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**TESTIMONY IN SUPPORT OF 16-S 2240,
RELATING TO THE TAXATION AND REGULATION OF MARIJUANA
May 10, 2016**

The ACLU of Rhode Island supports this legislation as a proposal whose time has come. The ACLU has long opposed laws that criminalize the cultivation, possession, use and sale or delivery of marijuana. Among the non-exhaustive reasons for that position are the following:

- * The marijuana laws impose arbitrary, often harsh, and cruel penalties for private conduct for which no criminal penalty should be appropriate.

- * The marijuana laws impose all of the hardships of an arrest, and arrest record, and often a prison term on otherwise law-abiding young people.

- * The marijuana laws are selectively enforced.

- * Because drug enforcement is aimed at behavior which is inherently difficult to detect and does not involve a complaining "victim," it often necessarily relies on law enforcement techniques -- such as use of undercover operations, entrapment, arbitrary or invasive testing procedures, random or dragnet seizures, and similar measures -- that raise serious civil liberties concerns. These enforcement techniques lead in practice to widespread violations of civil liberties guarantees.

- * Marijuana laws divert law enforcement money and manpower from the enforcement of laws against serious crimes.

- * Enforcement of these laws has a troubling and disproportionate impact on the poor and people of color.

We wish to focus our testimony on this last point in particular.

According to a report released three years ago by the ACLU, blacks in Rhode Island were arrested for marijuana possession at more than two-and-a-half times the rate of whites in 2010, and were **seven times** more likely to be arrested for this offense in the counties with the smallest minority populations. The report also showed that racially disparate arrest rates for marijuana possession existed in Rhode Island throughout the ten-year period studied (2001-

2010). These major disparities exist even though national studies show that blacks and whites use marijuana at roughly similar rates.

Enforcement of marijuana laws adversely impacts the lives of too many Rhode Islanders in too many ways, but the disparate racial impact is particularly disturbing. According to the statistics, the racial disparities in arrests were well above the national average in Bristol and Washington Counties, the counties with the lowest percentages of minority residents in the state. In Bristol County, where African-Americans make up 1% of the population, they were 7.4 times as likely as whites to be arrested for marijuana possession offenses. In Washington County, with a 1.4% African-American population, blacks were 6.9 times more likely to be arrested. (The national average was 3.7.) By contrast, in Providence and Newport Counties, where larger numbers of African-Americans resides, the arrest ratios compared to whites were 2.7 and 2.8 respectively. Over the course of the ten years studied in the report, the racial disparity in marijuana possession arrests varied from 2.6 to 3.6 black-to-white.

Statewide, police officers made 2,253 arrests for marijuana possession in 2010, and those arrests accounted for 59.1% of all drug arrests that year. This is a tremendous waste of law enforcement resources. By decriminalizing the possession of small amounts of marijuana last year, and allowing the use of marijuana for certain medicinal purposes since 2006, this legislature has begun to recognize the toll that enforcement of the marijuana laws takes. Taxing and regulating marijuana would save millions of dollars currently spent on enforcement while raising millions more in revenue that could be invested in public schools and community and public health programs, including drug treatment.

It is true that marijuana, like other drugs, can be abused. But those abuses should be treated like the public health problem they are, rather than through ineffective, inappropriate and punitive criminal measures. Regulating the sale and possession of marijuana as a medical and public health issue and for consumer protection is a sensible approach whose time has come, and we therefore urge your support of this legislation.

This is a lengthy and complex bill, and we do have some suggestions for language changes to address certain civil liberties issues raised by parts of the legislation (such as severe restrictions on advertising and harsh penalties imposed on retailers who unknowingly furnish broadly-defined marijuana paraphernalia to individuals under 21 years of age, to give just two examples). The ACLU would be happy to work with the bill's sponsor to address these and other technical issues associated with the bill.

Overall, however, we strongly commend the sponsor for his work on this legislation, and we respectfully urge its inevitable passage sooner rather than later.