubs, with some allowed to serve 24 hours a day. Rather than curbing binge drinking, the result has been a sharp increase in crime between 3 am and 6 am, in violent crimes in certain pubs, and in emergency treatment for alcohol misusers.

Sweden offers an example of a successful restrictive drug policy. Faced with rising drug use in the 1990s, the government tightened drug control, stepped up police action, mounted a national action plan, and created a national drug coordinator. The result: "Drug use is just a third of the European average."

Almost daily we learn more about marijuana's addictive and dangerous characteristics. Today's teenagers' pot is far more potent than their parents' pot. The average amount of tetrahydrocannabinol, the psychoactive ingredient in marijuana, in seized samples in the United States has more than doubled since 1983. Antonio Maria Costa, director of the UN Office on Drugs and Crime (UNODC), has warned, "Today, the harmful characteristics of cannabis are no longer that different from those of other plant-based drugs such as cocaine and heroin."

Evidence that cannabis use can cause serious mental illness is mounting. A study published in the Lancet "found a consistent increase in incidence of psychosis outcomes in people who had used cannabis." The study prompted the journal's editors to retract their 1995 statement that, "smoking of cannabis, even long term, is not harmful to health."

Drugs are not dangerous because they are illegal; they are illegal because they are dangerous. A child who reaches age 21 without smoking, misusing alcohol, or using illegal drugs is virtually certain to never do so. Today, most children don't use illicit drugs, but all of them, particularly the poorest, are vulnerable to misuse and addiction. Legalisation and decriminalisation—policies certain to increase illegal drug availability and use among our children—hardly qualify as public health approaches.

THE RIGHT DRUG TO TARGET

By Joseph A. Califano Jr., 5/17/2005

The increased potency of today's marijuana and the greater knowledge we have of the dangers of using marijuana justify the increased attention that law enforcement is giving to illegal possession of the drug. But the disappointing reality is that a nearly 30 percent increase in marijuana arrests does not translate into a comparable reduction in use of the drug. Something more is needed.

Rudolph Giuliani's success in slashing New York City's crime rate by, among other things, going after low-level street crimes such as smoking and selling small amounts of marijuana inspired many other mayors to follow suit. When President Bush announced in 2002 a goal of reducing illegal drug use by 10 percent in two years and 25 percent in five years, he knew he had to focus on cutting marijuana use. Eliminating all other illegal drug use combined would not even get him close to his highly touted objective.

From the standpoint of protecting children, teens and the public health, reducing marijuana use makes eminent sense. For even though marijuana use has leveled off or waned slightly over the past several years, the number of children and teenagers in treatment for marijuana dependence and abuse has jumped 142 percent since 1992, and the number of teen emergency room admissions in which marijuana is implicated is up almost 50 percent since 1999. Though alcohol remains by far the teen substance of choice, teens are three times likelier to be in treatment for marijuana than for alcohol (and six times likelier to be in treatment for marijuana than for all other illegal drugs combined).

As has been true of tobacco since the 1960s, we've learned a lot about the dangers of marijuana since the 1970s. The drug adversely affects short-term memory, the ability to concentrate and motor skills. Recent studies indicate that it increases the likelihood of depression, schizophrenia and other serious mental health problems. Nora Volkow, director of the National Institute on Drug Abuse, has repeatedly expressed concern about the adverse impact of marijuana on the brain, a matter of particular moment for youngsters whose brains are still in the development stage. Volkow has stated: "There is no question marijuana can be addictive; that argument is over. The most important thing right now is to understand the vulnerability of young, developing brains to these increased concentrations of cannabis."

The issue of marijuana use (and most illegal drug use) is all about kids. If we can get kids not to smoke marijuana before they reach age 21, they are virtually certain never to do so. So let's do more than trumpet the arrest rate. Let's focus on discouraging children and teens from getting involved with the drug in the first place.

This begins with understanding the importance of preventing kids from becoming cigarette smokers. Most kids who smoke cigarettes will not smoke marijuana, but a 2003 survey of 12- to 17-year-olds, conducted by the National Center on Addiction and Substance Abuse (CASA) at Columbia University, reveals that teens who smoke cigarettes are much likelier than non-smokers to try marijuana; they are also likelier to become regular marijuana users.

The next question is how to make public policies, including law enforcement approaches, more effective in discouraging marijuana use. Availability is the mother of use, so doing a far better job of reducing availability is high on the list. Beyond that – and recognizing that reducing demand is key to that goal – we should use the increased arrest rate as an opportunity to discourage use.

Years ago, while I was visiting Los Angeles, then-Mayor Dick Riordan told me that in his city kids were arrested an average of nine times for possession of marijuana before anything happened to them. I have since discovered that this situation is common in many American communities. Most

kids do not even get a slap on the wrist the first few times they're nabbed for smoking a joint. As a result, we let them sink deeper and deeper into drug use, with its dangers to their physical, mental and emotional development and its risk of addiction.

I am not suggesting that we put kids in jail for smoking pot. But why not treat a teen arrested for marijuana use much the same way we treat a teen arrested for drunk driving? Why not require kids arrested for marijuana possession to attend classes to learn about the dangers of marijuana use and to develop some skills (and the will) to decline the next time they are offered the drug? The incentive to attend such classes would be the threat of the alternative: for the first couple of arrests, loss of a driver's license or a fine stiff enough to hurt; for continued use, a few nights in a local prison. Getting kids to attend sessions designed to discourage their marijuana use would give some practical meaning to increased law enforcement and would bring reductions in drug use more in line with increased arrest rates.

These steps will help, but the fact is that we cannot arrest our way out of the teen marijuana problem when (in a recent CASA survey) 40 percent of 12- to 17-year-olds report that they can buy the drug within a day, and 21 percent say they can buy it within an hour.

Parents are the first line of defense. Parents must understand that the drug available today is far more potent than what they might have smoked in the 1970s. For their children, smoking marijuana is not a harmless rite of passage but rather a dangerous game of Russian roulette.

MARIJUANA: IT'S A HARD DRUG

By Joseph A. Califano, Jr. 9/30/1997

This fall, citizens of the District of Columbia and some states will consider proposals to make marijuana available for a variety of ailments. Before following the Pied Pipers of medical marijuana, voters should take into account recent research wich reveals some sharp edges of smoking pot that undermine its popular status as a "soft" drug and underscore the need for a major biomedical research program.

This year, the National Center on Addiction and Substance Abuse at Columbia University (CASA) for the first time established the statistical relationship between use of tobacco, alcohol, and marijuana - in and of themselves - and use of harder drugs such as cocaine, heroin and acid. (Virtually all teens who smoke marijuana also smoke nicotine cigarettes and drink alcohol.)

Examining the data from the U.S. Centers for Disease Control and Prevention's 1995 Youth Risk Behavior Survey of 11,000 ninth- through 12th-graders, CASA isolated teen use of these gateway drugs from other problem behaviors, such as fighting, drunk driving, truancy, promiscuous sexual activity, carrying a weapon and attempting suicide. The correlations are compelling:

- Among teens who report no other problem behaviors, those who drank and smoked cigarettes at least once in the past month are 30 times likelier to smoke marijuana than those who didn't.
- Among teens with no other problem behaviors, those who used cigarettes alcohol and marijuana at least once in the past month are almost 17 times likelier to use another drug like cocaine, heroin or acid.

Though only statistical, those relationships are powerful. For perspective, remember that in 1964 the first Surgeon General's Report on smoking and health found a nine to 10 times greater risk of lung cancer among smokers, and the early results of the Framingham heart study found that indivifuals with high cholesterol were two to four times likelier to suffer heart disease. Most who smoke marijuana do not move on to other drugs, just as most who smoke cigarettes do not get lung cancer; but both kinds of smokers enormously increase their risks. And those risks rise with teen use: the earlier and more often an individual uses marijuana, the likelier that person is to use cocaine.

Recent biomedical research suggests the reasons why. Studies in Italy reveal that marijuana affects levels of dopamine (the substance that gives pleasure) in the brain in a manner similar to heroin. Gaetana DiChiara, who led this work at the University of Cagliari, indicates that marijuana mey prime the brain to seek substances such as heroin and cocaine that act in a similar way. Studies in the United States have found that nicotine and cocaine also affect dopamine levels.

While psychological dependence on marijuana has been widely recognized, the drug's potential for physical addiction is only recently becoming clear. A team at Scripps Research Institute in California and Complutense University in Madrid found that rats subjected to immediate cannabis withdrawl exhibited changes in behavior similar to those seen after withdrawl of cocaine, alcohol and opiates. Science magazine called this, "the first neurological basis for marijuana withdrawl syndrome, and one with a strong emotional component that is shared by other drugs." Dr. Alan Leshner, the Director of the National Institute on Drug Abuse, estimates that more that 100,000 individuals are in treatment because of marijuana use. Most are believed to be teenagers.

We have known for some time that marijuana can damage ability to concentrate, short-term memory and motor skills when teens most need these attributes, when they are learning in school and developing rapidly. Now a body of work indicates marijuana as physically addictive and

demonstrates that teens who play with the fire of cigarettes, alcohol and marijuana increase the danger that they will get burned by the flames of heroin, cocaine and acid These findings make a strong case to start calling marijuana what it is: a hard drug, one that can bring serious harm to children and ruin their lives. While this reality should not preclude the drug's use as medicine if scientific studies confirm its safety and efficacy, it should condition smoking pot for medical purposes on appropriate Food and Drug Administration findings of safety and efficacy and temper any rush to practice medicine by political referendum.

The statistical link between smoking pot and using heroin, cocaine and acid, the indications that marijuana acts on dopamine levels in the brain in a manner similar to harder drugs and nicotine, and mounting evidence of marijuana's adductive power present a convincing case for a billion-dollar-a-year investment to move biomedical research on substance abuse and addiction into the big leagues at the National Institutes of Health, along with heart disease, cancer and AIDS. Such an investment is essential for more effective prevention and treatment and greater understanding of the risks and benefits of any medical potential marijuana might have.

Early marijuana use a bigger problem

Study shows greater cognitive deficits in marijuana users who start young

Researchers at Harvard-affiliated McLean Hospital have shown that those who start using marijuana at a young age are more impaired on tests of cognitive function than those who start smoking at a later age.

The study results will be presented on Monday (Nov. 15) at the annual meeting of the Society for Neuroscience in San Diego. Staci A. Gruber reported that subjects who started using marijuana before age 16 made twice as many mistakes on tests of executive function, which includes planning, flexibility, abstract thinking, and inhibiting inappropriate responses, as those who began smoking after age 16.

"They performed significantly worse," said Gruber, director of the Cognitive and Clinical Neuroimaging Core at McLean and assistant professor of psychology at Harvard Medical School (HMS).

The early-onset users also smoked three times as much marijuana per week and twice as often compared with the later-onset users, she noted.

"Our data suggest that the earlier you begin smoking, the more marijuana you smoke and the more frequently you smoke," she said. "That's an important finding."

Gruber said the findings are particularly critical today when legalization of marijuana is being considered in a number of states.

"We have to be clear about getting the message out that marijuana isn't really a benign substance," she said. "It has a direct effect on executive function. The earlier you begin using it, and the more you use of it, the more significant that effect."

The study included 33 chronic marijuana smokers and 26 control subjects who did not smoke marijuana. They were given a battery of neurocognitive tests assessing

executive function, including the Wisconsin Card Sorting Test, which involves sorting different cards based on a set of rules given. During the test, the rules are changed without warning and subjects must adjust their responses to the new rules.

The findings showed habitual marijuana users made repeated errors even when told that they were wrong. Users also had more trouble maintaining a set of rules, suggesting an inability to maintain focus. Early-onset users and those who used the most marijuana had the most trouble with the test, making more than twice as many errors and fewer correct responses than later-onset smokers.

The researchers, who included Mary Kathryn Dahlgren, Kelly A. Sagar and Megan T. Racine, all of McLean Hospital's Brain Imaging Center, also performed functional MRI (fMRI) scans on the subjects while they completed tests of cognitive control and inhibition.

Marijuana smokers showed increased brain activation in a frontal area of the anterior cingulate cortex, a key region for attention, inhibition, and error processing, compared with control subjects. Interestingly, early-onset smokers activated a different part of that brain region compared to later-onset smokers, perhaps suggesting a neural change in response to marijuana exposure at an early age.

"Our results provide further evidence that marijuana use has a direct effect on executive function and that both age of onset and magnitude of marijuana use can significantly influence cognitive processing," said Gruber.

"Given the prevalence of marijuana use in the United States, these findings underscore the importance of establishing effective strategies to decrease marijuana use, especially in younger populations," she said. "These findings are critical, as adolescence is a time of important brain development, and the adolescent brain is likely more vulnerable to the effects of drugs than the adult brain."

McLean Hospital is the largest psychiatric clinical care, teaching, and research facility of Harvard Medical School, an affiliate of Massachusetts General Hospital, and a member of Partners HealthCare. For more information about McLean Hospital, visit its website.

Marijuana may increase psychosis risk

7/26/2007

LONDON (AP) — Using marijuana seems to increase the chance of becoming psychotic, researchers report in an analysis of past research that reignites the issue of whether pot is dangerous.

The new review suggests that even infrequent use could raise the small but real risk of this serious mental illness by 40%.

Doctors have long suspected a connection and say the latest findings underline the need to highlight marijuana's long-term risks. The research, paid for by the British Health Department, is being published Friday in medical journal *The Lancet*.

"The available evidence now suggests that cannabis is not as harmless as many people think," said Dr. Stanley Zammit, one of the study's authors and a lecturer in the department of psychological medicine at Cardiff University.

The researchers said they couldn't prove that marijuana use itself increases the risk of psychosis, a category of several disorders with schizophrenia being the most commonly known.

There could be something else about marijuana users, "like their tendency to use other drugs or certain personality traits, that could be causing the psychoses," Zammit said.

Marijuana is the most frequently used illegal substance in many countries, including the United Kingdom and the United States. About 20% of young adults report using it at least once a week, according to government statistics.

Zammit and colleagues from the University of Bristol, Imperial College and Cambridge University examined 35 studies that tracked tens of thousands of people for periods ranging from one year to 27 years to examine the effect of marijuana on mental health.

They looked for psychotic illnesses as well as cognitive disorders including delusions and hallucinations, bipolar disorder, depression, anxiety, neuroses and suicidal tendencies.

They found that people who used marijuana had roughly a 40% higher chance of developing a psychotic disorder later in life. The overall risk remains very low.

For example, Zammit said the risk of developing schizophrenia for most people is less than 1%. The prevalence of schizophrenia is believed to be about five in 1,000 people. But because of the drug's wide popularity, the researchers estimate that about 800 new cases of psychosis could be prevented by reducing marijuana use.

The scientists found a more disturbing outlook for "heavy users" of pot, those who used it daily or weekly: Their risk for psychosis jumped to a range of 50% to 200%.

One doctor noted that people with a history of mental illness in their families could be at higher risk. For them, marijuana use "could unmask the underlying schizophrenia," said Dr. Deepak Cyril D'Souza, an associate professor of psychiatry at Yale University, who was not involved in the study.

Dr. Wilson Compton, a senior scientist at the National Institute on Drug Abuse in Washington, called the study persuasive.

"The strongest case is that there are consistencies across all of the studies," and that the link was seen only with psychoses — not anxiety, depression or other mental health problems, he said.

Scientists cannot rule out that pre-existing conditions could have led to both marijuana use and later psychoses, he added.

Scientists think it is biologically possible that marijuana could cause psychoses because it interrupts important neurotransmitters such as dopamine. That can interfere with the brain's communication systems.

Some experts say governments should now work to dispel the misconception that marijuana is a benign drug.

"We've reached the end of the road with these kinds of studies," said Dr. Robin Murray of King's College, who had no role in the *Lancet* study. "Experts are now agreed on the connection between cannabis and psychoses. What we need now is for 14-year-olds to know it."

In the U.K., the government will soon reconsider how marijuana should be classified in its hierarchy of drugs. In 2004, it was downgraded and penalties for possession were reduced. Many expect marijuana will be bumped up to a class "B" category, with offenses likely to lead to arrests or longer jail sentences.

Two of the authors of the study were invited experts on the Advisory Council on the Misuse of Drugs Cannabis Review in 2005. Several authors reported being paid to attend drug company-sponsored meetings related to marijuana, and one received consulting fees from companies that make anti-psychotic medications.

Pot Users at Higher Risk for Head, Neck Cancer, Study Says

January 17, 2000|SUSAN OKIE | WASHINGTON POST

Current and past smokers of marijuana are at increased risk of developing cancer of the head and neck, including tumors of the mouth, throat and larynx, a new study has found.

The study, the first to link marijuana with such cancers, suggests that the drug's popularity in recent decades could have serious long-term health consequences for some users. The generation of Americans who were teenagers in the 1960s, when recreational use of marijuana became widespread, is reaching the age when many types of cancer start to become more common.

Marijuana smoke is higher in tar and carcinogens than tobacco smoke, and previous research has shown that marijuana smokers--like cigarette smokers--can develop precancerous changes in cells lining the respiratory tract. Researchers were not surprised at the news that smoking marijuana predisposes users to head and neck cancers, and they predicted it will likely be found to increase the risk of lung cancer as well.

"It's what I expected to see," said Li Mao, an associate professor of medicine at M.D. Anderson Cancer Center in Houston. "It appears marijuana [smoke] is a stronger carcinogen than cigarette smoke," said Mao, who has followed research in the field.

Nevertheless, the independent effect of cigarette smoking on an individual's cancer risk is probably greater than that of smoking marijuana, noted Eugenia Calle of the American Cancer Society, "because people just smoke so many more cigarettes."

Cancers of the mouth, throat or larynx occur in 40,400 Americans annually and cause 12,300 deaths. Such cancers are often curable if caught early. Smoking, chewing or sniffing tobacco, and drinking alcohol are proven risk factors.

Lung cancer is the No. 1 cause of cancer mortality, striking 171,600 Americans and killing 158,900 annually. Tobacco smoking is estimated to cause 80% of all lung cancers.

Researchers decided to investigate the possible role of marijuana in head and neck cancers because marijuana smoke is high in tar and people who use the drug tend to inhale deeply, depositing four times more particulate matter in the mouth, throat and windpipe than cigarette smokers, said Zuo-Feng Zhang, an epidemiology professor at UCLA and a principal author of the new study.

For the study, performed at New York's Memorial Sloan-Kettering Cancer Center, researchers enrolled 173 patients with head or neck cancer as well as a comparison group of 176 cancer-free blood donors of similar age and sex. Participants were questioned about their past use of marijuana, tobacco and alcohol, workplace and environmental exposure to possible carcinogens, and other aspects of their background and lifestyle. Frequency of marijuana use was categorized as never, less than or equal to once per day, and more than once per day. Duration of use was categorized as never, one to five years and more than five years.

Among those who had ever used marijuana, the risk of head and neck cancer was 2.6 times greater than among those who had never used the drug. (Researchers arrived at this figure after adjusting for the effect of other risk factors, such as smoking and alcohol.) Researchers also observed a dose-response effect of marijuana, with heavier users at higher cancer risk. Among people who reported smoking marijuana once a day, the risk of head and neck cancer was 2.1 times that of someone who never used it, while among those who reported smoking it more than once a day, the risk was 4.9 times that of those who had abstained.

People who were current smokers of both tobacco and marijuana had by far the highest risk of head and neck cancer, indicating that the two substances work together synergistically to promote cancer development. Current users of both substances had 36 times the risk of head and neck cancer found in people who used neither.

Calle, who is director of analytic epidemiology at ACS, said the new findings underscore the long-term danger of smoking marijuana and the need for research into better ways of delivering the drug's active ingredients if it is to be used by people with chronic illnesses to relieve pain, nausea, muscle spasms and other symptoms, as some have advocated. "ACS is supportive of research into the benefits of cannabinoids [marijuana's active ingredients]," she said, "but . . . they do not advocate the use of inhaled marijuana."

Calle said current and former marijuana smokers may be wise to follow current ACS guidelines on head and neck cancer for tobacco smokers. The society suggests smokers look for any unusual sores, lumps or patches on lips or in the mouth, tongue, cheek or neck; ask their dentist to check the mouth and tongue closely at each visit; and consider having a doctor examine the mouth and neck area annually or twice a year.

Immunological Changes Associated with Prolonged Marijuana Smoking.

By admin | November 17, 2004

Newswise
Source- American College of Allergy, Asthma and Immunology (ACAAI)
Nov 17, 2004.

Prolonged marijuana smoking can have immunosuppressant effects on a persons immune system according to a study presented at the 62nd Annual Meeting of the American College of Allergy, Asthma and Immunology (ACAAI).

Mohammed I. Khan, ACAAI Scientific Fellow, Al-Junaid Hospital, Nowshera, Pakistan, studied 18 men between the ages of 25 and 60 who were long-term marijuana users, and found evidence that the drug, consisting of more than 426 chemical entities, has immunosuppressant properties. Specifically, Mr. Khan found that the active ingredients Delta-9-Tetrahydrocannabinol and other cannabinoid compounds are liquid soluble at high concentrations, which alters membrane function and results in alterations in immune cell response. Cannabus also has immunosuppressant properties resulting in reduction in resistance to bacterial and viral infection.

Marijuana, a schedule class 1 psychoactive control substance, is more frequently used by Oriental societies for celebratory events according to Mr. Kahn, who characterized the drug◆s principal effects as an altered state of conscience and euphoria. Prolonged use can lead to addiction and dependence. Of the more than 426 chemical entities comprising marijuana, in excess of 60 of them are cannabinoid, such as: cannabidiol (CBD), cannabinol (CBN), and delta-9-tetrahydrocannabinol (THC). THC has been associated with a craving for additional narcotics to enhance the euphoric experience. The immunosuppressant properties of cannabinoid cause impaired cell-mediated and humoral immune system activities, cytokine production, leukocyte migration and natural killer-cell (NK) activity. These chemical activities reduce the patient◆s resistance to bacterial and viral infection. HIV positive patients are at higher risk of developing AIDS, infection by opportunistic bacteria, fungi, or viruses, when compared to non-marijuana smokers, and have more respiratory illness.

The 18 male patients had a prolonged smoking habit of more than six months. With a serum level of TCH >10um, Mr. Khan found there was a 20 times reduction in the proliferation of T lymphocytes, combined with a proportionate increase in the proliferation of B lymphocytes. This condition was characterized by a reduction in the cytotoxic activity of T lymphocytes, reduction in macrophage activities such as phygocytosis (bactericidal and tumoricidal function), antigen presentation of bacterial/ virus, origin and suppression of inflammatory cytokines, suppression of NK cells function as host defense against tumors & microbes.

On the positive side, cannabinoids also are immunomodulators. While they generally suppress the immune system, they also occasionally enhance some immunological responses. Mr. Khan points out that some people in the medical field believe that the immunosuppressive effects of cannabinoids might be useful clinically, such as in the treatment of multiple sclerosis. Similarly, cannabinoids have been found to exacerbate existing allergies by attaching themselves to host cell proteins to form what is called an antigenic complex. This process elicits the formation of specific antibodies/metabolites in the form of a hapten combined with a body protein.

The ACAAI is a professional medical organization, headquartered in Arlington Heights, Ill., comprising 4,700 qualified allergists-immunologists and related health care professionals. The College is dedicated to the clinical practice of allergy, asthma and immunology through education and research to promote the highest quality of patient care.

Outrage Over 'Wrong-Way' Crash Revelations

Toxicology Report Shows Diane Schuler Had BAC Of .19; Smoked Marijuana As Recently As An Hour Before Crash

Broken Bottle Of Vodka Found In Vehicle; Case Turns To Homicide As Victims' Families Seek Answers

GARDEN CITY, N.Y. (CBS) —
Diane Schuler, 36, was driving the minivan that slammed into an SUV killing eight people after she entered the Taconic State Parkway in the wrong direction on July 26, 2009.

How could she?

That's what families of the victims want to know Wednesday morning as they prepare to meet with the Westchester County District Attorney after toxicology tests showed Diane Schuler was drunk and high as she drove the wrong-way on the Taconic State Parkway, leading to a crash that killed herself, four small children and three men.

Toxicology reports released Tuesday painted a disturbing and dark picture of 36-year-old Schuler, a woman once perceived as a devoted mother and victim of a terrible tragedy.

Police announced during an afternoon news conference that Schuler had a blood alcohol content of .19 and had six grams of alcohol in her stomach that had not been metabolized. The legal BAC limit in New York is .08.

"With that level of alcohol, she would have had difficulty with perception, with her judgment, with her memory," said Betsy Spratt, Director of Toxicology for Westchester County. "Around that level of alcohol you'll also get what's called 'tunnel vision' where your perception is changed so you can't see peripherally all the time depending the tolerance that she has to alcohol."

Officials also said they recovered a broken 1.75 liter bottle of vodka in Schuler's vehicle.

The toxicology report also found that 113 nanograms per milliliter of THC, the main substance found in marijuana, was measured in her bloodstream. Spratt said that amount indicates Schuler had smoked marijuana within a period of 15 minutes to an hour before the crash.

"Sick. Sick. I just want an answer how someone could do it. I don't know how someone could do it," said Michael Bastardi Jr., whose father was killed in the accident.

Schuler, her 2-year-old daughter and three young nieces died in the July 26 crash on the Taconic Parkway in Westchester County after she slammed head-on into an SUV, about 35 miles northwest of New York City.

Three men in the SUV, 81-year-old Michael Bastardi, his 49-year-old son Guy, and 74-year-old friend Daniel Longo, also died.

The lone survivors were Schuler's 5-year-old son and the occupants of a third vehicle that was hit by the SUV, who sustained minor injuries.

Michael Bastardi's two daughters also expressed outrage to CBS 2 upon hearing the news.

"Because of her, her daughter's dead. The other girls are dead. My father and my brother and Dan, they are all dead because she chose to do this and get in a car," said Margaret Nicotina.

Added her sister, Roseann Guzzo: "Before it was just an accident, but now I'm angry about it, because it could have been avoided. She had a choice to make and she made the wrong choice."

State police continued to piece together just what Schuler did on that fateful day, including how and when she got drunk and high.

Schuler and her family had been returning home to Long Island from a weekend camping trip in upstate Sullivan County -- a journey she had made numerous times in the past.

Her husband told investigators that he left for a fishing trip and his wife headed for home at about 9:30 that Sunday. He told police everything seemed fine when they left the campground.

Campground owner Ann Scott didn't think Schuler seemed drunk as she left.

"She was just fine, she was Diane, nothing more than Diane," she said.

Schuler, an executive with Cablevision, inexplicably wound up going south in the northbound lanes as motorists sought in vain to get her attention; six drivers called 911 before the collision. Police have not said how fast the vehicles were going at the time of the crash.

The stunning news could also explain why witnesses reported seeing Schuler driving aggressively and erratically long before the fatal crash, which state police reported on Monday.

State police, who have been retracing her route, said Monday that witnesses reported seeing her red Ford mini-van on both state Routes 17 and 87. They said the van was straddling two lanes, tailgating, flashing its headlights and beeping the horn.

Others saw the vehicle veering from one lane to another and one witness said it appeared as if she was attempting to pass him on the shoulder of the highway. Another witness said the van drove across a grass divider at the Ramapo service area on Route 87.

State police said while they can't be absolutely certain the driver was Schuler, the description of the vehicle and occupants and the time the incidents were reported "lead them to believe they are one in the same."

Schuler called her brother, Warren Hance -- the father of the three older girls who died -- at about 1:02 p.m., saying she was feeling ill and may have been disoriented. He told her to stay put and he would come to meet her, but she apparently disregarded those instructions.

Schuler's cellphone was found on the side of the highway, just south of the Tappan Zee Bridge, on Route 87, where she made that final phone call.

State police also said Monday that they confirmed Schuler had stopped at a McDonald's on Route 17 in Liberty, not far from the campground where she had been staying.

A preliminary autopsy had ruled out a stroke, aneurysm or heart attack.

The state police reconstruction unit is also sifting through the wreckage and reviewing other evidence, but the results of that probe are not expected until late September.

Irv Antolik, the attorney for the Bastardi family, wants police to look closely at Schuler's husband's decision to let his wife drive alone.

"I think justice has ramifications beyond the driver," Antolik said. "Because they cant believe this is something isolated. They're wondering whether she was a known alcoholic, whether she had an addiction to marijuana."

Schuler's family did apparently know about her drinking and drug use. One source told CBS 2 that her husband, Daniel, told police that his wife drank socially and smoked pot occasionally. Despite Tuesday's telling revelations, police say the investigation remains wide open.

Large amount of marijuana before driving five children the wrong way down a highway---

A New York mom had at least 10 drinks and smoked a large amount of marijuana before driving five children the wrong way down a highway and crashing head on into an SUV, investigators said today.

The woman who caused a deadly highway accident was intoxicated and high.

Diane Schuler, 36, was killed in the July 26 collision on New York's Taconic State Parkway that also took the lives of her 2-year-old daughter and three nieces who were riding in her van as well as all three men who were in the SUV. Her 5-year-old son was the lone survivor of the crash.

Schuler had a blood alcohol content of .19, more than double the legal limit, and was also "impaired by marijuana," according to a statement released by state attorney Janet Difiore citing a toxicology report by the Westchester County medical examiner.

Investigators could not determine if Schuler had been drinking while she was driving, but alcohol was in her stomach at the time of the autopsy and a bottle of vodka was found at the crash scene, New York State Police Major William Carey said at a press conference.

It was not clear exactly how much or when Schuler smoked marijuana; the toxicology reported "high" levels of THC, the active ingredient in pot, Westchester director of toxicology Betsy Spratt said.

But "there were approximately 10 drinks still in her," Spratt said, that had yet to be metabolized.

The combination of alcohol and marijuana "intensified" the effects of each, Spratt said.

"With that level of alcohol we talk in ranges. She would've had difficulty with perception, judgment and memory. Around that level you get tunnel vision," Spratt said.

Carey said, "There's no indication there will be any criminal charges forthcoming."

Police initially said they had no indication Schuler was impaired while driving, Carey said.

"We did not have people that morning describe Diane Schuler as anything other than to say she was fine," Carey said.

The crash was ruled a homicide last week before the toxicology report was completed, Westchester medical examiner Dr. Millard Hyland told ABCNews.com.

"It was ruled a homicide in terms of people being killed because she was driving in the wrong direction," Hyland said, and did not take toxicology into account.

The full report was completed Monday, Hyland said.

Roseann Guzzo, daughter of Michael Bastardi and Guy Bastardi, both crash victims, told New York's The Journal News that while the report explains the once mysterious accident, it does not justify it.

"This wasn't an act of God. This was her choice. She made the wrong choice," Guzzo said. "This isn't an accident. This is murder."

The co-owner of the upstate N.Y. campground said she knew Diane Schuler well and saw her off on the day of the accident.

"If she had alcohol on her breath, I sure didn't smell it," said Scott. "The last thing I said to her was 'have a safe trip home' and she said, 'We will' and that was the end of it.

Apathy toward DWI needs to disappear

Now we know why Diane Schuler was able to drive the wrong way south on the Taconic State Parkway and ignore the flashing lights and honking horns from other motorists. She was blind drunk and high.

The 36-year-old mother from Long Island had the equivalent of 10 drinks in her body when she crashed head-on into the TrailBlazer carrying Guy Bastardi, his father, Michael, and their friend Daniel Longo, and apparently she was still drinking because some of the alcohol remained in her stomach, according to toxicology reports. A 1.75-liter bottle of Absolut vodka was found in the minivan, police said.

She had also smoked marijuana within 15 minutes to an hour of when she killed her 2-year-old daughter, her three nieces, herself, and everyone in the Bastardi SUV, the toxicology report said. Only her 5-year-old son survived.

But if some questions are answered, others are piling up. Why did she get so drunk Sunday morning with five children in a minivan driving home from Sullivan County? Where was her husband when she left the campground? What did she say to her brother on the phone when she stopped after crossing the Tappan Zee Bridge?

"This is so particularly terrible that she would have gotten into the car with all of those children," said Carole Sears, president of the Westchester chapter of Mothers Against Drunk Driving. "I just feel physically sick."

Rising marijuana use leaves tobacco in a cloud of smoke
Melissa Healy, Los Angeles Times
December 14, 2010, 6:03 a.m.

After nearly a decade in decline, marijuana is making a strong comeback among high school students, with growing use and softening attitudes about the risk of smoking pot starting in eighth grade. For the first time since 1981, high school seniors reporting they had smoked marijuana in the last 30 days outnumbered those who said they smoked cigarettes.

The National Institute on Drug Abuse on Tuesday issued its 2010 "Monitoring the Future" survey--a yearly look at kids' drug and tobacco use patterns and attitudes. The remarkable crossover of the lines for marijuana use and tobacco use is a victory for public-health campaigns aimed at stamping out cigarette smoking among teens. But the federal office that tracks illicit drug use said it is driven by an uptick in youth marijuana use that is broad-based and likely to continue.

In 2010, 21.4% of high school seniors said they had smoked pot in the month before, while 19.2% reported they were cigarette smokers. Twelfth graders who acknowledged the daily use of marijuana reached its highest point since the early 1980s, 6.1%, and the numbers of eighth- and 10th-graders smoking pot daily (1% and 3%, respectively) also rose in 2010 over the previous year. Those students' attitudes about the risks of marijuana use have shown steady softening in recent years, suggesting to researchers that as eighth- and 10th-graders advance toward graduation, rates of pot-smoking will continue to climb.

Dr. Nora Volkow, director of NIDA, called the rise in daily use of marijuana particularly troubling, given that more frequent use, and by teens whose brains are still developing, has been shown to be more damaging to learning and memory than less frequent use. Daily users are also at far higher risk of developing dependency on marijuana and other drugs, she said. She said "one can only speculate at this point" about the cause of pot's reversal, which began roughly three years ago after a decade of declining use.

The Obama administration's drug czar, R. Gil Kerlikowske, was not so reticent. Citing California's Prop. 19 and other states' consideration of medical marijuana measures, Kerliowske said that public debate has made marijuana appear less dangerous to younger Americans. "Calling marijuana smoked medicine is absolutely incorrect," Kerlikowske said in a press conference to present the findings. Young people, he said, have taken the "wrong message" from the debate.

Attitudes toward the use of the club-drug Ecstasy also softened among eighth- and 10th-graders, as did use. Researchers called the increase an example of "generational forgetting," in which a lull in use is followed by an uptick in use by

younger people who were not exposed to anti-drug messages.

Seniors were a little less likely this year than last to report they had abused the prescription pain medication Vicodin (8% had done so in the previous year, vs. 9.7% in 2009), although illicit use of the opioid painkiller OxyContin held steady, and was up among 10th-graders. Twelfth-graders continued the nonmedical use of drugs prescribed for attention deficit disorder--about 6.5% acknowledged taking them in the last year, and roughly the same number used amphetamines.

Pot, however, outpaced all of those, with roughly 1 in 3 high school seniors reporting they have smoked marijuana in the last year. One in four 10th-graders smoked pot in the last year.

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Marijuana Use No Longer Dropping Among U.S. Teens *HealthDay Reporter*, By Steven Reinberg

MONDAY, Dec. 14 (HealthDay News) -- Fewer teenagers are using methamphetamine, but reductions in marijuana use have stalled and abuse of prescription drugs remains high, U.S. health officials report.

In addition, they said that newer drugs, such as the hallucinogenic salvia leaf and the prescription medication Adderall, which is intended for treatment of attention-deficit hyperactivity disorder (ADHD), appear to be gaining a foothold among teens.

The findings are in the annual report from the U.S. National Institute on Drug Abuse, issued Dec. 14.

"Every time this study comes out, there is both good news and bad news," said Dr. Wilson Compton, director of the agency's division of epidemiology, services and prevention research.

"The long-term trends show some very positive changes in stimulants and methamphetamine, some improvements in cocaine that are very promising, but we don't see the ongoing improvement in marijuana or the overall measures of illicit drug use," he said.

"On the one hand, you could say it's stable, [and] that's not too bad," Compton said. "But when you are stable at very high rates, that tells us we need to redouble our efforts."

The big news in this year's report, he said, is that declines in marijuana use have stalled. "This has us concerned about a resurgence and also about what we can do to reduce the rates from where they are," he said.

On the plus side, smoking rates among teens are down, Compton noted. He added, however, that "we are now seeing illicit drugs more commonly used than cigarettes."

The findings in the report, *2009 Monitoring the Future*, are based on data collected from 46,097 U.S. students in 8th, 10th and 12th grades at 389 public and private schools.

Just 1.2 percent of 12th graders said they had used methamphetamine in the past year -- the lowest percentage since 1999, according to the report. Also, fewer 10th graders said it was easy to obtain: 14 percent, down from 19.5 percent in 2004.

Smoking was reported at the lowest point in the survey's history among 8th, 10th and 12th graders. Among 8th graders, 2.7 percent said they smoked daily, down from 10.4 percent in 1996. In 1997, 24 percent of high school seniors said they smoked daily, whereas this year's report indicated an 11.2 percent smoking rate among 12th graders.

However, use of smokeless tobacco has risen to 6.5 percent of 10th graders, according to the report -- a rate that's higher than last year and the same as it was in 1999.

Compton said that another area of concern is the use of marijuana. Although there has been a trend toward less use since the mid-1990s, the decline has stopped and as many teens are using the drug today as five years ago.

The latest survey reported marijuana use at the same rates as last year: 32.8 percent of 12th graders, 26.7 percent of 10th graders and 11.8 percent of 8th graders.

Moreover, fewer teens indicated that they perceived marijuana use as harmful: 44.8 percent of 8th graders this year, compared with 48.1 percent last year and 57.9 percent in 1991, the survey found.

The use of other commonly abused drugs, including cocaine and some hallucinogens, also dropped, according to the report. But 5.7 percent of 12th graders reported using the hallucinogenic salvia leaf in the past year -- "a higher rate than I would have anticipated," Compton said.

"We knew it was a bit of a problem, but we hadn't realized it was quite that common," he said.

Salvia divinorum is a member of the sage family.

A greater percentage of teenagers this year also said that LSD, amphetamines, sedatives or barbiturates, heroin and cocaine were harmful and also harder to obtain.

Many adolescents are still abusing prescription drugs and cough syrup, the report found. In fact, of the 10 drugs most often abused by 12th graders, seven were prescription or over-the-counter medications, according the report.

"We see a lot of problems with prescription painkiller abuse, and prescription stimulant abuse," Compton said.

For example, almost one in 10 high school seniors said they used the narcotic painkiller Vicodin in the past year, and one in 20 said they used another narcotic painkiller, OxyContin.

In addition, more than 5 percent of 10th and 12th graders who did not have ADHD said that they had used the stimulant Adderall to get high in the past year.

Teens said they got prescription drugs from doctors (19 percent) and from dealers (8 percent), but most (66 percent) said they got the drugs from friends or relatives. Among this latter group, 12 percent said they "took" them, 21 percent bought them and 33 percent said someone gave them the drugs.

The report also examined adolescents' attitudes about alcohol use and found that it had softened. For example, fewer 10th graders said they considered weekend binge drinking as a problem, and more high school seniors said that having a drink or two a day was OK.

Dr. David L. Katz, director of the Prevention Research Center at Yale University School of Medicine, said that "the history of drug use and the fight against it reminds one of the mythical, many-headed Hydra: In the place of every head cut off, two more grow."

The report shows progress against teen use of stimulants, including cocaine, and hallucinogens and is encouraging for showing historically low use of tobacco and marijuana, Katz said, adding, though, that plateaus could be an early hint of trouble to come.

"This Hydra's new head is prescription drug abuse, which is on the rise," Katz said. "We will need all of the means at our disposal -- including education, vigilance, regulation, treatment and interdiction -- to preserve the gains seen here while combating the new ways this monster always seems to find to harm our kids."

More information

The Nemours Foundation has information on talking to kids about drugs.

SOURCES: Wilson Compton, M.D., M.P.E., director, division of epidemiology, services and prevention research, U.S. National Institute on Drug Abuse, Bethesda, Md.; David L. Katz, M.D., M.P.H., director, Prevention Research Center, Yale University School of Medicine, New Haven, Conn.; Dec. 14, 2009, U.S. National Institute on Drug Abuse report, *2009 Monitoring the Future*

TO: The Honorable Co-Chairs and Ranking Members of the Judiciary Committee

RE: Testimony Regarding House SB 953 An Act Concerning Nonviolent Drug Possession Offenses, SB 1014 An Act Concerning the Penalty for Certain Nonviolent Drug Offenses

FROM: Ginger Katz, CEO and Founder of the Courage To Speak Foundation, Inc.

DATE: March 14, 2011

Testimony

My name is Ginger Katz and I am CEO and Founder of the Courage to Speak Foundation based in Norwalk, CT with drug prevention programs reaching many communities in CT and beyond. Our mission is to empower youth to be drug free and help parents save their children from the dangers of drugs. I am certain that House Bill SB 953 An Act Concerning Nonviolent Drug Possession Offenses, SB 1014 An Act Concerning the Penalty for Certain Nonviolent Drug Offenses, **if passed** will give children mixed messages about the damages marijuana does to a young person as well as an adults. I respectfully cautioned against easing the consequences for minor drug and alcohol offenses. "When you let someone off the hook, that's when you get in trouble. That's when we lose lives and we harm others," she said. "I know some people think it is about saving money, but what comes first, saving lives or saving money?" I believe leniency in this matter will increase use and in the long run cost Connecticut more money.

I lost my beloved son, Ian, on Sept. 10, 1996. Ian was a college student and athlete. He had a bright future ahead of him, but it turns out he had started using marijuana at the age 14. By the time he was 18, he was using cocaine and, at age 19, heroin. In his sophomore year of college, Ian called up from college crying and begging for help. He was using a drug and couldn't stop. Ian died in his sleep of an overdose. He was only 20 years old. My cries for help to 911 were heard two blocks away.

I know what marijuana does to a growing body. My entire family experiences it firsthand. Please do not underestimate the use of marijuana by giving a clear message with a slap on the wrist and a small fine.

March 3, 2011

Judiciary Committee
LOB Room 3500
300 Capitol Avenue
Hartford, CT 06106

Hello, Honorable Chiarman Eric Eric Coleman, Chairman Gerald Fox, Ranking Member John Kissel, Ranking Member John Hetherington and other distinguished members of the Judiciary Committee.

My name is Susie Dugan. I have been involved in drug prevention efforts and have been fighting for drug-free youth for over 32 years.

I urge you to defeat all of the marijuana legalization legislation before you, including SB 953, SB 1014, SB 1015 and SB 952.

Crude marijuana is not medicine. It is a dangerous drug In the states that have approved it being called "medicine", only about 3% of "medical" marijuana users have verifiable, serious, or debilitating diseases or maladies. The other 97% of users list vague maladies that cannot be confirmed, such as chronic pain, to justify their use of marijuana. Please look closely at those other states. Look into the many social and criminal problems that "medical" marijuana has brought to the citizens of those states.

The whole movement to push for "medical" marijuana is really about full legalization of marijuana for recreational use. You only need to look to California and Colorado, to see how this is playing out. The "medical" marijuana issue opens the door to that slippery slope toward full legalization. Full legalization of marijuana would be disastrous because it would make marijuana so available and so normal for so many people, including children.

Our society should be working to prevent the use of marijuana, not promoting its use.

In my 32 years of drug prevention, I have watched the marijuana users and promoters gain much power and influence. They now have many resources and finances to push for their pro-drug agenda.

We need only to look at the youth of of Connecticut to know that we must fight all efforts to declare marijuana to be "medicine". Ask any adolescent about the dangers of marijuana, and you will likely hear the response that marijuana can't be so bad for them since it is "medicine." History has demonstrated to us that, when young people have a low perception of harm regarding any drug, their use of that drug increases. We now know how dangerous marijuana is to the developing brains of adolescents. Can we take the chance of increased marijuana use by the young people of Connecticut?

I would be happy to provide you with any background documentation on this issue. Please do not hesitate to contact me.

Susie Dugan

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State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY

JOINT COMMITTEE ON JUDICIARY

In opposition to:

S.B. No. 953 (RAISED):
An Act Concerning Nonviolent Drug Possession Offenses

S.B. No. 1014:
An Act Concerning the Penalty for Certain Nonviolent Drug Offenses

In support of:

S.B. No. 1098 (RAISED):
An Act Concerning the Sale and Possession of Synthetic Marijuana and Salvia Divinorum

H.B. No. 6391 (RAISED):
An Act Concerning Penalties for Certain Driving Under the Influence Offenses, Offender Risk Reduction Earned Credits and Home Confinement for Certain Nonviolent Drug Offenders

March 14, 2011

The Division of Criminal Justice opposes S.B. No. 953, An Act Concerning Nonviolent Drug Possession Offenses, and S.B. No. 1014, An Act Concerning the Penalty for Certain Nonviolent Drug Offenses, both of which in layman's terms would "decriminalize" the simple possession of one ounce or less of marijuana. The Division supports and would recommend the Committee's Joint Favorable Report for S.B. No. 1098, An Act Concerning the Sale and Possession of Synthetic Marijuana and Salvia Divinorum, and H.B. No. 6391, An Act concerning Penalties for Certain Driving Under the Influence Offenses, Offender Risk Reduction Earned Credits and Home Confinement for Certain Nonviolent Drug Offenses.

POSSESSION OF MARIJUANA

The Division of Criminal Justice respectfully opposes S.B. No. 953, An Act Concerning Nonviolent Drug Possession Offenses, and S.B. No. 1014, An Act Concerning the Penalty for

Certain Nonviolent Drug Offenses. While these bills are before the Committee with the best of intentions, it is our sincere belief that they would not achieve the intended results and would have serious ramifications in terms of practical implementation.

It is ironic that many of the proponents of this bill are those who also would argue that current policy regarding illegal drug use places too much focus on punishment and not enough on treatment. If there is one area where the emphasis is clearly on treatment and alternatives to incarceration, it is the simple possession of marijuana (as clearly opposed to possession with intent to sell). Simple possession cases are typically resolved through the entry of a nolle (not prosecuted), dismissed outright or through referral to one of several treatment, counseling or other alternative to incarceration programs. In many towns in the Judicial District of Hartford, a charge of simple possession would be heard in the Community Court, which exists to hear minor offenses and quality of life issues.

Making the possession of less than one ounce of marijuana an infraction punishable by a fine payable by mail would eliminate entirely the ability of the system to refer the offender for treatment or counseling. We can identify no fewer than five separate diversionary programs available to an individual charged with simple possession (again noting that in practice many cases are nolled without participation in a program). For those under age 18, there is the Youthful Offender program, which is available to offenders an unlimited number of times. If the person is 18 or older, there is the Pretrial Drug Education Program (DEP - section 54-56i), the Community Service Labor Program (CSLP - section 53a-39c), CADAC (section 17a-691 through 17a-701) and possibly Pretrial Accelerated Rehabilitation (section 54-56e). All of these programs provide for dismissal of the charge upon successful completion. In some cases, an individual can take advantage of the same program more than once. The question is whether these programs prevent recidivism and help people lead more productive lives.

Any prosecutor who has been on the job for even a short period of time can recount the cases where otherwise promising young people become sidetracked and do not realize their full potential because of drug use. Before considering the approach of S.B. No. 953 or S.B. No. 1014, the General Assembly should seriously consider evaluating the various diversionary programs available to determine their effectiveness. Similar analysis should be done to determine how many individuals, particularly young people, who must go through the courts because of marijuana possession re-offend or continue in a lifestyle that leads to more serious criminal behavior. Do these programs, in fact, represent part of the safety net against substance abuse, and do we want to effectively remove that safety net to save a few dollars at the potential expense of someone's life or future livelihood? If so, will the people who need these programs get to them if all they have to do is mail in a fine?

Another argument most often cited in defense of the proposed legislation is that it would produce a significant cost savings. As far as the Division of Criminal Justice is concerned, the time spent on these cases is very small because prosecutors quickly refer them to diversionary programs. We can state unequivocally that no one goes to prison for simple possession of marijuana so there is no cost savings to be realized in the Department of Correction (DOC). Our review of the inmate population as of last week found only 31 individuals (of a total population in excess of 17,000) whose primary offense was listed as possession of marijuana. In every case, there were other significant contributing factors that led to incarceration. Several were also

charged with Violation of Probation, one also faces a robbery charge, another domestic violence charges and yet another burglary charges. In some cases, the simple possession charge was substituted in place of more serious counts, including possession with intent to sell, and in at least one case, assault, as part of a sentencing agreement. We could identify no inmate who is in prison – either pretrial or sentenced – solely for the simple possession of marijuana. (We have attached an addendum to this testimony with additional detail on these 31 inmates.) The reality is these individuals are not in prison solely for possession and most certainly would still be there even if the infraction option had existed.

There would seem to be little, if any, savings to police departments by allowing for a mail-in infraction. The police in issuing an infraction would still be required to collect and process the evidence; the only likely change would be that they would not be required to book the recipient of an infraction. An alternative to this already exists in that a misdemeanor summons could be issued. Again, there is no great savings, if any at all, to be realized.

The cost to the court system might even increase if the possession of less than one ounce is reclassified as an infraction. Simple possession cases do not command a tremendous amount of time on the part of the prosecutor or the courts. Changing the penalty to an infraction may produce the opposite. We have found that with many infractions one of the first questions a defendant will ask is whether the charge will be on that person's record. The response is that it will not be on a criminal record, but that there will a record of it somewhere. What effect will this have on a person's ability to get a security clearance to work at Electric Boat or Sikorsky? We don't know, but it seems that a dismissal or nolle that is erased will be less likely to have an impact. People are never happy with that response because they worry about potential employment implications. This concern will only be heightened in the case of a drug offense. Defendants will therefore ask for an infraction hearing before a magistrate, and at this point the costs will really escalate – to send the marijuana to a laboratory for testing and for the testimony associated with that testing just to start. For those who lose at this stage, it will be on to a *de novo* hearing before a Judge with all of the associated costs. By comparison, none of this currently happens because the ramifications of a guilty verdict on a drug misdemeanor clearly outweigh the alternative of community service, Accelerated Rehabilitation or a drug education or treatment program. What proponents would lead you to believe is a "simple" change is anything but and may actually dramatically increase the cost and time spent on these cases. Further, the General Assembly should analyze whether the expected revenue from infraction fines would be less than the revenue now produced by fees charged for participating in the various diversionary programs and the resulting ramifications for the future of those diversionary programs. The greatest cost savings could result from not sending people to treatment or counseling programs – which is the exact opposite of what most critics of current drug policy argue is most needed, an emphasis on treatment versus punishment.

The reclassification of the possession of less than one ounce of marijuana as an infraction would create an inconsistent penalty scheme. The possession of marijuana – still an illegal substance – would no longer automatically constitute grounds for Violation of Probation for other offenses, unless such use was specifically prohibited as a term of probation in each and every case. There would be no sanction whatsoever for repeated violations – you could simply pay the infraction time and time again. Possession of an illegal substance would carry less

weight than a traffic violation where repeat infractions can result in sanctions such as the suspension of a driver's license.

Finally, and on a very practical note, it should also be stated that these bills do not propose to decriminalize the possession of "small" amounts of marijuana. While an ounce may sound like a small quantity, it is actually more sizeable than most people realize. This bill is not simply seeking to revise the penalty for the teenager caught with a couple of joints. It is also impossible to state with any degree of certainty the impact these bills would have on individual cases because there is no readily available data to determine how many individuals are charged each year with possession of less than one ounce of marijuana. The statistics we have are based on the existing charge, which applies to the possession of less than four ounces and makes no distinction of any lesser amount. The enactment of either of these bills sends a fundamental message that the use of an illegal drug is not be to taken seriously. Reducing the penalty to a mail-in infraction suggests that illegal drug use is acceptable. To do so further feeds the drug trade, an illicit industry that is built on violence and specifically the marijuana gangs that have become increasingly violent in recent years. Violent crime directly related to drug dealing is not limited to foreign countries; it occurs regularly in this state. There is very little solid data to support the arguments most often advanced in support of these bills and far more questions and potentially negative or unconsidered implications give rise to the Division's opposition.

S.B. NO. 1098

The Division of Criminal Justice respectfully recommends the Committee's Joint Favorable Report for S.B. No. 1098, An Act Concerning the Sale and Possession of Synthetic Marijuana and Salvia Divinorum. This legislation would bring conformity to state and federal statute and regulations prohibiting the sale of chemical compounds that are intended to produce the same intoxicating effect as marijuana. While some would dispute the long-term negative medical or psychological effects of marijuana use, there is little doubt that little, if anything, is known of the health implications of these synthetic products. If for no other reason than basic public health, the state should prohibit the legal sale and use of these products.

H.B. NO. 6391

The Division supports H.B. No. 6391, An Act Concerning Penalties for Certain Driving Under the Influence Offenses, Offender Risk Reduction Earned Credits and Home Confinement for Certain Nonviolent Drug Offenders. We commend the Governor for recommending this bill, which would provide additional alternatives to incarceration for certain DUI offenders and drug offenses that do not involve the commission of violence. The Division is currently developing the agenda for our annual prosecutor training program, and one area of focus will be the various diversionary programs and alternatives to incarceration. We would note one apparent inconsistency between Section 3 of the bill and the provisions of S.B. No. 953 and S.B. No. 1014. Section 3 of this bill provides that a person placed in home confinement be returned to state custody if found to have consumed alcohol. By contrast, making the possession of marijuana an infraction payable by mail-in fine, as proposed in S.B. No. 953 or S.B. No. 1014, would remove the ability of the court to impose a similar sanction for repeated possession of marijuana. The Division supports the approach of H.B. No. 6391.

In conclusion, the Division of Criminal Justice wishes to express its thanks to the Committee for this opportunity to provide input on these important issues. We would be happy to provide any additional information the Committee might require or to answer any questions that you might have.

ADDENDUM

INMATES INCARCERATED FOR WHAT THE DEPARTMENT OF CORRECTION RECORDS POSSESSION OF MARIJUANA AS THE PRIMARY (CONTROLLING) OFFENSE

Analysis by the State of Connecticut Division of Criminal Justice - March 11, 2011

PRETRIAL DETENTION – 12 individuals

1 Defendant has two other pending cases with a pending charge of failure to appear in one of those cases.
2. The primary charge is incorrectly identified as possession The defendant is charged with possession with the intent to sell.
3 The defendant has four pending cases, three of which involve burglaries
4. The defendant has five pending cases, one involving a burglary, one involving a charge of Larceny in the First Degree and forgery charges
5 The defendant was on probation at the time of the offense and has another case pending.
6 The defendant's case is being handled through a special drug intervention court The defendant was on probation at the time the marijuana charge was brought
7. The defendant has a lengthy record. The possession case is a companion case to a sale case where the defendant is held on a more substantial bond
8 The defendant is being held on three other files in two of which he has pending failures to appear
9 The defendant has five pending cases, one of which is a violation of probation, one involves Larceny in the First Degree and one involves possession of a sawed off shotgun or silencer
10 The case involves an Interfering with a Police Officer charge.
11. The defendant has multiple domestic cases pending as well as a violation of probation
12 Defendant has a number of prior convictions.

SENTENCED INMATES – 19 individuals

1 The convicted individual has thirteen prior convictions and was on probation at the time he was arrested for the marijuana The record shows that the defendant owed 60 days on the Violation of Probation (VOP) and that the VOP was disposed of at the same time sentence was imposed in this case The record also shows that the defendant was originally charged with possession of narcotics with the intent to sell but that the charge was reduced to possession of marijuana The defendant's prior convictions were for a variety of crimes including, sale of narcotics, assault, larceny, failure to appear, burglary, interfering, criminal impersonation, assault on a corrections officer. The defendant also had multiple violations of probation
2. This individual was originally charged with possession of a weapon in a motor vehicle The charge of possession of marijuana was substituted. The defendant had prior convictions for sale of narcotics, interfering, and operating under the influence
3 The defendant was originally charged with sale of a controlled substance He has lengthy record that includes multiple convictions for burglary, and convictions for breach of peace, larceny, assault, and another possession of marijuana He was on released on a conditional discharge for possession of marijuana when he was arrested for this case.

4 In what appears to be a plea bargain the defendant was allowed to plead to the marijuana charge and the state nolled a case involving Burglary in the Second Degree The defendant has multiple prior convictions for threatening, interfering and larceny. In addition, he has a conviction for criminal mischief and multiple probation violations

5 It appears that the defendant picked up the marijuana charge while he had a VOP pending in another case. The defendant has prior convictions for interfering, larceny and multiple drug offenses. He has violated probation on a number of occasions

6 The defendant committed the crime only two months after being put on probation He owed one year on a domestic assault He had prior convictions for burglary, sale of narcotics, failure to appear, and violation of a protective order. He had violated probation in the past.

7. It appears that the state entered into a plea bargain with the defendant whereby it agreed to forego felony charges including Assault in the Second Degree, and sale of a controlled substance The defendant had prior convictions for assault, threatening, and reckless endangerment

8 The defendant was on probation for an assault two that was substituted down from an assault two with a firearm when he picked up two separate cases involving marijuana The defendant, thereafter, failed to appear in one of the marijuana cases The probation violation was disposed of with the marijuana cases

9. The defendant disposed of three pending marijuana cases, in one of which he was charged with sale. Two of the offenses were committed while the defendant was released on bond in the sale case.

10 The defendant committed the crime while on probation. The defendant was originally charged with sale of a controlled substance The probation violation was disposed of with the marijuana case

11 The defendant had two sale cases substituted down to possession cases

12 The defendant who had two prior convictions for possession of marijuana had a sale case substituted down to possession At the same time, the defendant was convicted of a felony drug offense.

13 The defendant had a case in which he was charged with possession of a controlled substance with intent, he was apprehended with over three pounds of marijuana, substituted down to possession

14 DOC records show the defendant received a sentence of two years to serve, which would indicate it was more than just a simple possession of marijuana since that is punishable by only one year in jail.

15 In this case where the defendant had felony was charged with sale and possession of narcotics, both felonies, the state substituted two counts of possession of marijuana.

16 The defendant had a sale case substituted down to possession.

17. The defendant had two sale charges substituted down to possession.

18 The defendant who had five cases pending plead to two counts of possession after the state dropped the charges from sale.

19 The defendant pleaded guilty to possession in three separate cases as part of a plea bargain in which the state agreed to drop charges of possession of narcotics with intent to sell and possession of narcotics, both felonies.

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

Colonel Danny R Stebbins
Acting Commissioner

Captain Edwin S Henion
Chief of Staff

March 14, 2011

Rep. Gerald M. Fox, Co-Chairman
Sen. Eric D. Coleman, Co-Chairman
Judiciary Committee
Legislative Office Building
Hartford, CT 06106

SB 1014 AN ACT CONCERNING THE PENALTY FOR CERTAIN NONVIOLENT DRUG OFFENSES

The Department of Public Safety supports this bill.

This proposed bill would decrease the statutory penalty for a person who possesses or has under his control less than one ounce of a cannabis-type substance. Under current law, the maximum penalty is a fine of not more than $1000.00, and imprisonment of not more than one year. This bill would make such possession an infraction.

There would be significant procedural changes from a law enforcement perspective that would result in savings throughout the criminal justice system. These savings would come about through reduced paperwork and staff time for police, prosecutors and the courts if possession of less than one ounce is treated as an infraction.

Currently, there are there are about 60 people actually serving time in the state's corrections system for possession of small amounts of marijuana. There are as many as 1,000 people on probation for that offense.

The proposed bill would essentially put in place in Connecticut the same procedure adopted by our neighbors to the north, Massachusetts, in making possession of small amounts of marijuana an infraction. This bill would not legalize possession of marijuana, and significant penalties would remain in place for possession of larger amounts.

The position of the Department of Public Safety in supporting this bill is not merely a position of supporting cost savings, or supporting the bill because it will make for easier police procedures for minor cases. This bill and all bills about how the state is spending scarce dollars for criminal justice must be looked at in the larger context of the entire criminal justice system and how the state is choosing to spend scarce dollars. Passage of this bill will save millions of dollars. Within the criminal justice system, those saved dollars could be spent in an area that will help in the solving the most violent of crimes through DNA analysis. While

the state has been spending millions in arrests, prosecution and post conviction probation for possession of small amounts of marijuana, it has been failing to fund necessary staffing for DNA analysis that will solve cold cases and bring to justice the state's most violent criminals.

In 2003, the Connecticut General Assembly amended Connecticut General Statute 54—102g to require that all persons convicted of felonies be required to submit to the taking of DNA samples. The Connecticut Department of Public Safety received no additional staffing positions and or funding to acquire and process DNA supplies into the CODIS databank. As a result a backlog in convicted offender samples ensued, culminating in a backlog of over 22,484 unprocessed offender samples in August 2009. The State of Connecticut devoted 1.4 million dollars in American Recovery Re-Investment Justice Assistance Grant Funding to hire 9 durational positions to address this backlog and that backlog was eliminated in June 2010. These durational positions have now been diverted to address the criminal backlog of DNA evidence which continues to increase monthly and stands at over three years. Additionally, the ARRA federal grant funding is set to expire in June 2011, jeopardizing the continuation of nine durational positions.

At a time when the state is backlogged in processing convicted offender DNA samples and on the cusp of losing nine talented scientists whose federal funding is running out in June, it is time to take a hard look at how we are spending available criminal justice dollars.

It is not good public policy to be spending millions on non-violent minor drug possession cases while you are failing to fund the greatest criminal justice tool available to get violent murderers and rapists off the streets.

This is a bill whose time has come.

Sincerely,

Colonel Danny R. Stebbins
ACTING COMMISSIONER

State of Connecticut

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Testimony of
Deborah Del Prete Sullivan
Legal Counsel/Executive Assistant Public Defender

Raised Bill No. 1014
An Act Concerning the Penalty for Certain Nonviolent Drug Offenses

Public Hearing - Judiciary Committee, March 14, 2011

The Office of Chief Public Defender supports *Raised Bill No. 1014, An Act Concerning the Penalty for Certain Nonviolent Drug Offenses.* **Section 1** of the bill would provide that a person is guilty of an infraction if he/she person possesses a small amount, less than 1 ounce, of marijuana. Instead of facing up to 1 year incarceration for this small amount of marijuana, a person can be fined. The most recent *Quinnipiac University Poll* released on March 10, 2011 found that 65% of those polled favored decriminalization of possession of small amounts of marijuana compared to 55% just 2 years ago in March of 2009.

Section 2 of the bill does not eliminate the penalties for persons charged with possession of greater amounts of marijuana. A person arrested for possession of 1 or more ounces but less than 4 ounces of marijuana would still be prosecuted and if convicted, imprisoned up to 1 year for a first offense and up to 5 years for a subsequent offense. Fines and probation can also be imposed in addition to a period of incarceration.

Section 3 provides that a person is guilty of an infraction if he/she violates C.G.S. 21-267(a), only as it is related to less than one ounce of marijuana. A person can still be charged with a C misdemeanor for which a person can be imprisoned up to 90 days for paraphernalia related to the use of delivery of controlled substances. This section distinguishes this bill from another bill on the agenda today, Raised Bill No. 953, because this would pertain only to paraphernalia related to marijuana. This Office believes that distinguishing marijuana from controlled substances is appropriate.

This Office asks that the Committee support this proposed legislation.

Public Testimony regarding SB 1014 – An Act Concerning the Penalty for Certain Nonviolent Drug Offenses.

Members of the Judiciary Committee,

My name is Sam Tracy and I am a lifetime resident of South Windsor, CT. I am currently a student at the University of Connecticut, where I am both an elected member of UConn's Undergraduate Student Government. I would like to express strong support for SB 1014 both on my own behalf, and on behalf of all of UConn.

UConn's Undergraduate Student Government, or USG, is made up of over 60 students who are elected by the over 16,000 students who attend the University. It is recognized as the official voice of the student body, and works to find out the concerns and opinions of the student body. As a senator in USG, I took it upon myself to see where the student body stood on the issue of marijuana decriminalization. Some of my fellow students and I took informal polls in our Student Union, where we received overwhelming support for the concept, getting hundreds upon hundreds of signatures on a petition to remove criminal penalties for marijuana possession.

After receiving such overwhelming support for the idea, I authored a bill in USG endorsing SB 1014 on behalf of the student body. After lengthy debate on the issue, which was composed mostly of questions on the specifics of the bill, it was passed nearly unanimously. I have attached the endorsement on the following page, which outlines our reasons for supporting SB 1014.

On the behalf of the student body of UConn, composed of over 16,000 Connecticut residents, I urge you to pass SB 1014.

Sincerely,
Sam Tracy
Senator – UConn Undergraduate Student Government

A Statement of Position Regarding the Decriminalization of Marijuana (SB 1014)

WHEREAS, possession of less than four ounces of marijuana in Connecticut is currently a misdemeanor, punishable by a fine of up to $1,000 and up to one year in prison;

WHEREAS, SB 1014 would decriminalize marijuana, meaning it would change the penalty for possession of under one ounce of marijuana to an infraction, rather than an arrestable misdemeanor;

WHEREAS, a 2002 poll by Time Magazine and CNN showed that 72% of Americans believe that people caught with marijuana should only receive a fine as punishment, and 4% believe that there should be no punishment;

WHEREAS, multiple studies, including the 2008 report by Jeffrey Miron of Harvard University, *The Effect of Marijuana Decriminalization on the Budgets of Massachusetts Governments, With a Discussion of Decriminalization's Effect on Marijuana Use*, have shown that states that have decriminalized marijuana have not seen a measurable rise in the rate of marijuana usage;

WHEREAS, in 2009, for a nearly identical bill, Connecticut's nonpartisan Office of Fiscal Analysis estimated that decriminalization would save Connecticut taxpayers over $30 million per year at the state and local levels;

WHEREAS, from 2007 to 2009 the University of Connecticut Police Department arrested 444 people for drug violations, the vast majority of which were simple marijuana possession;

WHEREAS, due to the Aid Elimination Provision of the Higher Education Act of 1965, a drug conviction prevents a student from receiving federal aid, such as Pell Grants, Stafford Loans, and other forms of aid;

WHEREAS, decriminalization would keep first-time marijuana offenders from receiving a conviction that could prevent them from receiving federal aid, and allow these people to attend college to receive an education;

WHEREAS, decriminalization would allow the University of Connecticut Police Department to focus its resources on protecting the community from violent crimes;

THEREFORE, BE IT RESOLVED, that the University of Connecticut Undergraduate Student Government fully supports marijuana decriminalization;

BE IT FURTHER RESOLVED, that the University of Connecticut Undergraduate Student Government endorses SB 1014.

Author: Senator Sam Tracy
Sponsors: Senator Lindsay Chiappa, Senator Hugh Connelly, Senator Jordan Hegel, Senator Charlie Feigin, Senator Johnny Varkonda, Senator Kyle Smith, Senator Danielle Nachowitz, Senator Cammy Kritzman, Senator Salvatore Sodaro, Senator Alice Lowe, Senator Marissa Oceguera, Senator Rebecca D'Angelo, Senator Dan Worroll, Senator Edyta Tereda, Senator Chris Forstrom.

Testimony on SB 1014 Relating to Marijuana Decriminalization
Submitted on March 1, 2011
To the Judiciary Committee
By Calvina Fay, Executive Director, Save Our Society From Drugs

Chairman Eric Coleman, Chairman Gerald Fox, Ranking Member John Kissel, Ranking Member John Hetherington and other distinguished Members of the Judiciary Committee:

We respectfully request that this testimony, on behalf of Save Our Society From Drugs, a national drug policy organization with members in the state of Connecticut, be included in the hearing that is scheduled for March 14, 2011 pertaining to SB 1014.

Save Our Society From Drugs (S.O.S.) has over ten years of experience in monitoring and making policy recommendations on drug policy issues including those pertaining to marijuana legalization. S.O.S. understands that a comprehensive approach to promote sound drug policy includes education, prevention, abstinence-based treatment, scientific research, and community awareness. Our members include doctors, researchers, law enforcement officials, business leaders, lawyers, and parents, just to name a few.

We have analyzed this bill and believe that this legislation will have significant negative impact on the state of Connecticut. Please take this opportunity to review our analysis of SB 1014.

Proponents of marijuana decriminalization argue that it is too costly for the state to continue to lock-up defendants for "simple" marijuana possession. The idea that Connecticut's correctional facilities are overburdened with defendants whose sole crime was the possession of a few joints is simply not true. A 2009 fiscal note attached to similar legislation introduced that year states that there were 8,118 marijuana arrests of individuals aged 18 and older in Connecticut in 2007, representing only 5.7% of total arrests statewide. What the report fails to determine is what the outcome of those actual arrests were. The state currently has diversion programs set up, and once completed, the offender often has adjudication withheld, or in some cases the charge can be dismissed.

Now is not the time for Connecticut to take a hands-off approach to marijuana use. According to the *2010 Monitoring the Future Survey*, there was a significant increase in daily marijuana use in 8th, 10th and 12th graders. Without the involvement of the legal system, assessments and intervention may not be available, potentially trapping Connecticut's youth in the cycle of addiction, especially for our most disadvantaged youth who could not afford treatment otherwise.

One must consider the amount of marijuana being deemed under this bill as small enough to warrant only an infraction. It is estimated that an ounce of marijuana can roll approximately 60-120 joints. Depending on the quality, the street price for an ounce of marijuana ranges from $225-$400. Adopting a policy of issuing an infraction for possession of this amount of marijuana would just be the price of doing business for dealers who would learn to carry smaller amounts on them in hopes of a "slap on the wrist" before returning to the streets restocked.

Marijuana is unique among drugs in that it is impossible to overdose on it, but that fact doesn't mean it is harmless for your body. Someone who smokes marijuana regularly can have many of the same respiratory problems as cigarette smokers. Persistent coughing, bronchitis, and more

frequent chest colds are possible symptoms. Regular use of marijuana compromises the ability to learn and to remember information by impairing the ability to focus, sustain, and shift attention. Long term use reduces the ability to organize and integrate complex information. Research increasingly shows that intensive marijuana use often meets the technical requirements for addiction (or dependence). More and more studies are showing addictive qualities in marijuana, and more than 120,000 people in the US each year seek treatment for addiction to it.

Finally, I would like to comment on marijuana as a gateway drug. Certainly, no one is saying that everyone who smokes marijuana will eventually turn to harder drugs, but there is a correlation between the use of marijuana and an individual's tendency to progress to other illicit drugs. In fact, the RAND Drug Policy Research Center Study, finds that there is a high incidence of progression from marijuana to heroin and cocaine and that the younger you are when you first use marijuana, the more likely you are to end up using cocaine and heroin.

Thank you for the opportunity to provide testimony on this important issue. We would be happy to provide you with additional information or discuss this issue further with you, if you so desire. Please reject SB 1014!

With Respect,

Calvina L Fay

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3/3/2011

State of Connecticut
Senator Eric Coleman,Chairman
Senator Geral Fox, Chairman
Senator John Kissel, Ranking Member
Senator John Heatherington, Ranking Member
Distinguished Members of the Judiciary Committee

Re: Testimony In Opposition of SB 1014, SB 952, and SB 1015

Dear Senators and Distinguished Members of the Judiciary Committee:

We have considerable experience dealing with marijuana in California. I want to share with you some facts in hopes that you will do all possible to stop the proliferation of marijuana for any use in Connecticut, before it destroys so many of our young people, and inflict so much social and economic harm, that America will completely lose its competitive standing among nations.

SB1015 – "Medical Marijuana"

Marijuana is rightly classified as a Schedule I drug because it has no accepted medical value. The therapeutic values are uncontested in some cases, but the harms almost always outweigh the benefits, and there are better, legal medicines. The burden of deciding what is and is not a safe and effective medicine must be left to the FDA, not decided by voters or legislators.

Because marijuana is fat soluble, it invades and attaches to every cell and organ in the body for extended periods of time, longer than any other drug. It clogs the cells with fat, keeping out the healthy proteins and in turn weakens the immune system, which is not good for anyone with AIDS. The Glaucoma Association does not recommend marijuana because it takes so much to relieve pressure a person is permanently stoned, and it can actually damage the eyes.

The two fattest parts of the body are the brain and sexual organs, which accounts for the fact it can cause permanent damage to brains that aren't fully developed until age 25 and lead to psychosis, depression and suicide even long after abstinence. It also causes still births, birth defects and brain damage to future offspring. The harms to physical and mental health are endless, but in addition it adversely affects short term memory, motivation, maturation, academic achievement and productivity .... just what we don't need in this struggling economy when we rank 24th in the world academically.

Adolescents in Montana and other states are pleading for safe and drug free schools, as they see their friends wasted by pot, which has been purchased and resold to kids by 18 year olds with a doctor's recommendation.. They can't legally buy alcohol until 21, yet they have unlimited access to an illegal narcotic. Ridiculous! If we continue to destroy our youth, we have no future as a nation.

SB 1014 – One Ounce of Pot Is An Infraction

One ounce of pot equals 60 - 120 joints. A fine of $35 to $90 isn't even the equivalent of a parking ticket in most states, and it will certainly encourage trafficking in marijuana. There is some merit in not clogging the courts with misdemeanors, but I would encourage you to have escalating penalties starting at maybe $1000 and loss of driving privileges, to maybe $5,000 for the third offense, make it a misdemeanor and take driving privileges away for three years.

SB 952 – Selling Drugs Near Schools

Distance helps, but in the end it won't matter. Kids will continue to be a black market, and the mind altering effects of marijuana last for long periods. According to one expert (Dr. Nicolas Pace) it takes 3 to 7 days for the body to rid itself of one-half of the THC in a single joint, and a month for the balance. Even weekend use stacks the THC which alters the mental state, impairs cognition and results in traffic accidents and deaths. 23% of traffic deaths in California are now caused by marijuana impairment, and the death rate has doubled in the five years after 2004 when our Senate Bill 420 made pot available for everything from a hangnail to a headache.

Please, for America, fulfill your two most important responsibilities and protect the people and manage tax dollars intelligently. You can't do either by legalizing marijuana for any reason.

Sincerely

Roger Morgan
Director, Take Back America Campaign
Coalition for a Drug-Free California
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THE HARMFUL EFFECTS OF MARIJUANA
A SERIOUS THREAT TO PUBLIC HEALTH

A compilation of scientific research by Roger Morgan

What Is Marijuana [i]
Dr. Eric Voth

"Marijuana is a complex, unstable mixture of 483 chemicals, that when smoked, creates over 2,000 chemicals, many of which cause cancer. Over 60 of these chemicals are "cannabinoids," some of which are psychoactive, all are bioactive, and all may remain the body's fatty tissues for long periods of time with unknown consequences.

THC, the primary psychoactive substance, varies in potency. The unknown concentrations of chemicals and THC make it impossible to create medically precise and uniform dosage. For that reason, marijuana cigarettes, marijuana brownies and other concoctions remain ineligible to be classified as a medicine." (Dr. Eric Voth)

The potency of marijuana has increased from ½ of 1% THC content in the 1970's to a normal market range of 10 to 21%, and as high as 37%.

Smoked Marijuana is NOT "Medicine"[ii]
Dr. Robert DuPont

While scientists have confirmed that the cannabis plant contains active ingredients with therapeutic potential for relieving pain, controlling nausea, stimulating appetite and decreased ocular pressure, the FDA has not approved it as a medicine for the following reasons:

- Smoking marijuana causes changes in the brain similar to those caused by long-term use of cocaine and heroin.

- Smoking is not a safe or sensible way to deliver a drug. Currently, there is no way to control dose, ingredients or potency. Some marijuana is laced with cocaine, PCP and dangerous chemicals including formaldehyde. Without a verifiable, controlled source of the product, dangerous pesticides can also be present.

Marijuana Damages the Lungs and Respiratory System

Smoking anything is harmful to the lungs and respiratory system, but marijuana has 50 to 70% more carcinogens than tobacco.

- Marijuana causes impaired respiratory conditions including reduced lung density, lung cysts, and chronic bronchitis. It elevates the risk of testicular cancer and eightfold rise in lung cancer risk.[iii]

- Marijuana is more harmful to lungs than tobacco. One joint is the equivalent of five cigarettes, and marijuana smoke has ammonia levels 20 times greater than tobacco, and 3 to 5 times more hydrogen cyanide, nitric oxide and aromatic amines.[iv]

- Marijuana smoke causes deterioration of lungs 20 years ahead of tobacco smokers.

Marijuana – Can Cause Permanent Brain Damage

The human brain is **not fully developed until approximately age 25**, or even later. Until then, it is more susceptible to harm and addiction, particularly during adolescence. The **two age groups with the highest consumption are 18 to 25** and **12 to 17 years old**, both below the threshold of a mature brain, where smoking marijuana should be avoided. Scientific research has shown the following:

- "There is now evidence that cannabis may affect the adolescent brain **(permanently alerting)** its development trajectory. While this may not occur in everyone, some people may be particularly vulnerable. ....using cannabis during adolescence may be like playing Russian roulette." (Dr. McGrath)[v]

- Young people who smoke pot are **6 times more likely than others to develop psychosis; 3 times more likely to have hallucinations; 4 times more likely to have delusions.** Side affects which can appear years after you have quit.[vi]

- Heavy marijuana users are **more likely to be diagnosed with schizophrenia later in life.**[vii]

- Teens who smoke marijuana **at least once a month** are **three times more likely to have suicidal thoughts than are non-users.**[viii]

- **Prevalence of depression and anxiety increases** with higher rates of cannabis use.[ix]

- "Recent, high-quality, longer term, robust research involving thousands upon thousands of people over generations of time, in several populations and countries, has shown that **marijuana, especially in teen boys, leads to measureable increase in the future development of schizophrenia ....**"[x]

- From a website **Schizophrenia.com**, the following were reported:

  - A recent Dutch study showed teenagers who indulge in cannabis **as few as five times** in their life significantly increase their risk of psychotic symptoms.

  - In Melbourne, a study revealed that regular use of cannabis by adolescent girls could trigger long-term depression, and for those vulnerable to a psychotic disorder, **even a small amount of cannabis could pose a threat.**

  - The risk is higher when drugs are used by people **under the age of 21**, a time when the human brain is developing rapidly and is particularly vulnerable.

  - White matter growth accelerates in the teen years and continues into adulthood. The

"growth" is actually the result of myelin encasing the brain's connecting wires ..... while the white matter is being wrapped in its protective coating, the gray matter of the brain in undergoing its own changes. Inefficient or confusing connections between neurons, called synapses, are pruned and some cells die. **From age 14 to 16, people lose about 20% of the synapses in the brain.**[xi]

Marijuana - Cellular Damage

Marijuana is fat soluble, like DDT, and .DDT was banned because it accumulates in body cells and organs. (Dr. Nicolas Pace)[xii]

The detrimental effect on body cells is the most alarming find of the harms of marijuana because *".....They are the underlying cause of all of the other deleterious effects that have been reported by researchers. .... Not only do fat soluble cannabinoids clog the cells, inhibiting their function, but many studies have shown that chronic pot smokers have large numbers of abnormal cells."* [xiii] (Dr. Gabriel Nahas)

"...In my twenty years of research on human cells, I have never found any other drug, including heroin, which came close to the DNA damage caused by marijuana."[xiv] Dr. Akira Miroshima) (Study was done in 1973, when pot's THC potency was only ½ of 1 percent.)

Miroshima pointed out that all animals and plants have their own specific number of chromosomes in the nucleus of each cell. Humans have 46, with the exception of sperm and eggs, which have 23 each. When the sperm and egg get together, the new starting cell has 46. Miroshima discovered that one-third of "weekend smokers" who average just two joints a week had only 20 to 30 chromosomes, about the same as a frog.

In practical terms, in over 300 studies the results of cell damage from fat soluble marijuana include:

- Two cells most directly affected are sperm and ova ... **in short, our future.** Marijuana directly affects the sex organs, the eggs, the sperm and the placenta. It also **affects the pituitary**, a pea-like structure at the base of the brain, which is a control center for sex and reproductive hormones and in turn, sexual dysfunction.[xv]

- **Lack of sexual desire** and lower frequency of organism.[xvi]

- Cannabinoids are **mutagenic – meaning they can transmit abnormalities across generations.** In one experiment with mice, they discovered a fetus with no skull, just the brain covered by skin, and the backbone was outside the body. Neither the parents or grandmother received THC, **just the grandfather**, which indicated that cannabinoids can transmit abnormalities across generations.[xvii]

- Decreased quantity and increased abnormalities in sperm **can lead to impotency,** lack of interest in sex, and retarded development of sex organs during adolescence..

- Pot smoking during pregnancy **adversely affects the fetus** and results in smaller birth weight babies with smaller head size, cardiac murmurs, small eye openings, broad low nasal bridge and low set ears. Overall, the course of labor is hazardous and 41% of pot smokers' babies required oxygen resuscitation at birth, and 57% exhibited fetal feces (meconium) compared to 25% of normal babies. Meconium is hazardous to the newborn

as it can get into the lungs when the baby takes its first breath.[xviii]

- **Higher birth loss.** In long term studies by Dr. Ethel Sassenrath at the Primate Research Center at UC Davis, in an experiment with Rhesus monkeys who had received THC human equivalency dose of 1 to 2 joints a day, 44% of the pregnancies of THC-treated mothers did not result in living off-spring, compared to 12% birth loss which was normal. The losses occurred as natural abortions, reabsorptions, *in utero* death, stillbirth or death just after birth.[xix]

- **Behavioral problems in THC exposed offspring.** Lab tests showed subtle developmental abnormalities in various organ systems and tissues, and all showed deficits in attention and over-concentration on different stimuli in the environment ... the kind of deficits in behavior which indicate that the central nervous system has been affected. [xx]

- There is more that should be of concern to young ladies, including disrupted menstrual cycles to less estrogen. **Decreased estrogen results in decreased blood flow to the placenta, which means decreased nutrition to the developing baby.** [xxi]

One should remember also, that the findings cited above were achieved when pot had THC levels of ½ to 2%. Today's pot is 20 to 60 times stronger.

Marijuana Is NOT Safer Than Alcohol

Not that it really matters, because alcohol isn't going away, but marijuana is not safer than alcohol. It combines the harms of both alcohol and tobacco.

Dr. Nicolas Pace [xxii] states there are two important differences between alcohol and marijuana:

1) Alcohol has a single chemical and is water soluble. One ounce is metabolized and is completely excreted from the body within 12 hours.

2) Marijuana is a crude drug containing 421 known chemicals, that when combusted, turn into 2,000 chemicals. Of the 421 basic chemicals, 61 are known cannabinoids, four of
which are psychoactive or mind-altering. But a few of the *non*psychoactive cannabinoids appear to be more harmful to certain organ systems than the psychoactive ones.

The most important, and ominous factor about cannabinoids is that they are fat soluble, even *fat loving* according to Dr. Pace. *"The fatty sections of cells and membranes and the fatty organs of the body act like magnets attracting the cannabinoids The cells membranes, the coating around the cell, is at least 60% fat. When the fat soluble cannabinoids dissolve in the cell membrane, they make it difficult for the most important constituents of the cell, the proteins, to enter. And cannabinoids clogging of the cell, including the vital nucleus, has many additional deleterious effects."*

"What about the organs? The chief fatty organs of the body are the gonads (sex glands) and the three pound human brain, which in one-third fat."

According to Pace, all studies showed that it took the body three days to get rid of *one-half* the THC and cannabinoids in a single joint, and up to 30 days for all of it. So if a person smokes even just one joint every Saturday night, the new cannabinoids stack on top of the first.

Dr. Robert C. Gilkeson[xxiii], who had spent 23 years in neurophysiologic research, stated: "*No drug or chemical improves the normal cell. Marijuana is a known intoxicant. Toxic means poison. Anyone who smokes or ingests more than the equivalent of one marijuana cigarette every 30 days will accumulate an acute neurotoxic substance in his or her body.*"

It is also commonly known that the risk of heart attack is increased 4.8 times within one hour after smoking marijuana.

Marijuana – Impact On Young People

If a young person reaches age 21 without smoking, abusing alcohol or using drugs, it is virtually certain they never will. (Joseph Califano Jr.)[xxiv]

Babies born to mothers who use marijuana during pregnancy have an eleven fold increase in nonlumphobiastic leukemia[xxv] and as mentioned earlier, can result in **smaller babies at birth, with lower IQ**'s whom later develop Acute Deficit Hyperactivity Disorder **(ADHD) and other behavioral issues..**

Aside from damage that could already have occurred before birth, **the quality, longevity and productivity of one's adult life is largely determined by what happens during this period of brain development,** and within in a few years thereafter.

Marijuana, smoked even a few times can interrupt the development of white and gray matter and in the brain and **cause psychotic episodes years later** like **depression, anxiety and even suicide** and **lead to psychosis.** (Hall and Degenhardt 2009)

According to NIDA publication Research Report Series called Marijuana Abuse (Page 5), the consequences of marijuana abuse are **impaired short term memory, impaired attention, judgment and other cognitive functions, impaired coordination and balance, increased heart rate and psychotic episodes.**

Persistent impacts that last after intoxication include **impaired memory and learning skills** and **sleep impairment.**

Long term cumulative effects include **addiction** (17% of those under 18), **increased risk of chronic bronchitis, increased risk of schizophrenia in vulnerable individuals**, and **increased risk of anxiety, depression** and **amotivational syndrome.**

All of the above adversely affect academic achievement. Marijuana can cap a young person's potential in life, place more of an economic burden on society for all public services and further diminish America's competitive position as a nation.

END NOTES _____

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[i] Voth, Dr. Eric. Chairman of the Institute of Global Drug Policy.

[ii] DuPont, Dr. Robert, Institute For Behavior and Health, The Many Problems and Consequences of Marijuana Use: Marijuana Use Is a Serious Threat to Public Health. (2010)

[iii] Reece, Albert Stuart. Chronic Toxicology of Canniiis, Medical School , University of Queensland, Highgate Hill, Brisbane, OLD, Australia.

[iv] DuPont, Dr. Robert, Institute For Behavior and Health, The Many Problems and Consequences of Marijuana Use: Marijuana Use Is a Serious Threat to Public Health. (2010)

[v] McGrath, Dr. Chose, Dr. University of Queensland. The study of 228 pairs of siblings which were drawn from birth cohort of 3801 adults.. Archives of General Psychiatry.

[vi] Pickett, Dr. Mary. Harvard Medical School. March 2010.

[vii] Zummitt, S., et.al. Self-reported cannabis use as a risk factor for schizophrenia in Swedish conscripts of 1969; historic cohort study. British Medical Journal 325, 1199-1201 as reported by Dr. Robert DuPont.

[viii] Office of National Drug Control Policy, 2008 Marijuana Sourcebook. July 2008. As reported by Dr R.. DuPont.

[ix] Patton, G.C., Coffesy, C., Carlin J.B. Degenhardt, L., Lynskey, M., & Hall, W. (2006) Cannabis use and mental health in young people: Cohort study. British Medical Journal, 32, 1195-1198.

[x] Gurley, Dr. Board-certified Internist Physician and Harvard Medical School Graduate now serving as the San Francisco City Public Health Administrator.

[xi] Nasrallah, Dr. Henry; Yungelun-Todd, Director of Cognitive Neuroimaging at the Brain Imaging Center of LcLean Hospital and Harvard Medical School in Boston, and Rapaport, Dr. Judity at the National Institute of Mental Health.

[xii] Pace, Dr. Nicolas. Past President of the New York City Affiliate of the National Council on Alcoholism, and founding director of the American Co9uncil on Marijuana and Other Psychoactive Drugs. MARIJUANA: They Myth of Harmlessness Goes Up In Smoke (1987) by Peggy Mann, , Page 15

[xiii] Nahas, Dr. Gabriel , PART II, Report on Research, Marijuana and Cellular Damage, Page 11, MARIJUANA: They Myth of Harmlessness Goes Up In Smoke by Peggy Mann (1987)

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[xxv] Reece, Albert Stuart Reece. *Chronic Toxicoloy of Cannibis*, Medical School, University of Queensland, Highgate Hill, Brisbane, OLD, Australia.

TESTIMONY IN OPPOSITION TO EFFORTS TO LEGALIZE MARIJUANA IN CONNECTICUT SB 1014 AND SB 1015, AND IN SUPPORT OF HB 6174.

Judiciary Committee
LOB Room 2500
300 Capitol Avenue
Hartford, CT 06106

Chairman Eric Coleman, Chairman Gerald Fox, Ranking Member John Kissel, Ranking Member John Hetherington and other distinguished Members of the Judiciary Committee.

Legalizing Marijuana Reflects an Indifference to Public Health

by Bertha K. Madras, PhD

I STRONGLY OPPOSE THE EFFORT TO LEGALIZE MARIJUANA IN CONNECTICUT SB 1014 AND SB 1015, AND IN SUPPORT OF HB 6174 AT THE PUBLIC HEARING

RESTRICTIVE MARIJUANA LAWS ARE DRIVEN PRIMARILY BY PERSONAL AND PUBLIC HEALTH CONSIDERATIONS.

Maintaining restrictions on marijuana are more compelling than ever, as marijuana potency and availability soar, in parallel with increasing scientific evidence of marijuana's adverse consequences.

(SB1098)

A. Why is Marijuana a Concern?

1. **Acute effects of marijuana on brain function.** Unlike opioids, marijuana is not likely to cause death by overdose but it resides in Schedule I because of its high abuse liability, and no medical indications – essentially because it adversely disturbs brain function and biology. A Saturday night marijuana binge is intoxicating in the short term, but it can also produce residual cognitive deficits (on learning and memory) for several days. (Marijuana research protocols generally wait at least 5-30 days for marijuana to clear, before measuring long term residual cognitive effects). These deficits are readily quantified, are exaggerated in schizophrenics.
2. **Marijuana compromises the lives of the most vulnerable.** Who is compromised by marijuana? The student in class who can't focus, the construction worker at risk for injury, the unemployed who is less likely to find work, the poor, the high school drop-out. It is unacceptable for soldiers, airline pilots, nuclear power plant operators, federal workers to test positive for marijuana. Should it be acceptable for teachers, day care providers, construction workers, students, machine operators, miners, parents, or drivers?

3. **Marijuana driving.** A 2009 National Highway Traffic Safety Administration (NHTSA) report showed that more people are driving on weekend nights under the influence of marijuana (8.3%) than alcohol (2.2%). A different study found that about 34% of motor vehicle crash victims admitted to a Maryland trauma center tested positive for "drugs only". Studies conducted in several localities have found that approximately 4 to 14% of drivers who sustained injury or died in traffic accidents tested positive for THC, the active ingredient in marijuana.

4. **Marijuana and health care costs.** Emergency department mentions of marijuana in the US have increased from 281,619 to 374,435 during 2004-2008, in parallel with linear increases in marijuana potency and marijuana addiction.

5. **Marijuana is addictive.** Marijuana is addictive in 9-10% of users. Progression to addiction reportedly is more rapid than progression to nicotine addiction. Abstinence in the heavily addicted unmasks physical and psychological neuroadaptation, manifest by an unnerving withdrawal syndrome. Nation-wide, more people harbor a medical (DSM-IV) diagnosis of marijuana abuse/addiction than any other illicit drug. More youth are DSM-IV positive for marijuana than for alcohol, as a percentage of users. Extrapolating from national statistics, an average cost for addiction treatment is $4,000 for ambulatory care and at least four times that amount for residential care. This can add billions of dollars for marijuana treatment needs nationally.

6. **Young marijuana users become addicted at 6 times the rate of adult users.** The prevalence of addiction to marijuana is 6-fold higher, if youth initiate marijuana use at age 14 or younger. Early onset of marijuana use is also associated with addiction to other drugs in adulthood, including alcohol and heroin. Some have speculated that genetics, cigarettes smoking, social environment, poverty, child abuse, psychiatric conditions confer this higher risk in the young. But how to explain that adolescent rats exposed to the most active constituent of marijuana, delta-9-tetrahydrocannabinol or THC, *only during adolescence*, seek heroin at higher rates after they mature into adults, compared with unexposed rats, and display fundamental changes in brain opioid systems long after their last dose? Social, environmental, poverty, child abuse, psychiatric conditions do not apply to inbred rats – the drug alone alters the trajectory of brain and behavioral development. There is no reasonable evidence that marijuana sold for adults will prevent diversion to young adolescents. Our abysmal failure at preventing youth cigarette smoking or alcohol consumption should be our intuitive guide. Youthful users of marijuana are at particular risk.

7. **Marijuana use and neuropsychiatric disorders.** In nine population studies of more than 75,000 people from seven different countries, early marijuana use was found to be associated with an average two-fold higher risk for later-onset psychosis and schizophrenia. The influential medical journal Lancet, which declared in 1995 that "The smoking of cannabis, even long term, is not harmful to health." changed this conclusion in 2007, by stating that "Research published since 1995, including

[the] systematic review in this issue, leads us now to conclude that cannabis use could increase the risk of psychotic illness... governments would do well to invest in sustained and effective education campaigns on the risks to health of taking cannabis." A current debate is being waged on whether to revise comparative risk assessment in the Global Burden of Disease (GBD) to include the attribution of psychosis to marijuana use. Degenhardt et al argue that the risk assessment should be included because the evidence is as good as that for many other risk factors in the GBD. Some scientists have estimated that marijuana contributes about 8% to new cases of schizophrenia. If this estimate is accurate, unfettered marijuana access in, for example, California conceivably would add 25,000+ cases of schizophrenia, with an estimated cost of caring for this cohort for 30 years in excess of $6 billion (based on a low estimate of $8,000/per patient/year).

8. **Long term heavy marijuana use.** Heavy daily marijuana use across protracted periods can exert harmful effects on brain tissue and mental health. Brain imaging of ***long-term heavy marijuana*** users has shown exposure-related structural abnormalities in brain regions critical for learning, memory and emotional responses, and these brain changes correlate with impaired verbal memory and other symptoms. ***Abnormal brain size and brain circuitry of adolescent marijuana users*** have also been recently documented. Compromised academic performance, school drop-out, and a host of other adverse consequences are elevated in high school or college students who use marijuana. Accurate price tags for these lost educational and employment opportunities don't exist, but at the very least, they should weigh heavily on the citizens' conscience.

9. **Peripheral health is affected by marijuana.** Marijuana use is associated with increased risks for bronchitis, compromised pulmonary function, precancerous lung changes, cardiovascular events, problematic pregnancies, teratogenic and hormonal effects.

B. Marijuana use is increasing.

Despite this evidence, 2009 was a banner year for marijuana use in our nation. Compared with 2008, 1.5 million more marijuana users were added to the ranks in 2009. The steady decline in marijuana use among youth over the past 6 years was reversed in 2009. Marijuana use among 12-17 year olds increased by over 7%, with a 14% increase among boys, and a 13% increase among college students. Expanding acceptance of medical marijuana and proliferating availability conceivably are driving reduced perception of harm and a pivotal rise in use.

C. Authors' Biography: Bertha K. Madras is a Professor of Psychobiology in the Department of Psychiatry at Harvard Medical School and former Deputy Director for Demand Reduction in the White House Office of National Drug Control Policy. She is author of over 130 scientific manuscripts, senior editor of a book: "The Cell Biology of Addiction", and holds 19 patents with collaborators. She directed the creation of a Museum of Science, Boston exhibit on how drugs affect the brain, and also developed a CD titled "Changing Your Mind: Drugs in the Brain", which was licensed by the Disney Corp. in 2006.

002854

MICHAEL RINALDI

NARCOTIC ENFORCEMENT OFFICERS ASSOCIATION

POSITION ON LEGALIZATION OF MARIJUANA

PAGE 13
LINE 12

To Chairman Eric Coleman, Chairman Gerald Fox, Ranking Member John Kissel, Ranking Member John Hetherington, and other distinguished Members of the Judiciary Committee:

The Connecticut Narcotic Enforcement Officers' Association (CT-NEOA), in conjunction with the National Narcotic Officers' Coalition, opposes all efforts at the local, state, and Federal levels to decriminalize, legalize, or normalize marijuana possession, production, and use. This includes efforts to legalize marijuana under the auspices of a "medical" necessity. Smoked marijuana is a dangerous psychoactive substance that has caused untold pain and suffering to individuals, families, and communities. The Food and Drug Administration and American Medical Association have deemed smoked marijuana not to be a medicine. And contrary to popular belief, marijuana has been evaluated to have little or no medicinal benefit as a smoked drug, and the respiratory damage caused by the inhalation of marijuana is greater than that of cigarettes.

The facts on marijuana are as alarming as they are clear. Based on law enforcement data, the vast majority of substance abusers and addicts initiated their drug use with marijuana. In fact, more than half of young people in treatment for substance abuse are receiving treatment for marijuana as their number one drug of abuse. Additionally, marijuana is the most prevalent illegal drug detected in testing following traffic fatalities and accidents involving illegal drugs, a fact with grave impacts on public safety.

Considering these facts, the CT-NEOA is disappointed that some people would actively advocate for decriminalizing, "medicalizing", or outright legalizing marijuana sales and possession. The CT-NEOA disapproves – in the strongest possible terms – of all efforts to decriminalize, legalize or to "medicalize" herbal cannabis or smoked marijuana – at the local, state, and Federal levels. Legalizing chemically addictive drug substances is not the right thing to do, from any side – be it a criminal justice position, health-care approach or social perspective.

In short, the repercussions of softening marijuana policies would be devastating. By reducing penalties and actively promoting "medical" qualities of a smoked substance, policy-makers would remove the negative social stigma associated with marijuana use. With dropped barriers of deterrence, and increased access to marijuana, abuse of other, more harmful chemical substances is tacitly encouraged and enabled. Furthermore, making marijuana abuse more acceptable would also lead to a substantial increase in use. Even social scientists who advocate various decriminalization policies admit that decreased perception of harm and the perception of social disapproval leads to decreased use.

The truth is undeniable: Increased drug use would have disastrous, wide-ranging consequences, the effects of which will be highly difficult to roll back. Increases in marijuana use and other drug use would lead to increased addiction rates, increased workplace incidents, increased health care and emergency costs, increased addiction treatment demand, increased public health burden borne by states and local governments, increased insurance premiums, and increased traffic fatalities and accidents. When advocates of softening drug policy say government would save millions in enforcement costs, they say nothing of new costs that would have to be borne by taxpayers to deal with all of the above consequences. Even if there were no negative social consequences to decriminalization or legalization, the economics just don't make sense.

Advocates of decriminalization and legalization suggest that prohibition fosters a massive black market for narcotics and that removing the prohibition would eliminate the black market.

SB953 SB1014 SB1015 HB5566

NARCOTIC ENFORCEMENT OFFICERS ASSOCIATION

While sales of addictive chemicals offer rich incentives for those who disregard societal health and welfare, creating a legal and regulated market for marijuana and other substances would never completely eliminate criminal profit incentives. Often they accelerate criminal enterprises, such as gambling, alcohol and tobacco. The black market for cigarettes illustrates the point; organized criminal groups reap enormous profit by exploiting tax disparities of legal items. Rest assured, criminal groups engaged in marijuana sales – and other drugs – would quickly exploit any legal loopholes for illicit advantage, ensuring that dangerous substances are still available to anyone who wants them – regardless of legal status.

Those who believe that drug enforcement and the overall "war on drugs" has failed are wrong. Drug use by teens has decreased substantially since the early 1980s. Violent crime, property crime, burglaries and theft are all significantly less prevalent than they were even 15 years ago – each has declined by more than 30%. Strong enforcement practices, multijurisdictional task force operations, effective prevention messages, improved intervention strategies, and meaningful sentencing policies have all played a part in this success. The CT-NEOA flatly rejects any notion that drug enforcement has failed and that decriminalization or legalization is the only answer to the problem. As an example:

- At one point in Los Angeles County, there were more "medical marijuana" shops then Starbucks coffee shops.
- Along a 20-mile stretch of Ventura Boulevard, one "medical marijuana" shop could be found every ¼ mile.
- Of the total prescriptions filled for "medical marijuana" in Los Angeles, only 1.5% were for cancer, glaucoma, or AIDS patients; the remaining 98.5% were for "soft tissue injuries," "sleeping problems," and other issues.
- Of all prescriptions written, 70% were for persons under the age of 40.
- There were four (4) marijuana dispensaries in 2004; ninety-eight (98) in 2006; one hundred eight-seven (187) in 2007 ; between February and June of 2009, there were four hundred eighty-one (481) submitted applications for marijuana dispensaries.
- Many marijuana exhibits examined were found to hold high levels of pesticides, including DDT, with most samples originating in Mexico
- There is no delivery system approved by the Food and Drug Administration for ingestion of marijuana.
- The State of Montana has moved to repeal the medical marijuana law as the result of safety, health concerns and stigma of being compared as a source state similar to that of Mexico and Columbia

The CT-NEOA believes that an effective drug policy is rooted in sound prevention and education programming; proven and effective addiction treatment and intervention; and strong enforcement of laws against production, trafficking, sales, and possession of dangerous substances. Recent successes would be threatened by the softening of our public policy approach to marijuana. The fact remains that, while research continues into the medical efficacy of the chemical components of cannabis, herbal cannabis and smoked marijuana is an addictive and dangerous substance that has no medicinal value. This would greatly hinder companies who offer drug-free work environments from remaining in Connecticut. We strongly disapprove of efforts to make this substance more available to the public, particularly vulnerable American youth.

Michael Rinaldi, President of the Connecticut Narcotic Enforcement Officers Association

The Institute on Global Drug Policy

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JOE WIESE,-TX

February 28, 2011

Dear Legislators:

I am writing in opposition to SB 1014 regarding marijuana decriminalization and SB 1015 regarding medical excuse marijuana

It is most important to understand that legislative actions giving access to marijuana seriously jeopardize consumer protection. Our processes for bringing medicine to the public have been established so that science, not emotion, prevails. Medicine needs come through the FDA to assure safety and efficacy. The FDA opposes medical excuse marijuana and such legislative actions. More importantly, the recent legislative initiatives create medicine by popular vote. Marijuana is not a safe drug, and is far from clearly effective. The active ingredients of marijuana are already available to the public by medical prescription. There is no advantage, and indeed there is a disadvantage, to smoking marijuana over available medications.

Marijuana advocates allege benefits of marijuana use with little or no clear scientific basis. Neither Marijuana nor pure THC has ever been compared to new anti-nausea medications which are extremely effective. Cannabis can actually enhance pain because of a very narrow therapeutic window. The progression of glaucoma is not slowed, and ophthalmologists do not consider it a reasonable treatment. Cannabinoids may reduce muscle spasm, but they damage gait in Multiple Sclerosis patients. While cannabinoids stimulate appetite, it appears to increase body fat rather than lean body mass. There exists no credible evident that marijuana is beneficial for depression, drug abuse, headaches, or menstrual cramps.

Allowing such legislation to become law is riding a wave of emotion and mob psychology that has been carefully crafted, financed, and driven by the marijuana lobby. They have declared that medical excuse marijuana is the battlefield to gain the overall legalization of pot. The advocates' strategy remains the same; play to emotion, overstate the benefits of marijuana, use the medical excuse to get the camel's nose under the tent and then push for more legal access to pot.

Some of the most consistently identified problems with marijuana are the effect on memory, concentration, coordination, and the development of psychosis. The effects on driving skills and coordination are extremely serious, and marijuana is regularly implicated in trauma. Since allowing marijuana dispensaries, California has experienced significant increases in marijuana-related trauma, and marijuana addiction cases far greater than the national average. Marijuana also has effects on the lungs, and has been found to damage lung immunity and function. Marijuana has serious effects on the fetus which have been documented not only at birth, but have also been seen in the children who used during pregnancy.

Supporting medical excuse marijuana either reflects serious ignorance of the medical literature or malignant misrepresentation of it. Medicine and policy makers must stop this circus of medicine by popular vote which is dangerous and which plays in to the pot legalization lobby.

For a detailed scientific discussion of the medical excuse issue see www.globaldrugpolicy.org

Sincerely,

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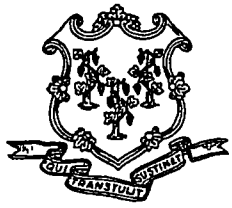
LINE 20

SENATOR MARTIN M. LOONEY
MAJORITY LEADER

Eleventh District
New Haven & Hamden



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March 14, 2011

Good Afternoon Senator Coleman, Representative Fox and members of the Judiciary Committee. I am gratified that Gov. Malloy has proposed and expressed strong support for several of these proposals that would make our justice system more rational as well create savings for the state.

SB952 SB1015
SB953 SB1014
HB6566

H.B. 6391 AN ACT CONCERNING PENALTIES FOR CERTAIN DRIVING UNDER THE INFLUENCE OFFENSES, OFFENDER RISK REDUCTION EARNED CREDITS AND HOME CONFINEMENT FOR CERTAIN NONVIOLENT DRUG OFFENDERS would require the use of an ignition interlock device by a person convicted for the first time of drunken driving and would give judges the discretion in certain cases to sentence a person convicted of drunken driving to house arrest and monitoring by a global positioning system device and an alcohol consumption device rather than sending such person to prison. While DUI represents a serious violation of the law, a conventional prison sentence is not necessarily the best cost-effective punishment and deterrent. The ignition interlock allows these violators to remain productive citizens and keeps our state

safe from intoxicated drivers. In addition, the bill would allow home confinement for certain non-violent drug offenses.

Finally, this bill would restore good-time credit for inmates. Under this plan, an inmate who exhibits good conduct, obeys the rules, and participates in certain re-entry education programs may earn credits to reduce his or her sentence. Rehabilitating prisoners is in the interest of everyone in the state. These common sense changes to our laws regarding driving under the influence, drug possession, home confinement, and goodtime credits would restore reasonable judicial discretion and improve the rationality of our justice system.

S.B. 953, AN ACT CONCERNING NONVIOLENT DRUG POSSESSION OFFENSES and S.B. 1014 AN ACT CONCERNING THE PENALTY FOR CERTAIN NONVIOLENT DRUG OFFENSES represent a compassionate and pragmatic policy. Our state should not encourage illegal drug possession and use; however, possession of small amounts of illicit substances and related paraphernalia for personal use should not leave a person with a life-long criminal record. In addition, the bill would create budgetary savings in these challenging times since it would reduce costs to police departments, the court system, and the offices of the public defenders and the states' attorneys. These proposals would provide additional cost effective reforms to the justice system by allowing the court and correctional personnel to assess offenders who are convicted or plead guilty to nonviolent crimes and consider using home confinement with a GPS monitoring device in lieu of incarceration. These bills would allow for treatment and punishment that would improve the chances of these nonviolent offenders

returning as productive members of our society. This approach would underscore the principle of proportionality in our criminal justice system and would represent a public policy that prison is primarily a place for offenders who are truly dangerous and not for those whose conduct simply merits some punishment. The courts and the department of corrections have a great deal of skill and experience in reform and punishment of offenders; we should put this skill and experience to good use in a manner that would increase the rationality of our justice system as well as ease the state's budget crisis.

S.B. 952 AN ACT CONCERNING THE ENHANCED PENALTY FOR THE SALE OR POSSESSION OF DRUGS NEAR SCHOOLS, DAY CARE CENTERS AND PUBLIC HOUSING PROJECTS. This bill addresses the issue that in cities such as New Haven, Hartford, and Bridgeport there are very few places which are not within 1500 feet of a school, a day care center, or public housing. This urban density creates a situation in which almost any sale or possession of illegal substances in the cities is subject to the enhanced penalty while such activities in many parts of suburban communities of larger area are subject to lesser penalties. The bill would lower the distance to 200 feet and make the enhanced penalties apply only when the facilities such as schools and day care centers are in fact open. This legislation would also allow judges more discretion regarding the use of the increased penalty which is appropriate in these situations. I believe that this change would more effectively achieve the intent of the statute.

S.B. 1015 AN ACT CONCERNING THE PALLIATIVE USE OF MARIJUANA. And H.B. 6566 AN ACT CONCERNING THE COMPASSIONATE USE OF MARIJUANA would legalize the use of marijuana for medical purposes for our

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STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT

Criminal Justice Policy & Planning Division

Testimony Before the Judiciary Committee
Mike Lawlor, Under Secretary
Criminal Justice Policy and Planning
Office of Policy and Management

March 14, 2011

Good morning Senator Coleman, Representative Fox and members of the Judiciary Committee:

Governor Malloy urges you to help him refocus Connecticut's criminal justice system and its resources toward repeat violent and serious offenders. Since 2007 the General Assembly has worked with the executive and judicial branches in order to arrest, convict and incarcerate these offenders. Three proposals before you today will advance these efforts by providing front-line criminal justice, substance abuse and mental health professionals with cost-effective options for handling non-violent offenders. These new tools will also help reduce recidivism and free up prison beds for more serious, higher risk offenders.

H.B. No. 6391 AN ACT CONCERNING PENALTIES FOR CERTAIN DRIVING UNDER THE INFLUENCE OFFENSES, OFFENDER RISK REDUCTION EARNED CREDITS AND HOME CONFINEMENT FOR CERTAIN NONVIOLENT DRUG OFFENDERS.

If enacted, this bill would add three sentencing options which do not exist under current law: SB1014 SB1015

- Offenders convicted of a first violation of Operating While Under the Influence *14-227a*, and subject to a mandatory one year license suspension could be sentenced to a 90 day suspension followed by nine months of limited driving with an ignition interlock device. Current law requires a one year license suspension. This decision would be made on a case-by-case basis by the sentencing judge. This option would not exist for second and subsequent convictions.

- Offenders convicted of Operating While Under the Influence *14-227a* and sentenced to a mandatory term of imprisonment could be placed under strict supervision in their residence at the discretion of the Commissioner of Corrections. This decision would be made on a case-by-case basis. The Commissioner would be required to continuously monitor offenders under house arrest using global positioning system technology and subject them to monitoring for alcohol consumption. The Commissioner would be authorized to impose additional supervisory restrictions on an individualized basis. This option would also be available for offenders incarcerated following a conviction for misdemeanor drug offenses, including Possession of Marijuana [Less Than 4 Ounces] *21a-279c* and Possession of Drug Paraphernalia *21a-267*.

- The Commissioner of Corrections would be authorized to award Risk Reduction Credits to individual inmates as an incentive for compliance with that inmate's accountability plan, good conduct, obedience to the rules and participation in programs that will prepare the inmate to return to the community. The Commissioner is drafting his recommendation for specific guidelines and we expect that will be made available in the near future. These specific criteria should be part of the legislature's final enactment. The goal of this initiative is to reduce recidivism using evidence-based practices that have proven effective elsewhere in the United States. A secondary benefit will be a reduction in correctional spending and a re-allocation of some resources to risk reduction supervision and rehabilitation.

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S.B. No. 1014 AN ACT CONCERNING THE PENALTY FOR CERTAIN NONVIOLENT DRUG OFFENSES.

If enacted, this bill will provide law enforcement with a cost-effective tool when dealing with low-level drug offenders. Under current law, possession of less than four ounces of marijuana and possession of drug paraphernalia are crimes punishable by a $1000 fine and up to one year in jail. This bill would establish a new infraction for possession of less than one ounce of marijuana, punishable by a $100 fine. The same penalty would apply to possession of drug paraphernalia if the paraphernalia were intended to be used with less than one ounce of marijuana.

This change in the law would make our law consistent with that of two neighboring states: New York and Massachusetts. Moreover, it would have a significant impact on law enforcement and court resources. In 2009 the legislature's Office of Fiscal Analysis reported that there were 8,118 arrests statewide for possession of marijuana. In 2,700 of those cases, possession of marijuana was the only charge. 75% of those cases involved less than one ounce of marijuana. In addition, the Office of Adult Probation supervised 1,090 probationers for misdemeanor possession of marijuana. There is no question that these resources could have been more effectively utilized for convicting, incarcerating and supervising violent and more serious offenders.

S.B. No. 1015 AN ACT CONCERNING THE PALLIATIVE USE OF MARIJUANA.

If enacted, this bill would clarify an aspect of the criminal law that has unnecessarily complicated the job of criminal justice and medical professionals alike.

It does not appear that there have been any cases involving the actual arrest and prosecution of patients who were possessing or using marijuana to cope with the debilitating effects of cancer, glaucoma, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, Parkinson's disease, multiple sclerosis, damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity, epilepsy, cachexia or wasting syndrome. However, medical professionals and their patients have been understandably reluctant to recommend or possess marijuana due to its status as contraband and the attendant criminal sanctions.

Sixteen states have addressed this problem, but they have not done so in a uniform fashion. Governor Malloy believes that the General Assembly got it right in 2007 and is confident that this approach will work best for law enforcement, medical professionals and patients alike.

The effect of this bill would be to prohibit arrest and prosecution for duly registered and licensed qualifying patients and that patient's sole primary caregiver. This protection would only apply if that patient and caregiver possessed less than that maximum allowable quantity of marijuana, and only if that possession and any use of such marijuana occurred in specified locations under specified circumstances. Physicians who provide counsel, advice and recommendations to their patients regarding the use of marijuana for palliative purposes would be similarly immune from arrest and prosecution.

This bill is identical to Public Act 07-137 which was approved by substantial bi-partisan majorities in this committee and in both houses of the General Assembly in 2007. The bill was disapproved by the then-Governor pursuant to Article Fourth, Section 15 of the Connecticut Constitution and not re-passed by the requisite two-thirds vote of each house.

It should be noted that existing Connecticut law, enacted by the General Assembly and signed by Governor O'Neill in 1981, endorsed the policy argument behind SB 1015. The effect of this statute was and continues to be frustrated by federal regulations prohibiting the prescription of marijuana by physicians for palliative use by patients and by the inability of pharmacies to stock and dispense marijuana pursuant to any such prescriptions. Nonetheless, the following Connecticut statute continues in effect:

Sec. 21a-253. Possession of marijuana pursuant to a prescription by a physician. Any person may possess or have under his control a quantity of marijuana less than or equal to that quantity supplied to him pursuant to a prescription made in accordance with the provisions of section 21a-249 by a physician licensed under the provisions of chapter 370 and further authorized by subsection (a) of section 21a-246 by the Commissioner of Consumer Protection to possess and supply marijuana for the treatment of glaucoma or the side effects of chemotherapy.

CONNECTICUT POLICE CHIEFS ASSOCIATION

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Testimony Submitted to the Judiciary Committee
March 14, 2011
Chiefs Anthony Salvatore & James Strillacci, Connecticut Police Chiefs Association

The Connecticut chiefs support **Governor's Bill # 6391, AAC Penalties for Certain DUI Offenses.** The bill would allow the use of ignition interlock devices, house arrest with global-position-satellite monitoring, and drug-monitoring devices instead of incarceration in appropriate cases. Its use of technology would have multiple benefits: to reduce correctional costs, to prevent additional offenses, and to hasten an offender's return to a productive life.

We understand the rationale behind **SB #952** and **SB #1014,** which concern **Nonviolent Drug Offenses.** We don't want our judicial and penal systems overloaded by minor possession cases, either. But we'd like to call attention to a side effect of this proposal, possibly unintended.

Like many minor crimes, simple possession of marijuana is often a clue to more serious crimes. It's a common occurrence for a police officer to stop a car for a traffic violation, approach the car, and see a marijuana cigarette or smell its pungent smoke, which gives the officer probable cause to search the smoker and the car. It is also common for that search to uncover evidence of other offenses. Discovery of larger quantities of drugs, cash, scales and packaging may indicate a dealer rather than a mere user; a gun and a ski mask indicate a robber; tools, gloves, and loot are signs of a burglar.

Lest those criminals go undetected, we ask the Committee to add language clarifying that despite its infraction status, simple possession constitutes grounds for a search.

Likewise, we are sympathetic to **SB #1015** and **HB #6566,** which concern **Palliative or Compassionate Use of Marijuana.** We have no desire to add to the suffering of people with cancer, MS, or AIDS. However, we cannot endorse decriminalization of marijuana for the general population--we've seen too many people committing crimes or operating vehicles under its influence--and we are concerned that unless carefully regulated, palliative use will legalize general use *de facto.*

California's experience has been instructive. Pliable doctors have prescribed marijuana for conditions of dubious medical necessity. Certificates have proliferated due to lax controls. Demand has increased, and criminal gangs continue to profit by meeting it. Police despair at enforcing the marijuana laws which remain.

If this body wants to legalize pot, there should be honest debate on the subject. If it truly wishes to limit its use to the seriously ill, Consumer Protection must be given the resources to enforce the limits.

We have similar concerns about **HB #6554, AAC Emergency Medical Service for Drug Overdoses.** It is hard to argue against encouraging people to seek emergency aid, as long as this measure doesn't become a get-out-of-jail-free pass for dopers. We can visualize our dispatchers getting a 911 call for an ambulance whenever a drug dealer hears a knock at the door and the greeting, "Police with a search warrant," but perhaps our experience has made us suspicious.

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THE CHAIR:

Senate will stand at ease.

(Chamber at ease.)

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if we might return. Madam President, if the -- the second item that I would like to Mark as the second Order of the Day appears on calendar page 46, Calendar 396, Senate Bill 1014. If the Clerk might call that item, Madam President. Thank you.

THE CHAIR:

Mr. Clerk?

THE CLERK:

Calendar page 46, madam, marked second Order of the Day, Calendar Number 396, File Number 638, Substitute for Senate Bill 1014, AN ACT CONCERNING THE PENALTY FOR CERTAIN NONVIOLENT DRUG OFFENSES. Favorable report, the Committee on Judiciary and Finance Revenue and Bonding. Clerk is in possession of amendments.

THE CHAIR:

Thank you, Senator.

Senator Coleman, good afternoon, sir.

SENATOR COLEMAN:

Good afternoon, Madam President.

I move acceptance to the joint Committee's favorable report and passage of the bill.

THE CHAIR:

Approval on the bill and request for approval. Will you remark further?

SENATOR COLEMAN:

Madam President, I believe the Clerk has Amendment LCO 8294. I would ask the Clerk to call that amendment and would request leave of the Chamber to summarize the amendment.

THE CHAIR:

Mr. Clerk?

THE CLERK:

LCO8294, it should be designated Senate Amendment Schedule "A" as authored by Senator Coleman of the 2nd District.

SENATOR COLEMAN:

I move adoption and request leave to summarize.

THE CHAIR:

The request is on adoption. Will you remark

further, sir?

SENATOR COLEMAN:

Madam President, this is a strike call amendment and would essentially become the bill. The bill subject matter is the topic that has been well discussed during the course of this session and, in fact, in previous sessions it's been a focus of attention by the members of the Judiciary Committee. And what this provides is that small amounts of marijuana used or possessed by an individual in the state of Connecticut would be decriminalized.

Specifically, one ounce -- one half ounce of marijuana used or possessed by an individual would become a violation rather than a criminal offense. And the penalty for such a violation would be, on a first offense or first violation, $150 fine. On a second and subsequent offense the fine or payment would be not less than $200 and not more than $500. Possession or use of even a small amount of marijuana by a person who is less than 21 years of age would result in a 60-day suspension of that person's driver's license or privilege to operate a motor vehicle in the state of Connecticut. This

particular provision in the bill is consistent with how we treat under-aged drinking, and that is, any person under the age of 21 who uses alcohol would be subject to a suspension of his or her driver's license for a period of 60 days.

The bill goes on to make provision for the event in which a person who is cited for a violation contests the citation and requests a trial. Because the offense would not be any longer a criminal offense, the burden of proof would not have to be beyond a reasonable doubt. So, the State would be subject merely to a burden of proof equivalent to the preponderance of the evidence. And what that means is a probable savings to the State because a laboratory analysis of the substance that has been the subject of the citation would not be necessary. It could be brought into the proceeding by the person who's been cited at that person's own expense, but as far as the State burden is concerned, as an example, the testimony of a police officer, based on that police officer's observation, training, and experience would be sufficient to establish that the substance underlying the citation is marijuana.

Additionally, the commission of an infraction under the bill or a violation under the bill for someone who is less than 18 years of age would result in the referral to juvenile court. And I believe that provision is consistent with the efforts in this Legislature concerning raise the age initiatives. The underlying objective behind this bill is recognition that there are some young people who, despite our best efforts at advice, have used and may continue to use marijuana. Some of those young people subject themselves to a criminal record which, in the opinion of many, is not the most advisable thing as far as policy in the state of Connecticut is concerned because it puts into jeopardy the future endeavors of such young people; future endeavors such as enrollment in institutions of higher education; enrollment in the military service; as well as prospects for good job opportunities.

In the opinion of many, decriminalizing the use and possession of small amounts of marijuana is a better course and in the better interest of young people whose judgment may not be fully matured here in the state of Connecticut. I'll urge my

colleagues in the Senate to support this bill -- this amendment first.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark? Will you remark?

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

Madam President, I rise to reluctantly oppose this amendment. While recognizing the very diligent work that has been done since originally proposed and the consideration for many of the issues that were just discussed, we are no question living in very interesting times. Unemployment has shot up on a national level to 9.1%. There are news accounts on Wall Street every day; horror for U.S. economy as data falls off the cliff. Wall Street baffled by slowing economy, and there's actual talk now -- serious talk about a double-digit recession.

And there's no question that this Legislative Session is trying to prove that Connecticut is different and it's trying to take a path less traveled, but I believe in many ways a more

dangerous path. Because as we have lost 119,000 jobs and our unemployment has stayed, unfortunately and untrackably high, we have been contemplating, discussing, and passing some very controversial bills. So many of them just in the last couple of days with regards to undocumented immigrants, with in-state tuition; we've discussed captive audience, paid sick leave. But more importantly, I am concerned about those bills that create and could potentially create more problems for the health and safety of our young people, our police, our schools, our towns, and our state agencies, particularly the Department of Children and Families.

Now, I do understand that some of the impetus for this is cost to the State of Connecticut. In other words, how does this impact the costs both in revenue and others that might come about should this be put in place? And, however, I might say that some of the most important priorities we have as Legislators is the safety net for our most vulnerable citizens, the education of our young people, but most importantly the safety and health of our citizens.

In the last week or two, we have reduced

sentences by as much as five days per month for good behavior for some of our most violent criminals, and also looked at modifying sentences for some of our incarcerated citizens after a person has served 90 days.

Now, this gives me some pause. If we were to take a look at this particular piece of legislation and how it would relate to the furthering erosion of our messages that we're sending to both young people and to our other citizens, and it worries me. It worries me greatly, because I do believe that when we do this -- and it has been shown in other states that go down this path -- that there is both an increase in use, an increase in crime, and thereby an increase into the very agencies that we're trying to save costs on. Oftentimes we'll save costs in one section and thereby increasing another's.

One example of that is actually in our well-intentioned removal of our registration stickers on our cars. DMV reduced their costs by $800,000, but on a commensurate level it reduced revenues on the part of public safety and other areas by $1.2 million, and now it's an issue we need to address. I am worried the very same thing would

happen with this. And I'm also concerned that we are entertaining this legislation at a time when we're doing the opposite in many ways.

We've been entertaining legislation about approving the passage of the banning of Hookah Lounges. We're looking at a hefty fines of $2,000 for absentee parents who knowingly ignore the fact that their minor kids have guns in their homes. And how about all of those distracted driving bills and cell phone bills where we are getting heavy handed? And we want to make sure that the public is not endangered by distracted driving, while at the same time maybe even encouraging with legislation such as this the increase in drunk driving arrests, particularly if there's a sense of reduction of harm.

So, what's the big deal? What makes me work so hard on bills such as this? Well, I have to tell you, we've learned an -- I've learned an awful lot, more than I ever wanted to know -- and it's not an issue that I chose. Unfortunately, the issue chose me through the pleas of so many family members that have lost their dear loved ones and children, and some very close to me.

It's a big deal because of crime. It recently destroyed the lives of eight people -- a mother and her children who smoked a joint when driving on the Taconic Highway -- because she didn't know which direction she was going. And we didn't understand -- and I hope we can understand as we discuss this issue longer -- about what it's really doing to a person's system, both physically and mentally.

I often talk to our drug treatment centers that also come forward, law enforcement that also come forward. And what the drug treatment centers say is that, "Just spend 10 minutes with us and we'll show you that marijuana use and addiction is on the rise, and over 50% of our admittances are those addicted to marijuana, and it is indeed a gateway drug."

There's been a lot of debate about that, almost at every time that I'll go to testify or others, they're challenged by this. Well, luckily we have -- and I have over -- and I'm not going to take time today to go through them, but I have over 254 sources I can give you right now from some of the most elite medical organizations in the country to some smaller ones as well, from the Harvard

University medical schools, to Yale, to esteemed institutes of health in England, in Australia, in New Zealand -- some countries doing really far-reaching research because they've been down this path for a lot longer and they're finding serious problems with their health care system.

Now, as we talk about this, I do want to explain why this is such a big deal and why any change to our laws that give a perception of less harm can be so dangerous. And as a leader in this state, all of us should be very concerned about public policies that might actually endanger us.

The current law says that possessing less than 4 ounces of marijuana -- a quarter pound -- may be fined up to $1,000 or one year in jail or both, and second is subsequent offenses may result in fine of up to $3,000 and five years in jail. That's what the big deal is, because this substantially changes it, although albeit with some very good modifications that was worked at and is much appreciated. So, in fact, if this does go through, we could all rest just slightly more easily, but not altogether this evening.

As we discuss this, I also want to make

everyone aware that we're talking about a drug, and we're talking about a quantity of drug and assessing a penalty on that quantity. Originally the bill was disastrous, was about one ounce or less. Someone actually provided me with a plastic bag of dried maple leaves just so that I could get a sense of the size of what that would be. And we talked about how it could provide between 60 and 120 joints at any one time, that one ounce. Half an ounce, however, is 30 to 60.

Now, why such a wide range of quantity on this? Well, the reason for this -- and again, let me tell you, it has not been my mission to know this much about this subject. But because of the constant pressure for changes in public policy, it's compelled me to find the best research and the best sources for this. And one of the best sources is the economics of cannabis legalization written by Dale Gieringer, coordinator of the California National Organization for the Reform of Marijuana Laws.

Another was -- I get this data from the very organizations that are promoting the legalization, decriminalization, and medical use of marijuana.

And unfortunately they're all tied together oftentimes. Their very leaders have been on record -- and I do have the information here as well as a recent letter sent out by the organization -- touting their wonderful efforts to use medical marijuana as a red herring in states to gradually go into the direction of legalization as they've tried to do in California. And he -- and they write that, "A typical marijuana joint is estimated to weigh about .4 grams. If the standard joint is .4 grams of average quality 6% marijuana buds and an ounce of standard pot equals to more than 60 joints; however, an ounce of more potent 12% sensimilla is 120 joints. Thus, an ounce is from 60 to 120."

So, if we were to look at this bill and it changes it from one ounce to half an ounce, it could be between 30 and 60 joints at a time.

I had asked for consideration that maybe we could be reducing that quantity from a third or to a quarter, thereby reducing it to a quarter, anywhere from 15 to 30 joints. And you may all -- may agree a person holding a bag of 15 to 30 joints is plenty for any one day. Given that, now it's conclusively shown that the effect on a person and on a person's

body is that one joint is equivalent -- is an equivalent to five cigarettes. One joint, equivalent to five cigarettes.

When I discuss a little bit about the health hazards with regards to the smoke that emanates from tobacco and what comprises that smoke, you will see that these are much more lethal and why it is much more damaging to tobacco. And we also have a lot of scientific information that shows why it is, in fact, more dangerous than alcohol, because people like to equate the two. There are many reasons that this is much more damaging and why this product is actually still a Schedule 1 drug at the federal level. In fact, it's equated at the same level of danger as heroin. But we're going to talk about that and why I was hoping that we might be able to reduce the quantity that was discussed in this bill to a third or a quarter of an ounce.

However, today I am not going to take the Chamber's time to bring out amendments that don't have a chance of passing. In fact, we'll entertain some proposals that might get everybody's agreement and we can move the process forward as we continue our journey on learning about something that is very

controversial and being discussed in many state Legislatures. In fact, you should know that, again, the red herring of medical marijuana that is passed in a few states is now being undone, both by experience in those states and by federal -- a Federal government that originally thought that this would be a slap on the wrist and maybe not being pursued, but now they're finding that it's so devastating, so damaging both to the health system and to law enforcement and to the quality of life in many of our states and counties, that they have decided that, in fact, they will prosecute, both those engaged in the practice and those that use the product and so forth.

So, why is the decriminalization or normalization marijuana such a bad idea? Well, first all, it is harmful. We're going to show that both physically, and even more compelling and something that I did not know -- and I wish that I had known this back in the '60s when my friends and other individuals were engaging in this practice, and more so today because it is being engineered, folks, as engineered as tobacco has been, that the CEOs of many of those tobacco companies never

honestly disclosed to the public, the very same thing is starting to happen and has been happening with the marijuana plant as well. Because, remember, there's a lot of money chasing this product -- a lot of money. And the impetus behind it is to increase usage so it increases profit, and you can do that by engineering the addictive components of it.

So, what was a benign drug maybe in the '60s or '70s, or at least perceived that at the time, because it really isn't, now its effect is hundreds -- in many cases a hundred times stronger, simply to increase usage and thereby why we have such a problem with addiction itself. But we're also going to show, if time allows this afternoon, how this affects the mind and how it doesn't -- it's not medication to allay mental illness, but it actually creates and sets the stage for this to occur. Not just anxiety, psychosis, paranoia, but depression, suicidal thoughts, and most disturbingly because of the higher concentrations, actually schizophrenia. And, in fact, this is what led the English newspaper equivalent to our New York Times to offer a full-page apology to the citizens of

England for their early support of this. They have found that in some cases it could be a 30% higher instances of the onset of schizophrenia in many that use this on a regular basis.

There's public safety issues, environmental issues, educational deficits, loss of production, workplace issues, decline in productivity, and safety -- safety, safety on the roads, drugged driving, not talked about as much as it should be. Again, my concern for this is that by laxing these laws we've assuredly increased its use and, in fact, a deterrent is the fact that it is illegal. And there is fear of legal sanctions.

Why do we have laws that give you penalties for serious crimes, serious, violent crimes? We can't probably prevent an emotional exercise in the commission of a crime, even in the death penalty argument, but you certainly can when there's premeditation. And this does send a strong message to our young children. We all know that as parents, when we tell them about the dangers of something or we think it's benign.

I often ask my children, particularly if I've come back from an emotional plea from Ginger Katz,

who started the Courage to Speak Foundation just a week after her son died from an overdose in Norwalk. And she tells her heart rendering story about a child that -- her only son, who was a gifted, beautiful athlete, talented in every way, that started down this path, again, you're going to see case after case as I explain some astonishing cases, particularly the Arizona shooting that just happened where this gentleman that went on a shooting spree started at the age of 14 just like Ginger Katz's son Ian did, and that actually was rejected from military service because of -- solely of his heavy marijuana use.

Well, in her case she tells this story to children all the time now because as this progressed and the addiction took hold over time, and because of the physical properties and how it attaches itself to a young brain, that you need to move on to the next level because there's a tolerance and resistance that's created. And before you know it, you're really into hard drugs. In fact, 80, 90% of most heroin deaths and users, of course, all started from marijuana. And the whole argument of the gateway drug should be concluded and accepted with a

kind of information that we now have.

But she tells this story and walks you through their life to the point where he finally needed help. And, of course, you have to start dealing to hide the fact that you need this drug over time when you're addicted. And before you know it, there were things happening at home, such as a car fire bombed and no explanation. And, unfortunately for her, her son came home, needed treatment, took one last dose, and their dog found him dead that next morning at 6 o'clock and brought mom to him. And she was told, don't talk about this. It's too embarrassing, at their funeral. Yet when she got up to speak at her son's funeral, she got up there, and that's why she states that the Courage to Speak should be the title of their nonprofit to start to educate parents and children about this.

And as she spoke about this addiction, more and more kids came up to them that were in the audience and told them about their experiences and why he was using it, how he was covering it up. All of the things she did not know that they should have told her, maybe they could have intervened. So, leaving that audience I could barely contain myself.

And I would go home and I'd sit down with my older son, who is in his late twenties, and I look at him with tears in my eyes and say, "Did you ever do this? Did you ever try it?" He says, "Mom, your voice in my head goes off all the time. And even though it was around me and people were offering it to me, I said no." And that spoke to me about the enormous influence that we have in sending a strong message.

And I would maintain that having government policy send a strong message is one of the more powerful things second to a parent. And God knows there are a lot of kids that don't have parents to guide them in the way that we might guide our children. And if they don't have a parent to do that, then at least our criminal justice system can do that. The state of Connecticut can do that. Because how many of our poor young children are in foster care because of a drug problem in their home? I was told maybe even 80%.

So, this is why it's a bad idea. Accessibility, when there's lower legal standards and fear is reduced, the accessibility generally increases with recreation use. It becomes a little

bit more affordable. There's an approval by the public that sets in. There is this lack of harm perception, and the advertising, too, to increase use.

And I must tell you that one of my biggest concerns is the dramatic increase after a couple of decades of hard work on saying no, that the programs actually worked. We went from a reduction in the number of kids at 12 or 13 or 14 using for the first time. Now there's been a dramatic increase, and particularly in states that have really gone in a more -- even more dangerous path than Connecticut, in states that have legalized marijuana for medical purposes, in states that have fully decriminalized or have tried to do that. And the incidence of use is unbelievable.

And I can tell you that in California in particular, they have kids sitting in classrooms right now that the newspaper accounts talks about the fact that they're openly smoking pot in class. And all they do is pull out a $150 script that they got from a not-very-reputable doctor, and there are many. Some of them have been prosecuted. But let me tell you, when there is this sense that, well,

this is only going to open up the door to maybe 500 people or so forth, and they find that 38,000 now have these particular -- it shows how quickly this perception of harm issue can undo what you're doing.

You know, there's also the issue of really burdening our criminal justice system. There's six times as many homicides that are committed by persons under the influence of drugs than those looking for money to buy drugs. Most arrests for violent crime test positive for drugs at the time of their arrest; 82% in New York City. Trust me, I have the sources for all of this. That is why I'm very grateful to all parties that have considered making what I consider a dangerous bill slightly better and safer.

Why do I get so bent out of shape about this? It is because we have a serious drug problem in this country, particularly in America. We are the market place. We're the market place for everything, you know? We have a good standard of living. And as a result, the Chinese depend on us for their economic growth.

I'll tell you, countries that mass produce drugs see it in exactly the same way. And the

faster and easier it is to get it in the hands of folks, the better it is for them. It is -- marijuana itself solely is the most widely used illicit drug in America, and it counts for nearly 20 million current illicit drug users; 75% marijuana; 60% represent drug abuse solely dependent on marijuana. Of all the youths in ages 12 to 17 in drug treatment in 2000 and nearly 62% have a primary marijuana diagnosis, this is diagnosis.

I've often in the past, because this has come up so many times, brought up the leaders of many of our drug treatment centers. And one after another, they come up here. And to the person, they will tell you that 50 to 60% of their young people are in there for a solely marijuana addiction, and it makes a person shake their head because the common perception is that this is not addictive and it is a benign drug.

And they're very concerned about messaging because oftentimes they will be told as they're entering in the system -- and why I hope later on to make a case why we should include treatment as part of this particular bill that we're discussing and this amendment right now that's on the floor later

on as we get to the bill -- it is so important for them to get in there when they can because we can show that there is a way to turn the tide over the five stages of addiction. The average age unfortunately, though, for initiation for marijuana use generally has been getting younger, and that is dangerous.

Now, why is it so dangerous just outside of even just dependency? Marijuana smoke contains 50% to 70% more carcinogenic hydrocarbons than tobacco smoke. Using marijuana may produce cancer of the respiratory tract and disrupt the immune system, and it can happen over a period of years just like tobacco. We know that it takes a decade or two for some of those symptoms to come up. We'll be having the same problem.

It can also heighten the risk of lung infection. It can increase the risk of chronic cough, bronchitis, emphysema as well as cancer of the head, neck, and lungs.

Marijuana use in emergency rooms have risen 176% since 1994, surpassing that of heroin. It's a contributing factor in more than 110,000 emergency room visits in the United States. It can cause

heart rate normally 70 to 80 beats per minute to increase by 20 to 50 minutes per beat -- or beats per minute, or in some cases even to double. And that is why it is also a heart risk. People don't realize that.

Researchers in England have found that smoking marijuana for even less than six years causes a marked deterioration of lung function. The study suggests that marijuana may rob the body of antioxidants that prevent cell damage that can lead to heart disease and to cancer. And, of course, we all know, you know, our alertness, our concentration, our perception, our coordination, reaction time, all the things necessary for safe driving are all affected.

Add to the fact that -- and this is not well known, but substantiated by one of my colleagues that is no longer -- and this is how long I have to say I've been spending on this issue -- who is no longer a state rep in the House, but had been for years, very well known, Representative Lenny Winkler, who on her day job, as many of us have our day jobs, would tell me that they can test for the positive effects of marijuana in a person's

bloodstream for a very long time; anywhere from 48 days to 30 days. That's why for a job drug test they don't necessarily make you run out right away. They know that, you know, if you've had something in your system, it will show up. In a couple of weeks it will still be there, the traces. And what's particularly damaging about this is that it is a cumulative effect. In other words, all those things we just mentioned accumulate and give you less reaction time, more perception problems if you continue to do it over a period of a month. So, it adds to the effect that you already have there.

The Chronic Toxicology of Cannabis, Medical School University of Queensland, Brisbane, Australia: "Cannabis has now been implicated in major long-term psychiatric conditions such as depression, anxiety, psychosis, bipolar, and an amotivational state, myocardial infarction, cardiac arrhythmias, affect bone metabolism, developing brain following prenatal exposure; it's associated with psychiatric respiratory cardiovascular and bone effects." And this is something that so many people don't realize, that it is affecting the child in utero and afterwards. And even more disturbing to

me is that it can continue through the parents into the child, an innocent child, much as alcohol but maybe worse, into the next generation; issues with ability to concentrate, learning disabilities and so forth; all very, very disturbing. And why we should be so cautious and not take this so lightly.

And I do try to have good humor when folks would like to make light of this certainly, but you can see why this is personally so devastating to me. And as I may smile and laugh from a joke, it hurts, and I go home feeling really badly about the fact that folks maybe don't take this quite as seriously as I do. And I don't fault you for that. It's just that when you learn so much about this and you see so much damage in our society that you hope people will take this incredibly serious.

"How cellular damage by cannabis, originally hotly debated, is increasingly authenticated; how tolerance and substantial abstinence effects and how -- now establish how actions on the reproductive system and on development become increasingly worrying." Dr. Patton, Professor of Pharmacology, University of Oxford in England.

The effects on the embryo, this is something he

has worked long and hard on.

I mentioned the damage to the lungs and the respiratory system. If you need more information on that, I'll be happy to provide you with the actual original sources.

Brain damage, now, here's the part that really should make us pause. On the adolescent brain, "There is evidence now that it may affect the adolescent brain, permanently alerting its developmental trajectory." "Young people who smoke pot are six times more likely than others to develop psychosis." Six times. "Three times more likely to have hallucinations, four times more likely to have delusions, and side effects which can appear years after quitting."

At least with tobacco you can clean out your lungs, they say, you know, eight years later, but not so with this drug. This has a very different effect on the brain. "Heavy marijuana user more likely to be diagnosed with schizophrenia later in life." "Teens who smoke marijuana at least once a month are three times more likely to have suicidal thoughts than nonusers. The prevalence of depression and anxiety increases."

This is a Dutch study that really was frightening. It showed teenagers who divulge or indulge in cannabis as few as five times -- five times in their life, significantly increase the risk of psychotic symptoms later. In Melbourne, a study revealed that regular use of cannabis by adolescent girls trigger long-term depression. Even a small amount can pose a threat. Risk is higher for folks under 21, and that is why I am very glad to see that there are some additional language in this amendment that talk to that age.

"The white matter growth accelerates in the teen years and continues into adulthood. The growth is actually the result of myelin encasing the brain's connecting wire. While the white matter is being wrapped in this protective coating, the gray matter of the brain is undergoing its own changes. Inefficient or confusing connections between neurons called synapses are pruned and some cells die." From age 14 to 16 people lose about 20% of the synapses in the brain.

This cellular damage is something that has fairly recently been published, and incredibly important for us to know.

They state, "Not only do fat soluble cannibloids clog the cells, inhibiting their function, but many studies show that chronic pot smokers have large amounts of abnormal cells. In my 20 years of research on human cells, I have never found any other drug, including heroin, which came close to the DNA damage caused by marijuana."

Does that not startle you? It certainly did me.

"In my 20 years of research on human cells, including heroin, which even came close to the DNA damage."

In this study that was done on pot's THC potency, which was only one half of 1%, he explains to me and others that all animals and plants have their own specific number of chromosomes in the nucleus of a cell. Humans have 46, with the exception of sperm and egg, which have 23 each. The sperm and egg get together, the new starting cell has 46. He discovered that one-third of weekend smokers of pot who averaged just two joints a week had only 20 to 30 chromosomes, about the same as a frog.

"In practical terms, in over 300 studies of the

results of cell damage from fat-soluble marijuana, the two --" and this is startling -- "the two cells most directly affected were sperm and ova. In short, our future. Marijuana directly affects the sex organs, the eggs, the sperm, and the placenta. It affects the pituitary, a pea-like structure at the base of the brain which controls center for sex and reproductive hormones and in turn sexual dysfunction."

And here is the bottom line: "Cannabinoids are mutagenic. They can be transmitted abnormalities across generations." Some might joke and say, "Well, maybe that's what's wrong with this generation." I certainly hope not, and because I still maintain that most people don't use or certainly have not very often.

So, this particular study -- very important in study -- goes on to state that "there's decreased quantity and increased abnormality in sperm, which can lead to I am potency, in fact, lack of interest in sex, retarded development of sex organs during adolescence."

And pot smoking during pregnancy, I mean, it makes sense, doesn't it? Because we certainly don't

want people to smoke a cigarette or drink alcohol, but it does adversely affect the fetus and results in smaller birth weight babies with smaller head size, cardiac murmurs -- we're talking about the damage it does to a person's heart, but a small innocent child as well. Small eye openings, a broad, low nasal bridge, and low-set ears. "Overall, the course of labor is hazardous with 41% of pot-smoker babies requiring oxygen resuscitation at birth."

I did not know that.

"57% exhibited fetal feces compared to 25% of normal babies, which is hazardous to the newborn and can get into the lungs when the baby takes its first breath."

So, higher birth loss, behavioral problems in THC exposed offspring. It is not safer than alcohol. I don't know how many times I've had to engage in this debate, in this argument. It is not safer than alcohol. It combines the harm of both alcohol and tobacco.

Dr. Nicholas Pace states that "there are two important differences between alcohol and marijuana. Alcohol is a single chemical and is water soluble.

One ounce is metabolized and is completely excreted from the body within 12 hours," even for someone my size, which I can say probably affects me more than most. "Marijuana is a crude drug containing 421 known chemicals, and when combusted, turn into 2000." 2000 chemicals. "Of the 421 basic chemicals, 61 are known cannabinoid, four of which are psychoactive or mind-altering. And a few can be more harmful to certain organ systems than even the psychoactive ones."

And remember, we just talked about the fact that it resides in your system much, much longer, for up to a month.

According to Pace, "All studies show that it took a body three days to get rid of one half of the THC and cannabinoids in a single joint and up to 30 days for all of it." So, I'm not making this up. I'm trying to get to good, scientific research so that we can all know so much more about this. And in the future, when I'm -- assuredly this issue might come up again, we don't take this so lightly, that we take it very seriously.

So, if a person smokes even one joint every Saturday night and the new cannabinoids stack up on

top of the first, as I just mentioned to you before. Dr. Robert gill kin son who had spent 23 years in neuropsychological research states, "no drug or chemical improves the normal cell. Marijuana is known intoxicant --" "toxic" means poison. "Anyone who smokes or ingests more than the equivalent of more than one marijuana cigarette every 30 days will accumulate an acute narrow toxic substance in his or her body, and is commonly known," at least among the medical community, but maybe not us, "that a heart attack is increased 4.8 times within one hour of smoking a joint because the rapidness of your heart rate."

There have been many celebrities that have had problems and no one can figure out why they had a heart attack. One wonders, doesn't it?

Here's another jolting statistic. "Babies born to mother who used marijuana during pregnancy have an 11-fold increase in nonlymphatic leukemia. The quality and longevity and productivity of one's adult life is largely determined by what happens during this period of brain development at birth."

It is a big concern because ultimately it's not just a personal preference and not just a problem

for a private person -- a family. It is a problem for the state of Connecticut. It is a problem for our Department of Social Services, our Department of Children and Families, it's a Department of Corrections where nearly 80% of those incarcerated have either -- there for either a drug-related crime or the usage of drugs in general.

That must be why the FDA and the CDC and the NIH and the medical societies, cancer, cirrhosis, glaucoma, ophthalmology, so forth, all have said, "beware of this drug," and why we should continue to be careful when we legislate about the illicit use -- and it is still hopefully an illicit use, at least according to our Federal government -- when we decide to make changes in the penalties and the messages that we send.

What is very interesting to me in this debate, those very individuals that have spent their lifetime, much longer than the time I've spent on it, trying to move this issue forward to both legalize and decriminalize, one of these great marijuana activists is a gentleman by the name of Ben Mazzle. And recently -- a couple months ago -- there was a news account that the gentleman had

developed lung cancer, and that he was dying and he admitted he was. And both he and his doctor agreed that it was probably due to his very heavy marijuana smoke. Again, starting -- it seems like the age of 14 must be the age of initiation. In fact, he started smoking his first marijuana joint at 14 and started to smoke his tobacco cigarette at age 15.

So, the fact that this can be very damaging to a person's health does speak to the costs -- commensurate costs that we could be accumulating in Connecticut as we're trying to reduce costs of our correctional system or our judicial system because one hand takes the other, the other one takes away.

Madam President, the reason that we do have laws that make it a crime and not simply say why should we bother is because it is known to be such a toxic substance that produces great harm. The FDA continues to be asked by the Federal government -- which could resolve all of this for all of the states if they decided to take it off the Schedule 1 list -- but they continue to say when asked, that they concur and support the placement of marijuana as a Schedule 1 drug because it has such a high potential for abuse, has no currently accepted

method for beneficial use, and that it is harmful in many, many ways, and prone to abuse.

We also have the same concurring statements made by our division of neuroscience and behavioral health and the institutes of medicine in this country. And as a result, we should take this all very, very seriously. And I hope that I made the point and I made the case to let you know that, in fact, it is so much more harmful than tobacco. Because we have spent a lot of time debating prohibitions on tobacco in more places and in our public -- and particularly in New York, it's actually trying ban it in public places like on beaches and parks because it's shown to be so dangerous.

One of the reports that we've received from the country of England who, as I said, their own newspapers have backed off any endorsement. Part of it is also that they are learning in their universal public health system that England has, they have found that smokers take much longer time to recover from surgery. They stay in the hospital longer and it's costing more for them to treat. So, there is a whole piece of this argument that talks about

increased costs to the state and state systems and to the health care systems as well.

One of the areas that is a huge cost to Connecticut is the issue of addiction. We talked about the physical health components, and, in fact, we didn't even mention that for HIV-positive individuals, it can actually produce certain cancers that would not have been there before if they were to use as a self-medication of this drug. But because of the effects on the brain, we have to be concerned about not just our cost to our social service agencies, but we also have to be concerned about the cost with regards to our -- to our transportation system, to accidents on the road.

And that while we discussed the various issues of why and how it affects the brain, there still seems to be lingering doubts that it is a problem of addiction.

I was given an interesting outline, very interesting and brief outline that talks about what -- and what treatment centers have found. And when they sit down with a patient and get them to understand that they truly have a problem that's going to affect their ability to drive, to work, to

live a productive life and not become a ward of the state. And I think it's very illustrative, because when I read it and they talk about the progressive symptoms that show how marijuana can be a highly addictive drug, they talk about the five stages of pot progression and how the subtle changes that occur in the thinking process over time leads to, first, a stage of denial, and then rationalization, and then justification for the validation of using this particular drug that they would like folks to think is fairly benign.

The first stage -- and I don't know if this is something that people can recognize in friends or family and people that they know. But the first stage which is called the initiation stage -- and sadly, we're talking about young people, as young as 12 and 13 and 14 and then, you know, much older, is the recreational use. And that maybe these small amounts that we're discussing in this particular amendment is really not a big deal. And that, in fact, we moved away from an infraction, we make it a violation, but it could be like you're having a violation with the use of your car.

This recreational use, it may actually initiate

an onset of dependency. A social use with a friend, there's a bit of euphoria, there's a heightened sensory perception, there's a little bit of distorted memory, slow perception of time and spacial orientation. So, that's phase 1.

Stage 2, pot use has a time-limited relation to current activity, but it's not yet taking over a person's life yet. They begin -- the individual using is starting to get a gradual development of a pot-based sort of self-image that they have. It's a way for them to be more accepted. It's easing peer pressure amongst their peers. It's originally thought to reduce the stress or a day's tension. But what's happening at this very important secondary stage is there's a subtle psychological dependency, sort of an escape which many of us may want right now, from life and emotional discomfort. You get kind of numb and not feel your emotions at this point. You have a hazy thought process the next day, so, you actually -- again, the residual effect leading from one day to the next, spaced out.

Stage 3, the addictive behavior strongly surfaces. There's a mental preoccupation with obtaining pot, being able to smoke pot, and more

time that you spend in the course of a day to get high. It's used for longer periods of time, wedging into your life and the rest of your day. But in this very important stage -- and why this speaks to why it's a gateway drug -- at this stage you start to increase your physical and mental tolerance for the drug. It's been engineered that way. It wants you to get hooked. It wants you to lead to a continuous, constant use, and for larger quantities. This is where more pot is needed at each episode to achieve the same high for that pot to have the same kind of effect it has on your body. You can't cut down on the quantity of pot smoked, but you feel that if you're given sufficient reason maybe you can get off of it, but yet you need it on a daily basis, spending more time using pot getting high, feeling irritable --

Oh, you know, everyone thought that maybe this would make you calmer. I can speak from personal experience of having been the target of a few individuals that were frustrated at their inability to get certain bills through that would like to have taken me out and had very explicit directions on how they would do that. And luckily, the capital police

chief here found out about this before I did, and quickly had this person arrested. And we all were scratching our heads -- how could they feel and talk about such violence when supposedly this is something that was benign and made you -- in fact, you start to feel irritable, uneasy if you can't get high. So, there's an anxiety that's associated with it.

Pot high-time grossly interferes with your activities of daily life at the third stage of this. And spending money on pot is needed rather than the other things in life. So, you're displacing your need for the normal things that you need. And why there is oftentimes a lot of burglary that's associated with this or sadly so for our teenagers who don't want their parents or others to know about this habit, they start to then deal with their friends and get involved in a serious crime element that does start to threaten them and take over their lives.

The fourth stage, addictive stage, addiction to pot has taken over one's life. You're smoking in isolation. You're hoarding your pot. That is your primary goal in the course of the day. You're

avoiding social pot-smoking situations. It arouses irritability if you're around other people and high anxiety. The inability to resist the urge to smoke pot or stop or cut down, and also this is period of denial where you get into rationalization of why you need it. And it perpetuates a cycle of smoking pot, feeling tension, smoking pot to relieve tension, feeling pot-induced oblivion, and you fall asleep. Pot-induced oblivion causes conflicted feelings. Fear of getting high, fear of not getting high, irritability when high and when not, and why there are some violent tendencies in the individuals. And it speaks to a lot of situations that have been high profiled on cases in Connecticut where individuals will start off with a home invasion. And we can even learn from the testimony in the Pettit case of Hayes and his hearing at the closing comments spoke to the unimaginable damage he had done and attributed it to solely his dependence on drug addiction that had taken over his life, and he had lost all rational thought.

Stage 5, impacting results in the final stage, amotivational syndrome it's called. Loss of energy, apathy, loss of drive, lethargic, drowsiness,

depression. Marijuana-induced euphoria leaves the mind with decreased mental capacity, memory problems, confusion, cognitive impairment, faltering attention span, inability to stay focused, limitations on abstract and logical thinking processes, marginal to poor judgment, loss of capacity to care about what's going on in one's life; to care about your children; to care about your wife; to care about your job; to care about your friends; your parents. And the inability to think, to carry out long-term plans. The person now knows they are addicted.

And there are withdrawal symptoms: Irritability, anger, agitation, restlessness, nervousness, anxiety, depression, cravings, sleep disturbances, loss of appetite; reoccurring relapse and repeated use, leading to illegal behavior; a cost to the system, a drain to the system; DUI accidents, and so on. But all is not lost. And why it's so important that we're going to look at a possible amendment? To say these folks, guys, need treatment. Particularly if it's the second or third or fourth offense, they have a problem just like we have with alcohol. And unfortunately for some, many

of those situations lead in death; death to innocent bystanders, to their own children, to other people's children as I mentioned from the situation that we saw with the mom on the Taconic Highway.

I'm very concerned about marijuana's increased potency as the gateway to addiction and treatment. And we have recent publications from the New York Times that speaks to this directly. When pot smoking becomes an obsession. And a person just spoke to that and wrote this article and talked about how they had gone through these stages of addiction. And this young lady -- 52 years old, and a writer -- started smoking when they were 15. Now she would "come home from work, close the door, have my bong, my food, my music, and my dog, and I wouldn't see another person until I went to work the next day"; who, like most others, asked that her full name not be published because she does not want people to know about her drug use.

What kind of life is that, she says? She tried to stop, but was anxious, irritable, sleeplessness, and lost. And at one point to soothe her cravings, she took morphine that she found at her dying father's bedside. She almost overdosed on that.

Because of this harm, Madam President, I wonder if I could -- and particularly as it addresses, I would like to propose an amendment. Not quite yet, but I'm close. I think a good amendment, something that is supportable, but it particularly answers the question to some of the very important testimony -- and let's face it, when our Police Chiefs Association or our head of our Judiciary or our Criminal Justice Systems come to testify in our Judicial Committee, they must feel awfully, awfully strong to go before a body that could potentially have a say as to their budget or to their operations or to their legislative proposals.

So, I was very impressed when both organizations came forward to really discuss this important issue this year in judiciary.

Madam President, when both our police chiefs association referred to this particular bill about reducing the crime or decriminalizing this particular`area, they were very concerned about the fact that today if someone goes through our system on drug charges with regards to marijuana, that they have an opportunity to refer them to treatment and counseling, to diversionary programs, because they

feel that for simple possession that at least gets them in the system so that they can get help. And in order to facilitate that, we do have a wonderful amendment I hope to propose. But through you first, Madam President, I will defer to our Chairman to take up if it's appropriate this particular amendment that has on the table so that we can move forward with the underlying bill.

Thank you, Madam President.

THE CHAIR:

Senator Coleman, would you remark further?

SENATOR COLEMAN:

There is an amendment that is before the Senate. I believe it's designated Senate "A," and I would ask momentarily that that amendment be disposed of. But just a couple of comments in the direction of Senator Boucher.

First of all, I believe I'm not alone in the respect that I have for the position that Senator Boucher takes regarding this subject. As a matter of fact, I admire her advocacy over a number of years concerning this subject. We agree probably more than we disagree. I think the significant thing that we disagree about is whether or not the

adoption of this amendment is going to deter or decrease the number of young people who are going to experiment with marijuana.

I think most of the evidence will indicate that on college campuses, in high schools, wherever young people are socially active, marijuana increase -- or marijuana usage is not decreasing. And, so, it's just a matter of -- as far as this amendment is concerned, this is a matter of whether or not we want to continually expose such young people to the adverse consequences of a criminal record. And that's all this amendment seeks to do, is to just -- to relieve young people of the jeopardy of a criminal record if they're only using small amounts. It's important to bear in mind that for amounts possessed or used above one-half ounce, it's still a criminal offense to engage in that kind of activity or that level of activity.

There was, during Senator Boucher's remarks, some references to some of the actions that we've taken over the years -- not over the years, over the last week or so, and I think it does represent some change in policy insofar as criminal justice is concerned. I think it comes about because we've

tried a very "get tough-lock them up-throw away the key" approach. We've spent billions of dollars building more prisons and more prison cells, and put greater emphasis on punishment with little to no emphasis on rehabilitation. And the numbers of people being convicted and sentenced did not diminish, didn't increase -- or didn't decrease; in fact, increased to the point where we've had overcrowding situations in our prison system to the point where courts were poised to intervene.

I'm not sure how long we can continue with that approach when it obviously was not working. And, so, there is over the last couple of weeks a very subtle shift in policy. We're trying something a little different in hopes that the results will be better in terms of reduced recidivation, a greater emphasis on corrections and rehabilitation; with the hopes that when people reenter our communities they will be a better benefit not only to their children and their families, but to the entire community.

I think this amendment is a continuation or consistent with that new view and that new approach. And, Madam President, I'm going to ask the members of the Senate to support this amendment and this new

approach.

Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you remark further?

If not, I would ask for -- try your minds. All in favor, please say aye.

SENATORS:

Aye.

THE CHAIR:

Opposed?

SENATORS:

Nay.

THE CHAIR:

The ayes have it. The amendment is adopted.

Will you remark further?

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

Madam President, I rise for the -- for an amendment, please.

THE CHAIR:

Please proceed, ma'am.

SENATOR BOUCHER:

Yes. Madam President, if the Clerk could please call Amendment LCO Number 8299.

THE CHAIR:

Mr. Clerk?

THE CLERK:

LCO 8299, which will be designated Senate Amendment Schedule "B," it is offered by Senator Boucher of the 26th District.

THE CHAIR:

Senator?

SENATOR BOUCHER:

Yes. Thank you, Madam President. I move adoption and seek leave to summarize.

THE CHAIR:

Questions on adoption, will you remark?

SENATOR BOUCHER:

Thank you, Madam President.

Madam President, I'm hoping that this amendment will be perceived as a friendly one, one that can be supported by everyone, and speaks to the fact that my concern is, again, on treatment particularly for those that are repeat offenders that may be leading down a path of addiction. We want to try at that point to stem this midstream and try to get a person

to lead a more productive life.

In Section 501, we have a new set of language that says that "any person who at separate times has twice entered a plea of no lo contendere, (2) or has been found guilty after trial of violation of section 1 of this act, upon subsequent plea of no lo contendere, or finding of guilty of violation of said drug is referred for participation at a drug education program at such person's own expense."

I think it's very self-explanatory, and thank you, Madam President, and hope that my colleagues would join us as well as get the approval of our distinguished Chair of the Judiciary Committee. Thank you.

THE CHAIR:

Thank you, Senator.

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President.

I rise to indicate to my distinguished colleague, Senator Boucher, that I do find this to be a friendly amendment. I think the research conflicts to a certain degree concerning whether or not marijuana usage is addictive, but I think there

is a significant amount of that research that supports the proposition that it is addictive. And treatment or a referral to treatment cannot be a bad idea in such instances.

And, so, I do find the amendment to be a friendly amendment, and I would urge the Senators to support the amendment.

Thank you, Madam President.

THE CHAIR:

Will you remark further? Will you remark further?

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

I thank Senator Boucher for bringing out the amendment which I think is a good amendment. And I appreciate Senator Coleman for adopting the amendment as a friendly amendment. I think this does strengthen the underlying bill and helps in a long way to bringing about a better bill.

Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you remark further?

If not, I will try your minds. All in favor, please say aye.

SENATORS:

Aye.

THE CHAIR:

Opposed? The amendment has been adopted.

Senator Meyer.

SENATOR MEYER:

Thank you, Madam President.

I rise to indicate opposition to this bill, and I do so with some reluctance. The underlying spirit behind this bill and sponsor is our great majority leader, Senator Looney, a person of unique achievement as majority leader, and a progressive in the best sense of the word. I've had experience, professional and legal experience with illicit drugs. Drugs are illicit because of three factors. First, because they are highly toxic; secondly, because they cause anti-social conduct; and third, because they result in high health costs. And marijuana fits into that category very well. It's highly toxic, it causes anti-social conduct, and it results in high health costs.

Senator Boucher recited to the Circle a number

of studies. Indeed, the number of studies on cannabis or marijuana could -- are as high as this desk. I have never seen them rebutted. One could argue that a responsible vote on the bill before us this afternoon suggests that we should read these studies. I am persuaded after looking at these studies, and for other reasons I'll talk about in a moment, that marijuana is highly toxic. It affects so much of our anatomy and of our health, whether it's the reproductive side, cardiovascular side, psychotic, and so forth. It is a deeply toxic drug.

And we're legalizing or seeking to legalize in this bill today a small quantity of it. But that -- the fact is we're legalizing something that irrebuttably, irrevocably affects our health. It's highly toxic.

I want to talk with you briefly about two family members of mine -- not my children, but two family members with whom I'm close. One is a young man who was a frequent abuser of marijuana and is today a dysfunctional schizophrenic. He's 30 years old. He lives with his parents. He's unable to function in the sense of work. He has no good habits. He does not make conversation well. He

lives in a schizophrenic world of imagination. And as the studies show, referred to by Senator Boucher and I've read them, there is a sharp link between cannabis and schizophrenia.

The other relative of mine with whom I am close was also a frequent abuser of marijuana. He is today just 19 years of age, and he has got severe bipolar disorder. Again, research studies indicate a link between marijuana and bipolar disorder. This young man lives in a world of high depression, of alienation from events and from people, and a very, very sad situation. So, while we're taking only a small step forward with this bill today, I think we're taking one that's highly controversial.

I know that it has got some good cost benefits. And Senator Coleman, I think, pointed out those cost benefits. But the negative health benefits, the toxicity of this substance, I think suggests on balance that we should reject this bill and look for other ways to raise that money.

Thank you, Madam President.

THE CHAIR:

Thank you. Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President.

Well, here we are. It's a beautiful Saturday afternoon, first weekend in June here in New England. We don't have many weekends like this. But, you know what, it's all worthwhile because this is a dramatic change in our public policy, and one that will have far-reaching consequences.

I am reminded of a parallel situation that our nation found itself in several decades ago, and that's when we had prohibition. And a lot of folks have likened the marijuana debate to prohibition. And they said, look at all the trouble that happened during prohibition. It didn't work. People really wanted to get access to alcohol. Some people were alcoholics. They were making bathtub gin, and all sorts of interesting stories. Organized crime seemed to utilize that period of time. Rum runners, fast cars, boats on Long Island Sound in the dead of night. And then when we got rid of prohibition, yes, we have tremendous problems with alcohol, but folks say, but it's a better situation. We're not throwing people in jail because of alcohol.

Well, we still have tremendous health and safety consequences related to alcohol, but I would

grant them that argument as far as it goes. What are we doing here, though? The notion is to decriminalize the possession and use of small amounts of marijuana. And folks will debate whether half an ounce or less is a small amount. There was ample testimony at the judiciary public hearing that that's somewhere between 15 and 30 joints. I've heard that now it's called blunts or spleeths, or whatever the terminology is.

The part of the argument that falls apart for me, though, is that the proponents -- and I think it's for a variety of reasons -- don't dare offer decriminalization of the sale of marijuana. They have no construct or paradigm for that.

Now, when we repealed prohibition, what if it was done incrementally, and we said, "You can have up to 24 cans of beer or a pint of hard liquor, but it's still against the law to sell it." That would be a crazy world. Imagine that, honest, law-abiding people would have to seek out criminals to purchase something that they wanted to use, and that would put them in a difficult situation. My guess is that those gangsters, those rum runners, would be dangerous people. This is the world of Al Capone,

and it's not a big step to analogize that to where we are today.

In fact, I would posit that in many respects, the drug cartels that we have today are far more dangerous. Back in prohibition, a lot of the moon shiners, and folks that made it right here in the country, their number one goal was not to kill their neighbors, but they did seek out and execute their competitors.

I often believe that one of the greatest problems in our urban areas for gang violence and youth murder is protection of turf. It's not just gang versus gang because someone stepped into someone's block. It's not as crazy as that. There's a reason why you don't want someone in your block. That's your turf because you make money there, and there's a lot of money to be had.

Senator Boucher has done such a valuable service to everyone in the state of Connecticut because she is the Encyclopedia Brown when it comes to marijuana knowledge. She's got it all there at her fingertips. She can give you the history. She can give you the citations. She's so incredible, she reaches into normal's archives and brings out

their data and shows them that is not exactly true if you look at Footnote 4 Sub-B. She knows her stuff.

But this is a silly proposal in many respects and a dangerous proposal in many respects because what this will do -- and I have no doubt about it -- is that somebody who might be on the bubble as to whether to experiment with marijuana will end up going in that direction rather than not going in that direction because the fear of being arrested is a real one. The fear of embarrassing your family is a real one. The fear of losing your own self-worth is a real one. But if you're just going to get a ticket.

Then all of a sudden the little devil on the other top of your shoulder is saying, "It's only a ticket. Remember a couple years ago you got that speeding ticket, you just wrote the checks, mailed it in?" You might have friends, associates, others pushing you along -- peer pressure, it's not only just for young people, it's for grown-ups, adults, people of all walks of life.

Maybe someone has just had a tragedy in their life and, you know, you've seen this. People have

had bad things happen, and all of a sudden they drink a lot, or do crazy things. Well, now, all of a sudden here's another option. Always wanted to try marijuana. Now it's an infraction in Connecticut.

What's the worst that can happen? What's the worst that can happen is now you're going to meet up with someone who could be a very dangerous person. And if that person is not dangerous, what about the person behind him or her, or the person behind him or her? At some point you get to very large quantities of marijuana, and at some point you get to individuals with guns. And at some point you get to individuals who will kill -- make no mistake about it -- who will kill to protect that line of profits.

We have no control over what marijuana costs. I don't know if it's more expensive in Hartford, Bridgeport, Waterbury, New Haven, Enfield, Windsor, Bristol, Fairfield, Greenwich, New London, Norwich -- wherever it's purchased. At some point over the weekend, I think we would be very hard-pressed not to read a newspaper, listen to the radio, or watch television without one story of some

form of violence associated with drugs on that broadcast, in that newspaper, on that television show, that news show. It may be in our own backyards, or it may be on the border with Mexico. Those battles on the border of Mexico are brutal. Mass graves, beheadings, it's all related to drugs, all related to the almighty dollar.

Decriminalizing marijuana maybe takes care of the end user, and I think it's problematic because what is the signal it sends? Well, if you're the mere possessor, you can sign a ticket, mail it in, infraction. You, the seller, are still a very bad person. The person who sells to the seller, you're a worse person. And the wholesale distributor with the pounds and pounds of marijuana, those are really bad people.

So, that analogy with prohibition and the lifting of prohibition is a false one. It's nonsense. That's not what we're doing here.

Point number 2, the notion that this is going to save hundreds of thousands of dollars in our criminal justice system, I just don't see. We had chief states attorney Kevin Kane come and testify and said he's gone over the statistics and there are

very, very few people incarcerated right now for simple possession that were not originally charged with something far worse. And when you peel back that first blush look, you'll find that they either had possession of a firearm, some other set of crimes. And what it was is -- the ultimate plea negotiation was, all right, we'll drop the dangerous charges if you plead out to the possession, but you're going to do some time. Defendant takes that -- and I've done enough criminal defense work in my life to know.

All right. I would encourage my client to cop to the plea that has no violence associated with it if the State's Attorney agrees to drop the ones that are worse. That's the nature of a plea agreement. Mr. State's Attorney, Ms. State's Attorney dropped the serious charges. My client will plead to the lesser of the five charges. Those are the individuals that are doing time for simple possession. Other individuals, if they're arrested, can avail themselves of our diversionary programs.

I ask -- and I was amazed -- that no one had ready at their fingertips statistics as to how many of the folks that avail themselves of our drug

education programs don't come back into the judicial system. We've been doing it for years. I've got to believe 50%. That doesn't seem like a very high expectation. So, if we have 100 -- I would hate to believe 100,000 people every year using that, but let's say 10,000 people are diverted into drug education programs every year and 5,000 of them we never see again. That's a good program.

Now, I know this bill saves some of those programs for young people, and I applaud that. We debated that rigorously in the Judiciary Committee, and I made it clear to every one of those proponents, we have got to treat young people differently than adults. No way, no how, this will be bad, bad public policy and trumpeted throughout the state of Connecticut unless that gets changed. And thanks to Senator Boucher and her doggedness and working very closely with Senator McKinney and Senator Fasano, a bad bill has gotten better. That is awesome. But in my mind, does it make a bad bill a palatable bill? Because there's a disconnect.

The savings I think are illusory. The public policy is problematic. And the overall message to our citizenry is Connecticut is taking yet another

sharp turn to the left. Why? I've got to admit, when I ran for reelection this last cycle, I did not meet one person on the front step of their house who said, "John, you've got my vote, and the first thing I want you to do is decriminalize marijuana." Nobody. Nobody.

For some, I asked about that issue, and they said, "Haven't really thought about it." Or, "Why are you guys even thinking about that?"

Their focus was on meat and potatoes. "Can you maintain the public safety?" "Can you make sure my children get a good education?" "Can you make sure that jobs aren't frightened away from the state of Connecticut?" "Oh, and by the way," the number one issue, "can you stop spending more and more each and every year?" And we would debate each and every issue.

But this was not number one, number two, number three, number four, number five -- it just wasn't in the top 10. And when I go and I talk to my constituents about it now, they go, "Why are you guys even doing this?" That's the real question. "Why are you guys doing this?"

We have diversionary programs for first-time

folks that get caught with marijuana. We have Counselors in our schools urging young people not to get involved in drugs. We have police officers -- you've seen them. Their trucks are in front of the schools, emblazoned with "D.A.R.E." on the sides. Every day when I drop off my son at high school, I drive by and I wave to my neighbor because my neighbor is the police officer in the D.A.R.E. truck.

What do these folks now tell the young people if this state now passes decriminalization? "Oh, by the way, it's still bad for you guys. For your mom and dad, they can just sign that ticket and mail it in." Huh?

I know an awful lot of people want to talk about this issue, but my third point is this. And, again, Senator Boucher brought up so many good points regarding this. I would agree that people can disagree as to how dangerous marijuana is. I'll grant you that. I think Senator Boucher has done an incredible job of marshaling a tremendous amount of information that states that it's probably more dangerous to your health than you might suspect. Its toxicity, its carcinogenic nature -- to state

that it is substantially more dangerous than cigarettes is saying a lot.

But the other thing is what it does to people when it comes to attaining their dreams; because in my experience with individuals that get involved, especially with marijuana -- and we can joke about it, some aspects. We've seen the Cheech and Chongs. But it really undermines people's desire to succeed. It makes them lethargic. It mellows them out. Their desire to attain goals is minimal, and some people are seeking that.

But once again, in particular for our young people, how many times have we heard stories of people straight A's, doing great at school, civic organizations, happily communicating with their moms and dads? And then all of a sudden there's something different, and it starts off very subtly: Lack of communication, grades begin to slip, just hanging out in their bedroom, don't really want to participate in extracurricular activities. And that life has now taken a huge turn.

And I am not saying it's foregone conclusion that they will end up in a life of crime or destined for prison or car accident or anything else. But

what I am saying is that the potential is reduced, and now it's a struggle to get halfway back. I know it for a fact. I just know it for a fact. Opportunities lost, a certain edge lost, a certain self-confidence lost, a certain conviviality and a want to share; because when you're in that world, your peers change, your world changes -- you need the money in, you need to find the source. And when you're getting high, you're not really out doing a lot of other things.

It's not to say that there aren't individuals who can't handle it all. There are, just like I know World War II guys that are alive today that smoke two packs a day, but that doesn't mean that cigarettes are great for you.

In some instances, the exceptions prove that the rule is not the rule. But in some instances, the exceptions do not prove that there isn't a rule. And statistically, without a doubt, more people that get involved with marijuana have more societal problems down the road. Gateway drug, perhaps for some. Destroy one's family, career -- yes, for some. Money funnel for dangerous, violent people -- yes, for some. So, we can't ignore the fact that if

we decriminalize marijuana we will create an environment where it is more likely than not that more people in Connecticut will use the drug, and that will mean more money going to criminal activity that supplies the drug, that also supplies violence to various parts of our society. And with more people using the drug, even allowing for a certain percentage, if you grow the pool, then that percentage being fixed, there will be more individuals in broken homes and lost lives and problematic behavior going forward.

You just can't deny it. And I don't understand why, because I have yet to hear strong testimony from those who know, such as those involved in our criminal justice system and the Chief State's Attorney, that there will be any commensurate, substantial savings to match the deleterious consequences that will be visited upon our state. And for those reasons, Madam President, I cannot support the bill even as amended.

Thank you.

THE CHAIR:

Thank you. Will you remark?

Senator McCain McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

I stand to oppose the bill, but first I want to thank Senator Coleman for your leadership on the Judiciary Committee. I must tell you that I've thoroughly enjoyed my participation in the Judiciary Committee. And under your leadership, you have shepherded some very difficult topics through the Committee and through this Legislature, and I applaud you for your efforts. We just disagree on this one. And I'll share with you in a few minutes I think some heartfelt reasons why we disagree.

But I also want to thank Senator Boucher for her persistence. I applaud your persistence. It is -- it quite incredible how you have pushed this cartful of material around the state capital and accumulated this material and become really a legislative expert on this topic, and that's hard to do. That's hard work. I understand that. And I thank you for the hard work you've done. And I agree with your concerns, the stories you've shared, the woman that I met from Norwalk who has an association down there that is very concerned about marijuana abuse. More importantly, drug abuse in

general, but her family had a very serious problem with marijuana abuse that turned into a gateway drug for her child who lost his life.

And Senator Meyer, who's shared stories about his friends, friends of the family, family members. I'd like to share one of those stories. And I think of my high school years when my very dear friend who we palled around with all through high school and years after that. We're the same age. I turned 53 a couple of weeks ago. And in high school it was beer, beer on weekends. And we thought we were cute, you know. That was keg party or something going on. I must say that it was -- it might have been cute, but it was a bad idea for a high school kid to be drinking.

But I remember the peer pressure. I've got to tell you, I graduated high school in 1976. But I remember the peer pressure back then of drinking a beer and others who were smoking pot and calling me a red neck. It's -- it's in my mind like it was yesterday. And I chose not to smoke pot, but I had friends that did. And one was my very dear friend, who is alive today, and has struggled his whole life in many ways. It seemed like one little tragedy

after another; one series of bad luck after another; financial; job; broken marriage; children that wouldn't speak to him -- just very painful, very painful. Painful to watch, I must tell you, knowing what the root cause of the problems are and where. And the root cause of those problems was addiction -- alcohol, marijuana, and perhaps others, illicit drugs.

But it all started with a beer, after a football game on a Friday night in high school, and the joint in high school, to the point where it was a daily occurrence. I guess at times I often wondered, do I ever see him sober? Happy go lucky guy early in our lives, but reached a point very quickly where he just couldn't put one foot in front of the other. And I submit to you, ladies and gentlemen, that this problem began with a joint. And this problem flourished with addiction -- multiple addictions, and a culture -- when I was growing up -- that was somewhat friendly to pot.

You know, it was -- it was okay to do pot. It was the heavy drugs that you really had to -- you know, we had reached that point where, you know, high school, red neck because you only drank beer.

College, you're okay if you're just smoking pot. And I'm just trying to describe the landscape of what it was like when I was growing up. And it seemed like by the time the end of college came, it was scary what I was seeing happening.

What I'm getting to is this argument about gateway drug is real. It's real in the people that I've seen struggle with addiction. So, my friend today, same age as me, haven't seen him in years now. I hope he's okay.

This bill before us sends a bad message, a bad message to the children of Connecticut. How in God's name can we justify decriminalization of an illicit drug that has proven time and time again to be a gateway to disaster? Somewhat similar to what I've just described. Now, my friend is still alive. I didn't describe to you the vicious car crash -- some of those nightmare stories that we hear about. It's almost like walking dead. Do you get it?

Children today are no different than when we were kids. They have peer pressure the same way that we did. Some would say it's more intense, maybe because of the gadgets and the technology and the stuff. You know, a big deal when I was a kid

was a 10-speed bicycle. You know, now at that age kids are talking about BMWs. So, times have changed, granted, but the peer pressure hasn't.

So, think back to the peer pressure that you experienced as a child and tell me, how do you handle the peer pressure of drug abuse? Of testing, of trying? Everyone remembers the first time they had a beer when they shouldn't have. I remember.

My point is that by us decriminalizing, we're saying to children, "This is not a good idea, but slap on the wrist, get out of here. Oh, by the way, thank God we do have an amendment to this bill that if you get caught for the third time, you must pay for your own treatment." Okay, what about the first time? "If you're using an addictive drug," why aren't we telling them after the first time that they need treatment, or they should go to outpatient?

In Danbury, western Connecticut, we have the Midwestern Connecticut Council on Alcoholism, and they are doing a spectacular job treating many different types of addiction. And they have great outpatient programs. I think they do the drunk driving school, if you will. Well, if someone gets

a ticket -- and I still can't believe that we're just writing a ticket for possession of marijuana. But if someone gets a ticket, why aren't we saying at the very first time it happens, "You need to go sit in a classroom for eight hours"?

Sort of like the D.A.R.E. training, which has now sort of evaporated in the schools; why don't we make them sit and listen and see the tragedy of someone like my friend? Why don't we make them sit after the first offense and find out firsthand what can happen if you keep doing this? Why are we waiting till number three, especially for a child? Absolutely especially for a child?

You know, if this is now an infraction and you're going to sign a ticket and mail in a check, I can't help but think back to when I was 16 years old. Three weeks after I got my license -- three weeks, I got a speeding ticket; 42 miles an hour in a 25-mile-an-hour zone, with a carful of kids, headed to the town park at Kenwood Lake.

Now, listen. You know, at that age, driving too fast -- I probably still drive too fast, and it's a lot later. But at 16 years old I could have actually signed the ticket, stuffed the money in

there, and been done with it. See, but I had this father at home by the name of Harry McLachlan that knew when I did something wrong before I got home. Danbury was a smaller town then, but that's the way it was in our family. You couldn't get away with anything in my family. I don't think you could get away with anything in that town. Never could keep a secret.

So, there was no way I was going to keep that from my dad. Sure enough, I pulled in the driveway two hours later because I was all nervous. Dumped the kids at the lake. Went home, still thinking I could get away with just mailing in the ticket. It was about a hundred-dollar fine back then, a lot of money; 1974. Walk in the door, dear old dad staring me in the face; already knew what happened.

Now, God rest his soul, I never did figure out how he was so quick to the chase in figuring out when something like that happened. My point is I lost the car, the right to drive the car for a whole month. Brand-new license, beat up old car. I had a $200 crasher car. But the point is that I had a penalty to pay, and it wasn't the $100 penalty, and he made me pay that. The penalty was waiting all

those years to get a driver's license and losing it, not from the state of Connecticut; from my father, which was far more complicated.

So, I use that scenario to explain the point that it's inappropriate for us to have such a minimum infraction penalty for a child, a young adult for possession of marijuana. Why? They're not going to learn a lesson. Kids aren't going to learn a lesson. And frankly, decriminalization also encourages public use of marijuana, which previously they may have done just at home. And now because it's not such a big deal, don't tell me that it's not going to be more prevalent while they're driving.

See, we've lowered the bar with this bill, and setting a very dangerous precedent. I don't think this is really a shining moment here. I understand the idea behind it. I understand the challenges that are faced by young individuals that have a very serious penalty on their record for possession of marijuana. I get it. I understand it. But I submit to you that the problem may very well be that the penalty is probably should be education right from day one. Make them pay that way. Make them

get to know my friend who's been an unhappy man all his life. Make them sit through education so they understand very clearly that this does and will lead to more serious things.

Marijuana is a gateway drug. This bill tells the residents of Connecticut, well, it's okay. Not a good idea, but it's okay. And I don't think it's okay. Now, I've said this probably half a dozen times since I've joined the State Senate almost three years ago. I wish there was a way I could convince enough of my fellow Senators on the other side of the aisle that it's a bad idea. I wish I could figure out a way to do that.

I'm assuming we're talking about this today because the votes are there to approve this bill. But I fear that this will have long-standing negative effects and translate into increasing drug use in the state of Connecticut. And, Senators, I wish I could convince you to vote no.

Thank you.

Senator Maynard in the Chair.

THE CHAIR:

Will you remark further?

Senator Suzio.

SENATOR SUZIO:

Thank you, Mr. President. You're a new face up there, Senator, I might say.

THE CHAIR:

Good to see you, Senator.

SENATOR SUZIO:

Likewise. When I got involved in public life, one of the things that motivated me was the desire to get in the midst of great public debates, debates about the big and important issues. I love a good debate. I love the give and take in it. I like the exchange of ideas. And when it's done in the right respectful way, the camaraderie that comes out of it as well, and I'm really thankful to be able to participate here in this Circle as a Senator in the middle of the debates of the great issues of our time.

I want to begin like some of my previous colleagues, acknowledging Senator Boucher and the unbelievable amount of research she's done and how she's taken it to educate us all about this important issue. I got a certain kind of education

about it personally about 40 years ago when I was in college in the mid '60s, the late '60s. Those were the years of the Vietnam war. I was on an Ivy League campus. There was widespread use of marijuana and other drugs, so, I got to see it up close and firsthand.

Now, I want to say this. Unlike former President Bill Clinton, I didn't even inhale once. I couldn't because I never learned to smoke a cigarette. The one time a joint was given to me, I pretended I took a little puff, but I couldn't inhale it into my lungs without coughing and wheezing, so, I just blew it out right away. So, I cannot speak from my own personal experience of having used the drug, but I can tell you personally from my experience with my college classmates what I saw happen. And I always remember how amused I was watching the behavior of my classmates who had been using marijuana and how kind of goofy and out of control they got. They didn't realize it themselves, of course, because when they're under the influence you don't realize sometimes how you appear to people who are not under the influence.

So, one of the things that struck me was how

their behavior changed as they were under the drug -- under the influence of marijuana. But in addition, one of the more serious things -- at least that was temporary. But one of the more serious effects I saw was it was as some of the previous speakers have said. It was a stepping stone, a gateway to more serious drug usage. And one of my classmates that I can remember in particular was a brilliant kid. He was going to the Wharton School with me, and Mike -- we used to call him Goomba. And Mike started out with using marijuana and gradually increased his usage. And then he got into much more serious drugs. And one day he did have a real bad experience with a more serious drug, and he had to be institutionalized. So, here was a young man that was like 20, 21 years old, had all this unbelievable promise and potential, and he basically lost his ability to function as a mature adult human being because of the drugs that he got into and what it eventually led to. And it was marijuana that was the start to it.

I also got some exposure to this because for 14 years my wife and I offered our home as a shelter home to pregnant women. And I got to see a lot of

the experience of other people who were less blessed than us. And most of them were socioeconomically -- what's the word I want to use -- deprived, basically. And, so, a lot of them had experimented with or used drugs at one point in time in their lives, and I remember one of the young ladies in particular, Maria. She was -- struck me as someone who was really smart and really capable.

And I remember one day I was taking Maria somewhere, and I said to her, "Gee, Maria, why did you get into the drugs you got into? I'm shocked that you would -- someone as smart and as intelligent as you would be using drugs." And she said, "Well, I was just basically experimenting initially with marijuana. I was just taking -- I had a lot of my friends who were using it. It looked like it was kind of fun. They were relaxed, and I was living in a kind of a life where I wanted to get away from the stress. So, I started experimenting with it. And as I got into it I found I enjoyed it and started using it more, and it led to other things."

So, fortunately in her case it didn't lead to the terrible situation of my college friend. She

eventually did wean herself off of drugs, but it did start with the gateway drug of marijuana.

I personally oppose the use of anything that's hallucinogenic in any way. It's designed -- its own purpose is to create a sense of false reality while it's being used. I don't care whether it's alcohol taken to the extreme and being intoxicated or whether you're intoxicated by the use of a drug like marijuana; to me it's self-abuse. It's an abuse of your own body, and I don't think anything like that should be legal in any sense.

But also I think the use of marijuana not only has that temporary impact of inducing a phony state of euphoria or relaxation, but it has some very long-term health impacts. As I know Senator Boucher's researched and I've looked at myself, the use of marijuana can affect your respiratory system. And actually, one of the things I read was that -- and I just want it read one sentence here. "Marijuana smoke and cigarette smoke contain many of the same toxins, including one which has been identified as a key factor in the promotion of lung cancer." And the toxin that's found in marijuana joint has four times more tar than a cigarette, and

that toxin is located in the tar.

So, aside from the impact on your mental capacity, the use of marijuana can have a very, very dramatic impact on your respiratory system. And when used in the long run, it can have very serious effects. Here we are as a country. We're really well aware of the fact of smoking cigarettes, inhaling tobacco, and we do everything we can to discourage it. And we know that it can lead, and frequently does lead to cancer. So, marijuana can have the same impact when it's used in a steady way, and maybe precipitate the advent of cancer even faster since the toxin that's correlated with it is much more concentrated in marijuana.

In addition, I've seen some of the long-term effect on brain function of some friends who use marijuana over a long period of time. It just seems to me, and I think Senator McLachlan was saying this a few minutes ago, that law does reflect society's opinion on things, the value we put on something. And when you legalize something, you legitimatize it to some extent. And you either encourage or discourage its use. And I concur with I think what Senator McLachlan was saying, that basically

legitimatizing and legalizing marijuana basically has the effect of giving a kind of passive acceptance or approval to its use. And it's hard for me to believe that it won't affect the number of people who use it and the rate of usage.

I know that there's a lot of people who use it already. I'm certain of that. But decriminalizing it I think will open the gates for much more widespread use of marijuana. And I am reluctant to encourage in any way whatsoever the usage of a drug, basically, that has a lot of negative impact.

I know that we have a test for when driving under the influence as far as alcohol is concerned. And I wanted to ask the proponent of the bill, if I might, just a couple quick questions. So, through you, madam, may I ask the Senator a few questions?

The President in the Chair.

THE CHAIR:

Senator Coleman, will you prepare yourself for some questions from Senator Suzio?

Senator Suzio, will you please proceed, sir.

SENATOR SUZIO:

Well, good afternoon to you, Madam President.

THE CHAIR:

Good afternoon. Almost evening.

SENATOR SUZIO:

Oh, it's almost evening.

Through you, Madam President, Senator Coleman, we do have a test as I mentioned ago for driving under the influence as far as alcohol is concerned. Is there any kind of equivalent test as far as when someone is driving under the influence of something like marijuana?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Through you, Madam President, I'm not 100% certain, but I think a Breathalyzer test will pick up the content of alcohol in the blood as well as the content of -- marijuana is considered a cannabis substance. I think it is detected in the Breathalyzer test.

Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

And through you, Madam President, I know that there's a blood alcohol content level that's used to determine whether -- how intoxicated somebody might be. Would there be a similar test as far as marijuana is concerned?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

I want to say -- and again, I'm not 100% certain, but I want to say that the ratio is the same for alcohol as well as for the controlled substance marijuana.

Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

And through you, Madam President, Senator Coleman, can you share with us -- I apologize again if you might have mentioned this in the discussion or debate in this proceeding. But are there other

states that have actually decriminalized marijuana in the same way as being proposed in this bill?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

There are about 13 other states that have decriminalized marijuana within the last decade. The most recent two are Massachusetts and Nevada. I cannot say with any particularity where they have decriminalized in the same exact manner that we are proposing to do in this bill.

Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

And again, thank you, Senator Coleman. Through you, Madam President, Senator Coleman, the states that have legalized it, and you mentioned, I guess, in the last decade. So, in the last 10 years apparently this has been a trend that's been picking up. Can you share with us the benefit of that -- those states' experience in terms of marijuana

usages? Are there any studies that have been done in those states that measure the incidence or rate of usage of marijuana before and after the legalization of the drug?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Most of the reports, through you, Madam President, that I've read indicate that it is difficult to determine whether there is any resulting increase or decrease in the use of marijuana as a result, or subsequent to the passage of decriminalization laws.

Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

And through you, Madam President, I would like to ask Senator Coleman through you what his personal opinion is regarding the impact on the acceptance and usage of marijuana if it is decriminalized. Does he think it would have an impact? And if so,

what he might personally believe it would be?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President.

That's an interesting question, one that I hesitate to respond to because I think my personal opinion on such a matter is irrelevant. But in any event, I would venture through you, Madam President, that this bill I don't think will have any impact concerning the increased or decreased usage of marijuana.

My observation, and having done a fair amount of criminal defense work, my observation is that drug use, particularly marijuana usage, is quite pervasive. My experience is, when I speak to elementary, secondary, high school classes is, don't do it. But realistically I think most of us are well aware that marijuana use is very pervasive. As a matter of fact, drug activity is very pervasive these days.

Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

First of all, Senator Coleman, you're much too humble. I think your opinion is very important, and I have a great deal of respect for it. But I just want to make sure. So, I personally have always believed that laws do have an impact on behavior; that we still have widespread law breaking going on in the United States of various laws, but nonetheless, we maintain those laws, not to just punish people who have broken the laws, but to discourage certain types of behavior. So, I have always felt that behavior is not indifferent to the legal consequence. That if you have a serious potential legal repercussion of a behavior that you're doing, that it would affect whether you might do it or not.

Now, I acknowledge and concur with Senator Coleman that there is widespread use of marijuana. Based on my anecdotal experience, I would say I've seen it. But I also believe that -- personally that it does -- the legalization would encourage wider use and more frequent use, because I think people

are not indifferent to the laws. That's why I was interested in exploring this with you, Senator Coleman, in a little bit of a dialogue. I don't believe people's behavior is totally unaffected by law and legal consequences, particularly when it's criminal versus noncriminal. So, I would just like to get your response to my thinking about that, if I might.

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Through you, Madam President.

I wish I could agree with the proposition that our laws, particularly insofar as they relate to controlled substances, has had a deterrent effect, particularly among young people, and has resulted in their decisions not to use it. In my view, our laws have had no benefit insofar as deterrent effect is concerned, and has had a detriment insofar as concerns, young people ending up within the criminal justice system with convictions on their record that will more than likely interfere with them fulfilling whatever aspirations that they have.

Through you, Madam President.

SENATOR SUZIO:

Thank you. And one final question through you, Madam President.

THE CHAIR:

Senator Suzio, please proceed.

SENATOR SUZIO:

Thank you.

Through you, Madam President, if the laws have had no effect and will have no effect on the behavior regarding the use of marijuana, why are we proposing any law at all? Why are you not just proposing there be no law regarding the use of marijuana as opposed to having some serious fines levied?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Through you, Madam President, because I think that we all -- all 36 of us as state Senators, any other responsible adult can continue our efforts to try to discourage young people from experimenting with marijuana or using marijuana in any way. We

can continue those kinds of efforts. But as I indicated in my previous response, what I am hoping that this law will particularly -- the bill, if it becomes law, will particularly avoid is young people exercising poor judgment, experimenting, getting caught, getting prosecuted however many times, ultimately ending up with some record that's going to interfere with their a.m. big of entering the military, getting admitted to college, getting a job that they can be proud of and enjoy pursuing. Through you, Madam President.

SENATOR SUZIO:

Thank you.

THE CHAIR:

Senator Suzio?

SENATOR SUZIO:

I have no further questions for Senator Coleman. Thank you for your patience and I've enjoyed the dialogue. I do think, as I conclude my remarks, I think to some extent Senator Coleman and I probably do agree that the law does affect behavior. As he was just saying, he wants to discourage the use of marijuana among young adults, and we're all in concurrence on that because we all

know that by and large -- there's really -- marijuana is basically deleterious in its impact on people. Therefore, it should not be encouraged or -- it should be discouraged by our laws.

So, based on my personal experience, based on my philosophy that I don't think it's good to tolerate or condone the use of hallucinogenic drugs. And based on the long-term deleterious health impact of consistent use of marijuana, I believe it would be a mistake to decriminalize the use of the drug and therefore I would oppose the bill, and I want to again thank Senator Coleman for his patience in exchange, and I want to thank Senator Boucher for the tremendous amount of work and research she's done on this very, very important public topic.

Thank you very much.

THE CHAIR:

Will you remark? Will you remark?

Senator Markley.

MR. MARKLEY:

Thank you very much, Madam President.

I'll rise briefly to speak my mind on this. In the years of my absence from this Chamber, I think my views have changed somewhat from a more

libertarian to a more strictly conservative outlook. I have no doubt that if this had come before us, of which there was no prospect in 1985. But if this had come before us in those days, I would have voted for the decriminalization. And I certainly saw plenty of it, as we've all talked about. I was in college in the '70s and, you know, Senator Boucher's conversation on it has forced me to consider my memories of that period more seriously. And although I saw a lot of people that used it and went on and had fine careers, in fact, some of them very distinguished careers, I remember my freshman year next door neighbor, wonderful, talented violinist that really got hooked on it and it caused him a problem. I saw him years afterwards and heard about it years afterwards, but he never really got back on track from it.

So, it wasn't entirely the kind of giggly, innocent frolic that I think a lot of us thought of it as. But more than that, I think that what has changed my mind on it in this particular case is the conversations I've had with the people in my hometown and in the other towns I represent who work with our youth; the police chiefs, the youth

services people, the directors of the YMCA. It's rather difficult when you talk to people who are desperately trying to help out young people, who are trying to keep them on track, who are really giving their time and their -- everything they have to helping our youth when they say, "Please don't do this."

I think, again, Why do I think I know better what's right for folks and for society than the people that are actually on the front line of this effort? And for that reason more than any other, I don't feel right. I feel like they need our support, and they deserve not to be second guessed. I am also -- I think as a conservative, you become more and more concerned about unintended consequences.

And it's easy to say, Well, it's happening already and the indications are that it's not going to increase usage, and so on and so forth. We don't know. We do it, and the genie is out of the bottle. And at that point if we've made a mistake, it's very hard to put the situation back to how it was.

I don't see any compelling reason for us to move forward on this. I don't see how it's actually

going to result in savings. I don't think that -- again, my conversations with the police lead me to believe that as a charge it tends to be an add-on. It's not something that they're necessarily looking to go after, but when they catch somebody drunk driving or loitering or whatever, it's something that they often find as part of that -- part of that law breaking, and the charge is added on.

In that case, perhaps it gives the police some flexibility even to be able to intervene with people that need to have the law involved in their lives. So, for that reason I will oppose this change and I would encourage others to think carefully before they make their decision on this.

Thank you, Madam President.

THE CHAIR:

Miss was a long time ago.

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

Madam President, before I give my remarks I would just like to thank Senator Coleman, Senator Kissel, and Senator Boucher for a number of reasons. One, this is a very difficult issue. And I think

that there was a lot of cooperation in order to achieve a good bill. And I think when we get together to do that, we do succeed. And although I think there's been terrific efforts and steps made forward on this bill, I don't think I can support the bill, but I don't want to undermine the appreciation that I have for the openness and the discussion that we're able to have in getting this bill to the floor.

You know, we often talk about a bill versus a message. And most of us have children or maybe even grandchildren. And the message that we're sending out, I believe, is not the right message. The message is that we are going to take something that's perceived as a crime and decriminalize it. It is okay if you pay the ticket. And what that sends is a sense of prioritizing certain acts. And some may argue, as they did here, I believe, that the purpose of this was so that people did not get criminal records if they make a bad mistake. But on our books we've got multiple programs that take care of people who make those bad mistakes.

We have youthful offender status which you can apply for and is liberally granted when there's not

a violent issue involved or injuries. But when you've miss stepped as an adult, you have not made the best decision given the set of facts. And if you don't get youthful offender, you have accelerated rehabilitation which allows an adult, if you would, to make a mistake and still end up without a record.

So, to argue that the purpose of this is to avoid people make bad decisions not to get a record, I would say we already have that in place. The purpose of this seems to be to send a message that we're not going to be tougher on drugs. One cannot disconnect drugs from violence. You can't. They're married. It's unfortunate, but it is true. Drugs and violence are attached at the hip.

I often talk about New Haven because I think New Haven is a great city. I like it. I enjoy it. I grew up there, and I work out of New Haven. And the violence I see in New Haven turns my stomach because I have people who live in my District who still don't go to New Haven because they hear about the violence on the streets as if it happens every day. But it scares people from New Haven, and they don't go there to have dinner. They don't go to the

Criterion, and then on Temple Street, and then go grab dinner at one of the local restaurants. And I try to get there twice a week, if not more, to support New Haven.

And if you look at the violence that happens, the violence stems from gangs, which core element is drugs. It's the selling of pot. Now -- and other stuff -- other stuff. But if you allow the half ounce to exist with only a fine, the drug dealers know this as well. So, now they package something less than a half ounce and sell it, and maybe the buyers will be more apt to buy it because they risk a ticket.

I know we have built into this bill -- and I appreciate the efforts by the architects of this bill -- many programs -- or I should say some programs to help catch those who may need treatment. And I'm glad we're being tougher on 21 and under with respect to driver's license, but that's if they're driving a car, not if they're walking down the street.

So, there's some sense -- I have a disconnect between being tough on guns, being arguably tough on saying we need to register guns, we need to register

violent offenders with guns, but the root of the problem -- which is the drugs -- we're looking to be a little bit less tough. In my mind, I can't make that connection. I can't make that connection.

I do have three children, and I don't know what their experience have been in college, but I'm sure they've been exposed to drugs because, unfortunately, it's on our college campus. And I talk to the kids and I try to give them the best advice a dad can give. And I understand, therefore, if they make a miss step, you don't want to have them to have a record. But as I said, we have these pretrial programs which divert that from happening, and they learn a lesson. They don't stick a check in an envelope and mail it in and say, "I'm done."

Senator McLachlan talked about the fact that when he grew up in Danbury, his father knew things before it happened -- or before he got home -- and, therefore, he was towing the line for the most part of it. But if you're able to put a check of $150 in an envelope and send it in, I would not want my son to do that. I would want to know that my son tried marijuana and got caught. And I really don't care so much about the "got caught" part, but I do care

to know -- I do care if he's under the age of 18, to walk into that courtroom as the guardian and parent and be able to say, "Hey, Rob, if we've got a problem, let's deal with it. Let's talk about why. Is there something troubling you? What is going on?"

I don't know if the check in the envelope diverts that whole process. Suggest it does, and I'm not a hard core, hay, hey, look, this is the way -- the law is the law and that's it. I'm not that hard core, believe me. But I do believe that when you talk about drugs and you talk about kids, the family is a key component to getting kids through difficult times, and there's a lot of kids who have difficult times for a variety of reasons, and they make some bad decisions. And you know what? That happens, that's part of life. Life is making mistakes, otherwise you can't learn a lot.

But where is the help that comes in? The help has got to come from family. Help has got to come from friends. A check in an envelope doesn't get you the help you need. That's probably my biggest concern over this. It's not it's got to be a crime and, you know, that sort of thing. It's got to be

knowledge. It's got to be the ability of other people to understand that there is an issue and to help this person.

If we do it early enough -- Senator Boucher brought it out that it's the gateway drug. Now, some may agree and some may disagree, and maybe there's no clear answer. But arguably reasonable minds could say it could be a gateway drug. I probably am one who believe it is a gateway drug, in my belief.

That being said, it is important that if people get into that life-style, we need to help them. As a lawyer, I have seen too many families ripped apart because of drugs. I have seen too many families fighting over various issues because of drugs, which leads to stealing money and -- from family accounts and family businesses to support the habit that no one really knows about.

So, my concern is more about the fact that what this does is it sends a message across the state, and more to our young kids. If you're 45 and 50 and so forth, hey, look, you're an adult. It's wrong, but, look, whatever. But we've got those kids that we really have to deal with who are going to do

things like this. And I think the only way you're going to get a real hold of it is with parents. And that's what truly give me the most -- the most trouble about this bill; that, and the fact that I think it does support drugs on the street being sold to young kids because now it's a half ounce. And now they can buy it and only get a ticket.

Once again, I don't mean to undermine the good work that was done to make this a stronger bill, and I am certainly not turning my back on that. And I certainly appreciate all those efforts, and I applaud them. But I still have these strong reservations.

I thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark?

Senator Boucher for this second time.

SENATOR BOUCHER:

Thank you, Madam President. Yes, for the second time and hopefully the conclusion of my remarks with regards to this very difficult subject for me, and I believe a very important policy change for the state of Connecticut.

I want to just for a -- briefly to talk a

little bit about some areas that I might not have emphasized enough previously in the sense of increased use, sending the wrong message, difficulty for our law enforcement, various crimes that seem to precipitate from usage, a little bit about some of our sources, and finally to conclude.

Recently one of our major newspapers in Connecticut, from one of our very largest cities, stated that decriminalization would put the "high" in high school. And in grammar school, when kids go through the D.A.R.E. program not to do drugs, that they felt very strongly, the editorial board, that just by proposing this that this somehow would weight of the state of Connecticut to peer pressure to do drugs. And they cited the National Institute of Drug Abuse that say 1 in 5 high school seniors already smoke pot, and the rate of eighth graders -- eighth graders, almost 15%, and went on to talk about the various problems that that would give students, as we've already discussed here this afternoon, and are concerned that we have not thought this through.

And they also made the statement that when we've proposed jail cell phone laws for three months

for second and subsequent offenders, that somehow there's no proportion to this or a logic, in their view. I happen to share that proposing laws such as this does undermine the message to our children. It sort of takes away the hard work that is being done by our school systems and our social services programs, that taking drugs is bad for you.

Many people might not know that in 1979, numerous states actually decriminalized marijuana. The White House supported it. The marijuana smokers lobbying -- yes, they are there, they're still there -- they were at their peak. The result was the highest levels of youth drugs of any civilized nation, with 1 in 10 high school seniors stoned on pot every day of the week. The outcry was so great that parent groups helped to reverse these policies with strong education, enforcement, and treatment, and they reversed the trend.

We've had some D.A.R.E. programs come up. In fact, we even had the Elks Club come up and testify against this because they've been working so hard -- it's one of the missions of their organizations to keep kids off drugs, and they felt that they were making progress. And it is very clear, the numbers

do not lie. And I love to cite numbers and demographics, whether it's people leaving the state or coming into the state or business leaving the state or coming in, depending on the public policies that we make. So is true about the use of a particular drug. And there is a clear change in direction in states that have gone in this direction, an increased use of drugs, and increased costs to the states.

From the U.S. Department of Justice just recently, they started -- stated that they had conducted a survey, the National Survey of Drug Use and Health. I'm sure that many people that work in the educational community recognize this particular survey. And what is amazing to me is that it reported a 9.8 -- nearly 10% increase in the number of marijuana users in just one year, at the height of the legalization and medical marijuana movement, 2008 to 2009. It indicates, in their view from their letter, the U.S. Department of Justice, that "a continued shift towards the legalization of marijuana is being interpreted by teens and young adults as a message that drugs is no longer harmful and is acceptable. Compounding the disturbing trend

of the fact that THC content in marijuana has increased substantially and the long-term effects from chronic use will continue to rise exponentially. As a result, they remain very, very committed --" thank goodness -- "to enforcing our Control Substances Act in all states --" in all states -- "and an investigation and prosecution of those who manufacture, distribute, or possess illegal drugs, including marijuana, will be core priorities."

I am glad to hear that. But in the interim we have a problem in our towns, our cities, and our schools. And they state that their top problem is drug abuse, especially marijuana which has been the drug of choice for teenagers, and state that "we see kids taken out of middle school and high schools every day for marijuana." It's so widely available, so misunderstood. It's a very powerful drug, and we're talking about San Marcos.

Articles after article -- March 9, 2007: California students openly smoke marijuana in class. San Diego: Kids get -- getting high in class. This is almost ground central for the movement, and the cost of this is astronomical. The Rand Corporation

reported 80% of national arrests are drug related, nearly 40% for marijuana. That's an interesting point. We thought usually it has to do with cocaine or heroin, something that is perceived more deadly. But hopefully with some of the explanation this afternoon you were able to gather that, in fact, this is considered as problematic as these other drugs are as well. So, 40% of the 80% of arrests, nearly half were for marijuana.

San Diego council of governments, the justice division, released in their report that over two thirds of local arrests test positive for drugs. Marijuana use, in a month before the offense, increased as cocaine and crack use decreased.

The same report that I cited previously from an expert in this field -- Joseph Califano from the Columbia School of Substance Abuse and Addiction, the national center -- a gentleman that is so renowned he worked in three presidential administrations: In the Kennedy Administration, the Johnson Administration, and then the Carter Administration and in the Carter Administration for health and human services. So, he had direct responsibility for the costs associated with this.

And in his report, at least 30% of adults in prison for felony crimes are incarcerated as juveniles, 92% of the arrested juveniles who tested positive for drugs tested positive for marijuana, 14.4 for cocaine. 92% for marijuana, 14.4% for cocaine.

I know we've had a lot of discussion about whether this is a gateway drug or not. It is increasingly clear that it is. There are some states that have moved more strongly into the legalization movement, Montana one of them. And in 2011, the adolescents in these states were pleading for safe and drug-free schools because they see their friends wasted by pot, which has been purchased and resold to kids by 18 year olds with a doctor's recommendation. They can't legally buy alcohol there until they're 21, yet they have unlimited resource to illegal narcotics.

If we continue to destroy our youth, we continue to destroy our future, and that is why at least in this case we're entertaining one marijuana bill this year, and hopefully not two. And that is also the reason that I hope not to keep you all here until Monday morning, because that's how strongly I really feel about this. And if those that are still

not sure about the concept of gateway, I'll have the information, the studies, the data to support it for you at any time.

We also have been provided with Connecticut statistics when it comes to analyzing the use of illicit drugs in the previous month in the entire country. Marijuana rise -- or use the highest in New England, Connecticut. Young adults in New England reported the highest rate of pot-smoking than in other parts of the country. That's a cause for concern.

Joseph Califano, as I said, has done an enormous amount of work in this field. Also, by the way, at great risk to himself and to his family. It seems like if you put your neck out -- stick your neck out too much that you become a target. But not that withstanding, he continues to publish. He states that, "The number of children and teenagers in treatment for marijuana dependence and abuse has jumped 142% since 1992, more likely to be in treatment for marijuana than for alcohol, and six times more likely in treatment for marijuana than for all other drugs combined." States, "There is no question marijuana can be addictive. The argument

is over. The most important thing right now is to understand the vulnerability of young developing brains to these increased concentration of cannabis." And, of course, I'm not going to go over the data that we had previously, but I do want to talk about the cost to the state and why this is an important revenue question, cost driver.

There are social costs. There are health care costs. There's developmental and physical costs. There's productivity costs; crime related costs; emergency room visits that have gone up as a result, oftentimes at a cost to the state, damage to families, damage to drug-affected kids, and deaths that oftentimes the state has to bear the burden of, and as a result the taxpayer as well.

Impaired driving and drugged driving costs are huge. And in the coming years as the procession of harm decreases and increased use increases to the Department of Corrections, Department of Public Safety, law enforcement, DMS, DSS, DCF, that's been clearly shown. Because in the studies on all of the states that are currently -- have embarked on either the decriminalization movement or the medical marijuana movement, they talk at length about the

additional burdens placed on towns and municipalities.

Pasadena Police and Planners want to prohibit dispensaries from locating, saying establishments breed crime and downgrade communities. There's whole sections -- in Humbolt County -- that used to be fabulous tourist attractions -- kind of like Connecticut -- beautiful, beautiful forest scenery, beautiful lakes, fishing. They've been driven out because the drug trade has moved in as well as the crime that goes along with it, and families do no longer feel safe. That's something that we don't want to see happen here.

Our local paper, the Norwalk Hour, recently published a letter to the editor in Editorial that were lamenting the fact that this individual was about to leave, that generally had felt safe, but "now there's an emergence of a type of thugs that literally move me out of town. Drive by shooting, drug and gangs replete."

We have a number of crimes that were committed in Connecticut just in the last two years, the last year, again, all citing supplied marijuana to him in the past as someone killed someone in a drive by

shooting.

Another teen shooting that talks about the possession of less than 4 ounces of marijuana. "Man gets 39 years for killing friend, stabbed him to death in a fit of rage." He had been smoking marijuana. "Grandson sentenced to 60 years, murdered his grandmother." Drug related. And, you know, there's also the UConn student accused of $250 million yearly marijuana ring at the school.

We also have so many other cases that, again, talked about suspects arrested in the Westridge armed burglary, hallucinogenic drugs, more than 4 ounces of marijuana.

We also have some higher profile cases that really talk about the whole issue of a gateway drug and how it -- this individual went through the various stages, and then became a national news item. Jared Longer's killing spree that took the life of so many and also a wonderful Congresswoman that we hear about in news all the time. And it talks about his early start and friends of his that talked about what a wonderful young man and kid he was. And then as soon as he got involved at the age of 14 in drugs, his life took a horrible turn for

the worst. And finally, knee deep into mental illness, rejected from the military because of marijuana use and ultimately deemed not able even to be tried because he was so mentally ill.

We have some famous and not so famous situations. We have Jessica Lunsford who was taken from her bedroom of her grandparents' home who was brutely attacked, sexually assaulted, and buried alive. Again, a man with deep, deep drug problems. Lindsay Lohan, Robert Downey, Jr., Whitney Houston, River Phoenix, Tim Allen, Martin Sheen all started in those early pre-teen years, 12 to 14 to 15 years old. I don't need to recount how their brilliant, talented lives were destroyed -- a few of them coming back from the brink.

But what really struck me were the words of Mr. Hayes, Steven Hayes, when he made his statement to the court, who said, "No matter what the motivation was for this crime, I have no right to be here. I destroyed innocent lives, took away a family. I know what I did. I live with it. I make no excuses. It was the angry monster -- I have never known a monster full of rage. It was impossible to control. I was too busy worrying

about where I was going to get money for drugs to accept any help.

"I was out of control, a train wreck destined to crash. I crashed. I wanted my own death and the death -- and not the death of others. On too many occasions to court, I have attempted to kill myself. Car crashes, overdosed and failed, nearly wished that this had happened," all pointing to his desire to continue his drug habit.

And he really chronicles all those five stages that we talked about early of addiction, that it literally took over his life until all reason -- any reason -- had left him.

I also worry about the law enforcement community and its ability to continue to do their job in a way that protects the public without putting more handcuffs on them and not giving them the ability to carry out their job to protect the public. And we only have to look to, as I said, other states when we look at various countries. And we have information from so many of them, whether it's Sweden, Denmark, Mexico -- in fact, Mexico is -- has transformed their country to the point where it is spiraling out of control.

The drug cartels kill each other and kill members of their government and in law enforcement, and they are exporting another product to us. Not just inexpensive labor various products, but they're also exporting their crime as they descend into chaos.

In Arizona they're finding that they're using mortgage fraud in order to be a front for a lot of the marijuana-growing operations that they have there. And they're looking, maybe, to stop the policies that originally they thought would help people. In Colorado, the IRS is opening audits of Denver medical marijuana dispensaries. In Vermont, they're having problems. Illinois says no to further drug legalization movements.

Michigan is having a problem; Washington State; Oregon, a broken system; fraud and the black market. And in California -- and I won't go into all of it, but I can -- we have documentation where at least 20 to 50 different counties are trying to outlaw now and actually taking their own state to court.

Drug gangs taking over public lands -- the Sequoia National Forest in California is being taken over from -- by certain drug cartels because they

want to be closer to their point of distribution. Makes sense. It's a business for them. They really don't care.

What is driving all of this?

You know, I got an interesting E-mail just recently from an organization, the Marijuana Project -- Policy Project, and it was a "it's my birthday" notification. And what he wants for his birthday is he wants to see marijuana legal in my lifetime. So, make a donation in his honor to start work on all of these various bills that are being proposed in all of these states.

And, in fact, the National Organization for the Reform of Marijuana Laws was interviewed and says -- was asked, "How is NORML utilizing the issue of marijuana treatment of chemotherapy patients?"

His response is, "We're trying to get marijuana reclassified medically. If we do that -- and we'll do it in at least these many states for chemotherapy patients."

Luckily, they did not reach their goal.

"We'll be using this issue as a red herring to give marijuana a good name. It's our way of getting them indirectly, just like the paraphernalia laws

are getting their way to get back at us. So, the idea is that we want to make pot legal, and one way is to use, unfortunately, the illnesses of individuals and the most vulnerable."

They go on to state, "To put it very plainly, we want to end the prohibition of marijuana."

That is the goal and what drives a lot of the expenditures around this issue, in addition to the various polls that are often mentioned about how much the public supports this. Well, it's interesting how polls work, and I'm sure all of us have been subjected to various polls. And it's interesting to note the money that's behind this when they pass, with $400,000 contribution from out-of-state billionaires, $319,000 from group legalization, and a couple of campaigns to raise $1.5 million so that they are able to run extensively virtually unchallenged marketing campaigns based on some of the very misperceptions brought up by the various hearings that are had on this.

Now, sometimes it does put one at risk to discuss this in this way, but it's important to me. And I also want to make sure you know that we are

using the best information we possibly can get -- information from doctors for life international, information from Yale University, UCLA University, Harvard when it talks to the ailments we talked about and the ill effects of this.

From a woman by the name of Dr. Andrea Barthwell -- Dr. Barthwell, at her own expense, came to Connecticut to this Legislature to visit personally with many individuals some years ago. She is an Afro-American doctor that has worked in the area of -- of substance abuse and treatment and has worked at the Drug Abuse Advisory Committee of the Food and Drug Administration of the FDA. And she actually had an affiliation with Connecticut because she got her Bachelor's of Art from Wesleyan University right here in Connecticut and her Doctor of Medicine from the University of Michigan Medical School. From postgraduate work at the University of Chicago and Northwestern. And at her expense she flew out here to talk to people about -- and if there's one person that's more passionate about this issue than I am, it is Dr. Barthwell.

We have Robert Dupont, M.D. For 30 years he was a leader in drug abuse prevention and treatment

and has written extensively about this, and was the first director of the National Institute of Drug Abuse, and the second White House Drug Chief.

We can go on and on about the references. But, again, these are credible individuals that have spent a lifetime working on this. Particularly, as I said, Dr. Joseph Califano, who at great risk to himself continues to publish extensively and talks about why drugs should not be decriminalized, and has talks about how various drug treatment programs around the world and he cites those in England and in particular have limited success in rehabilitating drug use because it is so misunderstood in the way that we go about it. And that he feels very strongly that the availability, he says, is the "mother of use, and that restriction is part and parcel of curbing availability and curbing use."

Mr. President -- or Madam President, I want to really thank everyone in this Chamber this afternoon for their attention. And I'm going to leave the Chamber with a final thought. It is the thought that bothers me that at times has even been on the verge of making me physically sick when I think about this issue. It is about exactly what was

printed in an essay by a seventh-grade student in New Haven. And he states:

"I was born -- when I was born, my mom had a drug addiction problem. At the age of 3 she gave me to my father, but he also had a drug problem. When I was 4, a social worker came to pick me up, sent me to 14 different foster homes. I only liked one or two of them. I was sent to Washington, Connecticut, a residential school for kids when parents can't take care of them.

"A week before my tenth birthday, a lady named Mae Gibson Brown from New Haven came to talk with me. I asked her, 'What does it feel like to be in a family?'

"She said, 'It feels good, and there are lots of people that love you. And also you won't be alone.'

"A few weeks later, she took me to live with her. August will be my fourth year living with the Brown family, and it is nice. I know my parents love me very much and it was hard for them to give me up. I don't ever want to use drugs because drugs took my birth parents away from me."

How many of these tragic stories do we have to

hear? Let's not do something that we'll be sorry for. And for as much as I am so grateful for the hard work that was done today to make this bill better, I still in my heart of hearts feel it is the wrong direction we should be going and I reluctantly won't be able to vote for it. But I do appreciate and have tremendous regard and respect for everyone that has been so helpful in working on this issue for me. I might even be able to get some sleep tonight for a change.

Thank you very much, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further?

Senator Coleman, for the second time, sir.

SENATOR COLEMAN:

Thank you, Madam President.

It's my intention to be brief, but the first thing that I want to do is, again, to reiterate my admiration and respect for Senator Boucher and the dedication to her position on this issue. I do believe that her continued contribution in terms of her research and her point of view will be helpful in the years to come regarding whatever policy we forge on the issue of -- the overall issue of drug

policy.

I also wanted to quickly make two corrections. I misspoke in response to questions posed by Senator Suzio. One had to do with whether there existed a Breathalyzer that can detect the intoxication from marijuana. And I'm informed that while there are blood, urine, and hair follicle tests that can detect the presence of marijuana in the system, it doesn't measure to what extent an individual would be intoxicated. And, so, obviously my comment about .08 being able to be measured on both alcohol and marijuana was inaccurate.

So, I seek to correct that, as well as he had asked about states decriminalizing marijuana. And I think my response was about 13 states, which is fairly accurate, but I think I said within the last decade. And the accurate response would have been about 11 states since 1970, and then two states within the last few years was accurate, Massachusetts and Nevada.

During the course of the debates someone said that the wrong message is being sent by this bill. And I think the comment went so far as to suggest that we are knowingly sending the message that it is

okay to use marijuana. And I have tried -- I have attempted during the course of the debate to say that's certainly not my intent, and I don't sincerely and genuinely believed that anybody around this Circle truly believes that we want to send the message to young people that it is okay to use any kind of drug.

I understand, as I said the other day, that criminal justice issues are the kind of emotional issues where I think we have to rely upon sometimes hyperbole and exaggeration and even sometimes instill fear in order to feel comfortable that we're getting our message across, or being as persuasive as we can be. For the record, let me make it clear that I don't want this bill to be interpreted by anyone, much less young people, that it's okay to use marijuana. My advice to them will be to continue to respect their bodies, to live healthy, to not use alcohol, much less drugs.

That's the message that I want to send. But I also want to make certain that all the young people out there who are living in a much more complicated period of time than the period of time in which many of us grew up -- when I think about my own

upbringing, yeah, it was difficult and it was complicated, but nowhere near as complex as growing up in today's world is. There are nowhere near the amount of pitfalls existing then that exist today. And it's real difficult to navigate, and I think young people in all communities need as much help and as much guidance as we can provide them.

But I was struck by I guess a bit of an irony, and I guess it always occurs to me as we talk about criminal justice matters in this Legislature. And that irony is that we all speak extremely authoritatively about criminal justice issues. And the reality is very few, if any of us, have ever been arrested. I'm an exception, which is why I detest and abhor racial profiling.

Very few, if any of us, know any drug dealers. Some of us who practice criminal defense law may have come into contact with them. Very few of us -- probably none of us -- have criminal records, and, so, we don't really know what it is to try and live life and pursue life with that as an obstacle. But yet we're in charge of criminal justice policy. And the unfortunate thing about that is that when we do make mistakes, we're reluctant or hesitant to admit

those mistakes.

Case in point: A few years back, for whatever reason, we decided that crack cocaine deserved a more severe penalty than powder cocaine. I guess we had convinced ourselves that it was a more intense -- produced a more intense high. It caused people to be more violent. When the research comes out, none of that turns out to be true.

And, so, what do we do? Yes, we scale back the penalties for possession of crack cocaine or use of crack cocaine, but we can't leave it at that and say, we made a mistake, we corrected it. We had to take it a step further and we increased the penalties for powder cocaine. We just can't say that we were mistaken and correct the mistake. We just don't want to look soft on crime, no matter how mistaken we are.

There was some suggestion during the course of the debate that drugs is the core element of gangs. I submit to you, drugs is not the core element of gangs. Alienation, disenfranchisement and despair is the core element of gangs. Drugs may be a part of gang activity, but it's a last resort. Trust me on this.

We don't know anything firsthand about drug dealing, drug activity, drug use, drug possession. I submit to you it's not a comfortable life to have to daily look over your shoulder to see how close the police are, or to look over the other shoulder and see how close a gang competitor is. I don't think anybody makes that decision voluntarily.

That, I think, we need to understand and appreciate. I often say the solution to crime and public safety is a simple solution. I get frustrated in this Legislature when we talk about addressing public safety and solving crime. Invariably we talk about more money for more officers, for more police departments. And sometimes it's fairly large amounts of money that we're talking about.

The solution for public safety and for crime has much more to do with making sure that in depressed communities there is a construction of an economic foundation, a foundation that will facilitate putting people to work, creating jobs in poor communities, putting people to work so that poor communities don't suffer from the highest unemployment rates in this state, from the most

ineffective school systems in the state, the highest drop-out rates in the state.

I can go on and on and on. But the way to turn that around is to not -- is not necessarily to create stronger, larger police departments and police oversight. The way to turn that around is to create jobs so that people can legitimately engage in activities that are going to contribute to the support of themselves and their families, and they don't have to resort to black market activities like selling drugs or engaging in other kinds of activities that are against the law.

No one is going to sit back and starve to death. If there is denial of opportunity, which prevents people from finding decent employment opportunities, they're going to find some way else to support themselves. That's just the law of survival.

I guess the bill as amended as it stands before us is probably an indication of a question that we've all got to come to grips with. And that question has to do with: What is our drug policy going to be going forward? Is it going to be based upon a model of criminal offense and potential

incarceration and potential jeopardy for the future of young people who may be caught up in that activity? Or should we treat drug activity and drug offenses more as something that needs to be addressed by way of treatment and medical attention and rehabilitation?

I want to compliment and thank everyone who participated in this debate today. I think the dialogue was extremely constructive. For those of you who expressed concern and fear about the step that we take if we pass this bill, I want to try my best to alleviate those concerns and those fears, and somewhere down the road as we check with one another to see what kind of progress is made, we'll make whatever adjustments, I'm sure, that we have to make. But believe me, I want as much as you want to help young people avoid drugs and to avoid the problems, particularly the health problems that are associated with drugs. It just appears that we have different approaches to hopefully arriving at the same point.

Madam President, I want to urge the passage of the bill as amended. Thank you very much.

THE CHAIR:

Thank you, Senator Coleman. Will you remark?

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Before concluding remarks on this bill that will occur very shortly, would ask that we briefly pass retain the item. And if the Clerk would call from calendar page 7, Calendar 4, and briefly pass the item temporarily, rather. And if the Clerk would call from calendar page 7 Calendar 403, Senate Bill 918.

THE CHAIR:

The item is pass retain.

Mr. Clerk?

SENATOR LOONEY:

Pardon me, Madam President. Passed temporarily.

THE CHAIR:

Passed temporarily. I'm sorry.

THE CLERK:

Calendar page 7, Calendar Number 404, File Number 664, Senate Bill 1029, AN ACT CONCERNING VICTIM IMPACT STATEMENTS AND CAPITAL MURDER CASE AVAILABLE TO REPORT AT COMMITTEE ON JUDICIARY.

two other matters. First of all, Madam President, item on calendar page 37, Calendar 134, Senate Bill 1019. Madam President, move that that item be recommitted.

THE CHAIR:

So ordered.

SENATOR LOONEY:

And also, Madam President, on Calendar -- an item on the foot, calendar page 40, Calendar 255, Senate Bill 1018, move that that item be removed from the foot and marked pass retaining its place on the Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk would now recall the item pass temporarily, the Order of the Day, second Order of the Day, calendar page 46, Substitute Senate Bill 1014.

THE CHAIR:

Mr. Clerk?

THE CLERK:

Turning to calendar page 46, matter marked

second Order of the Day, Calendar number 396, File Number 638, Substitute for Senate Bill 1014, AN ACT CONCERNING THE PENALTY FOR CERTAIN NONVIOLENT DRUG OFFENSES, as amended by Senate Amendment Schedules "A" and "B," favorable report to Committee on Judiciary and Finance Revenue and Bonding.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President.

Madam President, I move acceptance of the joint Committee's favorable report and passage of the bill.

And I've concluded my remarks. If there's no other Senator who would care to remark on the bill as amended, I yield to Senator Looney.

THE CHAIR:

Senator Looney, will you take the yield, please?

SENATOR LOONEY:

Yes, I will, Madam President.

And thank you, Senator Coleman. Thank you, Senator Coleman, for all of your extraordinary work on this bill and so many others in this session.

Madam President, speaking in support of the bill as amended, one of the things that we have grappled with regarding this issue and others is an enforcement problem. We know that as some speakers earlier today pointed out, there are, in fact, many young people in our state who have had their lives tragically blighted by drug addiction. But we have also had large numbers of young people who have had their lives blighted, not by addiction to marijuana, but by the consequences of a prosecution for possession of a small amount of marijuana.

In some cases, someone who is not impaired or addicted in any way, but is perhaps an occasional casual user, has been unfortunate enough to run afoul of the law, being arrested, suffering in some cases a loss of financial aid, a loss of scholarships, expulsion from school, lifelong consequences of having a criminal conviction. And that, in many ways, I think is disproportionate to the nature of the offense.

In fact, Madam President, as we know, one of the worst positions to be in in Connecticut is to be a middle or lower-income person, or the son and daughter of a lower, middle-income family who may

get caught up in the criminal justice system and is not eligible for the services of a public defender. The income may be a little bit above that threshold, and is certainly not able to really afford to hire a criminal defense attorney. So, that person -- that young person is often caught in a very bad squeeze. And if he or she is charged with a possession of a small amount of marijuana under current law, he or she may be fortunate enough to be informed by the prosecutor about the drug education program or the community service labor program.

Often these young people may wind up being self-represented, pro se defendants. When they go to court, they are often frightened, confused. And when they are told that one of the options is perhaps they may not actually be told about these programs. But even if they are, they know that the programs will result in a commitment of extra hours, treatment, things that they're worried about affording. Perhaps this young person is employed or in school, a combination of such, desperately trying to struggle in life.

And the prosecutor may say, "Well, the other alternative is to plead guilty today. We'll waive

all fees and costs, give you a conditional discharge, and you can walk out of this courtroom with no further obligations. Of course, you will, of course, have a criminal conviction." And a young person at that stage may, in fact, not be aware of the lifelong consequences of that criminal conviction. And that's where problems come into play with the lifelong consequences of conviction for possession of a small amount of marijuana. And that chance to avoid court appearances is often very attractive because, as some people say in many cases for relatively minor cases, sometimes going through the process is, in fact, the punishment.

In terms of savings under this bill, Madam President, one of the -- one of the savings obviously is that when someone is charged with a violation or an infraction, he or she is not eligible for the services of a public defender because it is not a criminal charge. The stakes are less high in that regard. Also, prosecutorial resources will be saved because in many of these cases, several court appearances are necessary before the case is resolved. In some cases, probation resources are devoted to these relatively

minor offenses even though perhaps, as we said earlier, very few of them actually may wind up in prison, although that occasionally does happen.

But we are in a time of very scarce resources in our entire system where we need to be able to prioritize. Senator Fasano mentioned earlier the concern about violent crime in New Haven, which is a desperately serious concern, the shootings in New Haven. We need to allow our police and prosecutors and all the resources of the criminal justice system to be prioritized on serious offenders, on dangerous offenders, on violent offenders.

Now, the bill as amended, Madam President, is, of course, an improved bill because some of the punishments in it I think may have more of a deterrent effect on young people in some ways than what we have under current law. We have the mandatory referral to the juvenile system for any offender under 18. Excuse me. We have the loss of a driver's license for 60 days for anyone under 21, and that's certainly a significant penalty for a young person who is often strongly committed to his or her driving status.

The other key element of the change to

preponderance of the evidence, rather than proof beyond a reasonable doubt as the threshold for proof in these cases, will significantly accelerate the resolution of those cases that are not resolved by someone who does send in the necessary fine.

And finally, Madam President, decriminalization is not legalization. We are not endorsing the use of illegal drugs. We strongly continue to disapprove of their use, but we are trying to realign the punishment to something that is appropriate in this case.

Just because we don't send someone to prison or brand someone with a criminal conviction for speeding or for failing to stop for a stop light unless, perhaps, they caused an accident or cause injury, doesn't mean we tolerate that behavior or in any way approve it or sanction it. Neither do we approve this behavior; but we are saying that by aligning the penalties in the way that this bill provides by a violation punishable by a fine without the stigma of a criminal conviction is the better way to treat this category of offense for those who are not, in fact, serious offenders; are not, in fact, the people we should be concentrating our

criminal justice resources on so that we can realign those resources to where it makes the most sense.

Madam President, I urge approval and passage of the bill as amended.

THE CHAIR:

Thank you. Will you remark further?

Senator McKinney, it truly is nice to see you, sir.

SENATOR McKINNEY:

Thank you, Madam President.

Madam President, it's nice to see you, and it's a privilege to be in a body where we can have this type of debate. I first want to thank all of the members of the Circle, but especially my friend Senator Boucher for her just extraordinary compassion and advocacy on this issue.

You know, I think one of the things that makes our citizen Legislature great is that we all come from very different places. And all of the things that happen in our lives, the perspectives we bring to issues inform our decisions. Whether it's happened to you personally, whether it's happened to a friend or family member, whether you see it in your community or learn about it from other places,

that informs how we look at issues.

Madam President, I turned 18 in March of 1982, my senior year in high school. Spring break was around the corner after my birthday, and my father said to me, "Hey, I've got your ticket, I'm going to fly you down to Florida." My mother had a place where she stayed in the winters down there, and I'm going to be down there, mom's going to be down there. I had a sister who was down there at the time. And I thought, what a great birthday present that was from my dad.

I landed at west Palm Beach Airport. My father was there to pick me up, and he looked different. He said to me, I've got to talk to you about something. He said that my oldest sister Lucy -- and I've never talked about this publicly -- had gone into a rehab facility. She was addicted to cocaine, and it was an addiction that was overtaking her life and threatened her very life. And thankfully she had wonderful parents who wanted to and were capable of helping her. And thankfully she realized she needed that help.

She has been clean and sober every day since then, but she has an addiction. She has a disease,

and it is a disease that she and every other addict wakes up with every day and tries to live that day to overcome the disease for another day. That informs my decision on issues related to drugs.

I understand that cigarettes, tobacco, nicotine is a drug and kills hundreds of thousands of people in our country. I understand that alcohol is a drug and causes great harm. But for me personally and for the studies that I've looked at, there is a difference. Marijuana is a gateway drug unlike tobacco, unlike alcohol. And the studies I've looked at, the experts I've talked to, conversations I've had with my own family members and other friends who have suffered with addiction, is that it is different, and it was marijuana that led her to cocaine and other drugs.

I think there's a study by Columbia University that shows that you're 85% more likely to try cocaine or heroin or other drugs if you've used marijuana; not if you've drank and used alcohol; not if you smoked and are addicted to nicotine; but if you've used marijuana. That really is the gateway drug. So, for me, a policy that lessens the severity of drug use is a bad one.

I also stand up here, like many in this Circle and our state, as someone who is not naive to the world we live in. I think I first saw people smoking pot when I was in eighth grade. As the youngest of five kids with an older brother and three older sisters who would have parties when their parents were away, and all the things that kids used to do, you got to see a lot as the young kid who was told, you know, "Stay quiet, don't tell mom and dad, and, you know, we'll bribe you with candy." And I did stay quiet. Perhaps that was a mistake, but I know it's out there.

I have a 15 year old who is a freshman in high school, and I've talked to him about the issue of drinking and smoking and drug use. And it's in our high schools. There's no doubt about it. Doesn't matter whether you're going to the wealthiest, most exclusive prep school, you know, or whether you're in a public school in 169 towns or cities in Connecticut. It's there. I know that. Quite frankly, it's in our middle schools as well. And with a daughter in seventh grade, we had these very same conversations.

I don't believe the policy that's going to be

adopted today does anything to decrease drug use in our society. And I know the quote-unquote war on drugs hasn't worked, but to me we need to be about enacting policies and trying to do things that, if at all possible, can decrease drug use because I don't believe we should just give up. I don't believe it's a given that drug use will just be with us. And I've seen the studies that it's increased over the last 10 or 20 years, and that's disheartening.

Senator Looney talked about some of the consequences that can attach to young kids. One of my best friends, to this day -- and I'm not going to give his name out -- but we met when we were in -- the summer after my seventh grade, we met on Fairfield Beach, became good friends. We ended up going to the same high school. And at one of the mixers we had at Fairfield Prep, he was caught by a priest with marijuana. He was kicked out of school. He probably received the worst punishment from his parents than he did from the Jesuits.

But, you know what? He put his life back together, went to his public school. And trust me, everybody knew why he was kicked out, and everybody

knew in the new school he was going to why he was coming back. He ended up getting straight A's at the public school, worked hard, and was reaccepted back at our high school. So, I understand there are consequences, but the great thing about our society is that we can give people second chances.

I don't want someone who is 16 or 17 who maybe tries drugs for the first time to go to jail, and I don't want them to have a criminal record. But I don't think our system allows that to happen anyways with our youthful offender laws. So, I think -- I think we're not attaching that criminal record for a lifetime to someone who is under 18.

We also have AR programs and other diversionary programs for adults who are 18 and over. They are adults. They're young, but they're adults. They can vote. We ask them to go to war. They're grown adults who need to be making better decisions.

I'm more concerned about the lifelong consequences of drug use than I am of someone being caught with drugs. I've seen in my own town kids that I've known through youth sports, some I've even coached, who when they're 11, 12, 13 are smart, bright, young, energetic, and you find out that

they've been using drugs. Their grades go from A's and B's to C's and D's. Their attitude changes dramatically, and their life is changed forever because of the consequences of drug use.

I know others have talked about -- and I'll wrap up quickly. But I know others have talked about the disparate treatment of many in our society. And when I was in law school and clerking for the State's Attorney's Office, I took a tour of our prisons, and especially Carl Robinson, and I was struck at the makeup of Carl Robinson and the disparate make-up -- racial make-up, young men, young black men between the ages of 20 and 30 made up an overwhelming majority of that population. That disparate treatment is a systemic failure that we should change, but I don't believe decriminalizing marijuana is the right way to change that problem in our society.

I'm very worried that -- and I appreciate the -- I appreciate the youthful offender penalties that have been added to the bill. I think that's a very positive change to this legislation. But I'm very worried that we're sending a message that will encourage -- encourage is the wrong word. We're

sending a message that there are going to be some kids who maybe were afraid to take that first hit or smoke marijuana for the first time, and we're going to take that fear away from them, and they're going to try it.

And not everyone who tries it is an addict. It is a disease, but the problem is you don't know if you have the disease. You don't know if you have it. And for some, they try it once and that's it. They're hooked, and their life is ruined. So, any policy that to me will lead possibly to more drug use, and certainly a policy that no one argues this is going to decrease drug use, is the wrong direction for our state. And that's why I'm very concerned about what this is going to do.

I appreciate the Senate's indulgence in allowing know speak today, but I stand strongly opposed to the measure before us.

THE CHAIR:

Thank you, Senator.

Senator Williams.

SENATOR WILLIAMS:

Thank you, Madam President.

I rise to support the legislation before us as

amended; to thank Senator Coleman and all of the Senators who have been involved in this issue; our colleagues in the House as well; also to thank my other colleagues on the other side of the aisle, those who oppose this. The tenor of this debate I think has been exactly what we would want on a serious issue like this.

I want to thank Senator Boucher and also thank her for offering her amendment, which I think strengthens this bill. For someone who is a offender for the third time, they will be referred to a drug education program. And I think that sensibly recognizes that we need to combat a drug addiction in a number of different ways, whether it's criminal justice penalties or drug education and the types of programs that can help us defeat addiction and turn people back to the straight and narrow.

You know, folks can destroy their own lives in many different ways. It can be through drug addiction. It can be through alcohol, a form of drug addiction. It can be through gambling; through many different ways that can wage destruction on their own life and their family and those who care

about them. I think it makes sense to devote our criminal justice resources in a way that aims at problems that can be corrected by the criminal justice system.

So, Senator Looney said we ought to be investing in ways -- when it comes to stiff penalties, when it comes to imprisonment, to targeting violent crime, and putting violent offenders behind bars for the protection of the rest of us, of our communities, and our families.

The existing legislation concerning possession of small amounts of marijuana, any amount from 4 ounces down to a fraction, was such that someone would be fined up to $1,000 or imprisoned up to a year -- up to one year in prison for possession of a small amount of marijuana. I think it makes sense, not to say we legalize marijuana. That's not what this is about. It's still an offense, a criminal offense, but to bring this more into line with what we would see in other areas.

A person who should not be in possession of alcohol, a minor, what is their penalty? Up to a year in prison? No, that does not make sense. A person who should not be gambling, if they're

gambling, what is the penalty? Is it up to a year in prison? Absolutely not. We all agree that doesn't make sense, even though we would agree that those are pathways to destroying your life -- if you pursue them, if you abuse them, if you become consumed by them.

So, this makes sense from the point of view of the direction of our criminal justice system, the use of those resources, and I think it also makes sense -- and again, I want to thank Senator Boucher for reminding us that there are other issues involved here. When people have addictions, particularly drug abuse addictions, it's not just the criminal justice system that should be involved, but we should bring other resources to bear, the counseling, the programs, the interventions that are necessary to turn folks away from that addiction that can destroy their life and the lives of those around them.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further? Will you remark further? If not, Mr. Clerk, will you please call the roll call vote? And the machine

will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber. An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

There is a tie vote. And as the President of the Chair -- of this Chamber, I vote in the affirmative. The bill is passed.

SENATOR LOONEY:

Madam President?

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, would ask the Clerk to call the items on the Consent Calendar.

THE CHAIR:

Mr. Clerk, let's go back and do this since this is something we don't do too often. And, Mr. Clerk, if you would announce the tally.

THE CLERK:

You need to lock the machine so it shows up there, 18 and 18.

THE CHAIR:

The machine is locked, sir. Okay.

THE CLERK:

Madam President, the motion is on passage of Senate Bill 1014 as amended by Senate Amendments Schedule "A" and "B."

Total number of voting	36
Those voting Yea	18
Those voting Nay	18
Those absent, not voting	0

THE CHAIR:

With no surprise, I will be casting my vote yea.

Now? Now the bill has passed.

Senator Looney?

SENATOR LOONEY:

Thank you, Madam President.

Madam President, now I would ask the Clerk to call the items on the Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK: