

## Legislative Forum: Next Steps on Cannabis

Thank you for joining us on January 10, 2022 for a legislative forum on cannabis organized by The Norwalk Partnership and Westport Together. There are opportunities to correct issues with CT's new cannabis law, PA 21-1, through strong regulations, increased funding, or amended legislation.

I. **Close a loophole in the law: Potency caps in the law do not apply to products popular among youth. (Sec. 32, part 14)**

PA 21-1 caps THC levels at 30% for plant matter and 60% for concentrates—despite scientific research showing mental health impacts (such as psychosis) from anything over 10% THC. The law specifically *exempts* pre-filled vape cartridges from these THC caps. These are the products of choice for youth, due to their high potency and their discretion (no odor). Local schools that have confiscated THC vapes have tested them and found THC levels above 90%.

II. **Close the loophole to align the consequences for underage possession of cannabis with the alcohol statutes: Consequences for minors in possession of cannabis amount to less than a slap as currently written. (Sec. 3)**

The penalties for underage cannabis possession are not aligned with the penalties for underage alcohol possession in terms of age thresholds, consequences, or fines. Compare:

- Alcohol law: Youth under 16 found in possession of any amount of alcohol are referred to the Juvenile Review Board (JRB) and can be issued a Juvenile Summons. They are also delayed in getting their driver's license. Youth over 16 are fined \$136 per infraction and have their license suspended or delayed.
- Cannabis law: Youth under 18 only receive a written warning, even if they are in possession of up to 5oz. cannabis (the equivalent of 375 joints, an amount likely intended for sale). They may be referred to the Youth Services Bureau (YSB) or Juvenile Review Board (JRB) *optionally* for a first offense and as a requirement for subsequent offenses. There does not appear to be any option for a Juvenile Summons. Youth over 18 have to sign a statement about the health effects of cannabis and are fined \$50 for a first offense, \$150 for subsequent offenses.

There are several issues with this aspect of the law:

1. After receiving a written warning for a first offense, youth under 18 who are again found in possession of cannabis are to be referred to the Youth Service Bureaus (YSB) or similar service. However, there is no tracking system for warnings and no required communication between

different municipalities to implement this. A youth could potentially receive the same “first” warning in multiple communities without penalty.

2. The *optional* YSB/JRB referral provides an option for early intervention, restorative justice, screening and referral to treatment, while also sending a message that there is a consequence for breaking the law. JRBs are typically a youth’s only chance to avoid the criminal justice system for a non-violent, first offense. PA 21-1 does not include any alternative consequence to the JRB process for a cannabis offense. In contrast, under CT’s law, the consequence for any possession of alcohol by anyone under age 21 is a JRB referral or Juvenile Summons.
3. As mentioned above, there are specific DMV licensing penalties (delay or loss of driver’s license) for young people cited with underage purchase or possession of alcohol. While Sec. 115 of PA 21-1 does identify DMV penalties for those under 21, based on the text of the law, these refer back to the alcohol possession statutes rather than to any cannabis offense. DMV consequences for alcohol are triggered by the Juvenile Summons; without any such penalty in place for underage purchase or possession of cannabis, there is no mechanism in PA 21-1 to trigger any DMV consequence for youth using or selling cannabis.

**III. Close a loophole in the law: The penalty for selling or giving cannabis to a minor exempts some young adults. (Sec. 163)**

PA 21-1 penalizes adults starting at age 23 who sell or give cannabis to minors when they know or should have known that the person was under age 21. This loophole appears to absolve 21- and 22-year olds from responsibility or consequence.

**IV. Allocate the funding to meet the need: Funding for cannabis prevention is slated to start two years after the new retail market opens. (Sec. 128)**

PA 21-1 shifts enforcement for underage possession from the Courts to Youth Service Bureaus and Juvenile Review Boards with no additional resources to those entities.

PA 21-1 does not allocate any cannabis revenue to prevention activities until FY 2024. Cannabis products carry real public health and public safety risks for residents, and especially for our youth and young adults. Prevention services need to be funded immediately to provide comprehensive, multimedia education on the health and safety risks to counterbalance the pro-cannabis marketing campaigns from the industry.

Longer term, consider revisiting the percentage allocations of the cannabis revenue. Under PA 21-1, the “Prevention and Recovery” fund will receive 25% of the revenue starting in 2024. These funds are intended to support a wide range of needs: “substance use prevention, treatment, and recovery” (three different types of services), in addition to data collection related to substance use. Please note that all of these areas are already underfunded in CT. Meanwhile, the law specifies that the fund is for *substance use*, but there has already been an increase in psychosis as a result of cannabis, so there will be increased need for *mental health* treatment and recovery related to cannabis as well.

**V. Revisit limits on outdoor advertising and billboards: Billboard companies are already not in compliance with PA 21-1 and are unlikely to comply without a total ban. (Sec. 33)**

The CT law bans advertising unless 90% of the audience is aged 21 and over. However, with no legal explanation of how to identify the 90% threshold, billboard companies are using this loophole to place billboards in high visibility locations on state highways across the state. The Lamar billboard company has refused for months to remove the cannabis billboard above the Webster Bank arena in Bridgeport, although the arenas, community college, and elementary school in that area all attract large audiences of children, teens and young adults under age 21. (PA 21-1 even specifies that advertising must not be visible within 500 feet of a school or recreational center.) Refer to [this article](#) about how Weedmaps and the marijuana industry have pivoted several times to avoid complying with cannabis advertising laws in California.

**VI. Ensure strong, comprehensive health warnings on cannabis packaging: The only required warning label on cannabis products is related to age of use. (Sec. 32 (4), Sec. 33, Sec. 65)**

PA 21-1 Sec. 33 states that advertisements of cannabis products must contain the warning, “Do not use cannabis if you are under 21 years of age. Keep cannabis out of the reach of children.” The law does *not* specify any health warnings to be placed on product labels, but tasks the DCP Commissioner with issuing any further regulations. In particular, Sec. 32 (4) states that the Commissioner in consultation with DMHAS will establish health education materials that may be posted in cannabis establishments in the form of “pamphlets, packaging inserts, signage, online and printed advertisements and advisories and printed health materials.” There is no requirement for science-based health warnings, no date by which the health education materials will be available, nor any requirement for warnings to appear on each individual package label, as is the case with cigarettes and wine. The Alcohol and Drug Policy Council of DMHAS is asked to report on prevention efforts, to collect and report epidemiological data on the impacts of cannabis on youth, and to make recommendations about prevention in youth in 2023—after cannabis sales are in effect—without specifically being tasked with addressing health education.

Medical experts have suggested that cannabis product warnings should advise the public of the following *medical risks* identified in the research:

- Cannabis use is linked to an increased risk of motor vehicle crashes. Warning: Using cannabis may impair driving.
- Cannabis use during pregnancy has been linked to lower birth weight infants. Warning: Using cannabis during pregnancy may result in low birth weight infants.
- Until age 21 the brain is in active experience guided development. Warning: Keep cannabis out of reach of children and young adults less than 21 years of age.
- Oral cannabis or edibles take longer to be absorbed into the body. Warning: It takes 30-60 minutes after ingestion to experience the effects of edibles.
- Mixing cannabis with alcohol may result in nausea and vomiting, panic, anxiety and paranoia. Cannabis mixed with over the counter or prescription medications has an unpredictable outcome. Warning: Do not mix cannabis with other drugs.

Other warnings should advise the public of *behavioral health risks* identified in the research:

- Cannabis is associated with IQ loss, psychosis, and mental illness in teens.
- Cannabis is addictive for adults and more so for teens.
- Cannabis use is associated with opioid use.

**VII. Close the loophole: While PA 21-1 prohibits DUI, it also prohibits law enforcement from stopping cars when the drivers or passengers are using cannabis. (Sec. 112)**

While the law specifically states that driving while using cannabis is prohibited, it also states that seeing someone using marijuana while driving is not sufficient grounds for a traffic stop. When paired with the Police Accountability law, police are limited in their ability to ensure that impaired drivers do not threaten public safety.

Additionally, the law relies on Drug Recognition Experts (DREs) to assist with impaired driving stops, in the absence of a reliable roadside test. There are limited numbers of DREs in police departments in the region; the training is multi-week, out-of-state, and expensive.

**VIII. Consider statewide guidance on outlet density: PA 21-1 leaves all zoning to municipalities.**

While the Social Equity Fund created from cannabis tax revenue is intended to support disadvantaged and marginalized communities in investing in this new industry, the large number of suburbs in the state that have already banned cannabis retail establishments means that urban areas will disproportionately be home to the cannabis trade. The new hookah, vape, and other drug-related businesses that have recently sprung up on a single block in South Norwalk are examples of how poorer neighborhoods will become regional drug hubs. Children and families may in many cases be adversely affected without strong regulations on density and advertising.