

Criminal justice & removal of cannabis convictions from the record

March 20, 2024: House Health Subcommittee on Healthcare & House Judiciary Subcommittee on Crime and Corrections. Chaired by Rep. Krajewski.

SUMMARY KEYWORDS

Cannabis legalization, criminal justice, social equity, public health, record clearance, resentencing, harm reduction, law enforcement, mental health, medical marijuana, black market, regulation, decriminalization, expungement, community trust, Black market impact, violent crime, commercial marijuana, driving under influence, juvenile crime, marijuana regulation, law enforcement relationships, public corruption, tax fraud, mental health, youth marijuana use, community support, municipal ordinances, social norms, decriminalization.

SPEAKERS

Rep. Schemel, Rep. Kinlead, Frank Stiefel, Last Prisoner Project, Sharon Dietrich, Community Legal Services, Rep. Krajewski, Rep. Rapp, Speaker 9, Bob Troyer, former U.S. Attny, Colo, Speaker 2

Rep. Krajewski

Providing some opening remarks, followed by our subcommittee chairs, so I will pass it to Representative Frankel.

Rep. Frankel

Good morning and thank you, Rep. Krajewski, and want to thank our colleagues from the Judiciary Committee. This is, I think, the fourth or fifth hearing we've had around adult use cannabis. This one is particularly focused, obviously, on criminal justice issues, social equity and one of the things I've appreciated about the hearings that we've had to date is that we've really been focused on policy. It has not been particularly political, even though I think there are really a broad range of views about legalization and moving forward on this. But it has been all these hearings have been extremely informative, and I think we are really well positioned to move forward with legislation, and this is an important aspect of it. I mean, we always believe that we need to be dealing with a number of different aspects as we move forward to this, which is public health access and correcting the injustices that that we saw over decades that hurt vulnerable communities in Pennsylvania through the criminal justice system. So I appreciate this, and I'm looking forward to working with the two subcommittee chairs here, and look forward to the testimony. Thank you.

Rep. Krajewski

Thank you. Chair Frankel, I'll next pass it to you, Chairwoman Rapp.

Rep. Rapp

Thank you, Chairman, good morning. Thank you for being here. We're looking forward to hearing what you have to say today regarding all of the possible consequences or any of the maybe positive things for legalization. But as chairman Frankel said, we've these hearings have been informative, so I am looking forward to this hearing, and it's my understanding, Chairman, that it's possible that the bill may now go to judiciary and not through health. So it's great to have members of judiciary here today and to hear what everyone has to say about the possibility of legalization. Thank you.

Rep. Krajewski

Thank you, Chairman. So we are also joined by the Judiciary Subcommittee on crime and corrections. So next I'll pass it to you Rep. Kinkead and Rep. Rigby for them to provide opening remarks as well.

Rep. Kinkead

Thank you chairman, thank you all for being here today. I'm really looking forward to having this conversation, because especially as it pertains to the criminal justice system, the reality is that when we legalized marijuana for medical use, we didn't correct our criminal justice system to be able to account for that. So you if you have {unknown word} in your system, even if you have a medical marijuana card, there still real consequences for that. And so as we are looking at the potential for adult use in Pennsylvania, we really need to be looking at the criminal justice consequences and how those are changed and adapted, Because the you know, simple fact of the matter is that, as chair Frankel was saying, we have criminalized whole groups of people for the use of marijuana at a far greater rate than we have other groups and now the groups that did not get criminalized are making incredible profits off of legalized marijuana and we need to ensure that if we're going to legalize this in Pennsylvania, that we're doing it in a just and equitable way. So I look forward to hearing all your testimony. Thank you.

Rep. Krajewski

Thank you, Chairman. Chairman Rigby.

Rep. Rigby

Thank you, Chairman. I too am anxious to hear some of the testimony today. This is conversations that have been going on for some time now. I follow it closely. I've been watching reports both the pros and the cons. We hear the positives and negatives, the financial gains, and we also learned that those gains aren't necessarily a gain, but a but a wash when it goes back to the social services. So be anxious to hear what the what testimonies will be today and learn a little bit more as we move forward, to talk about what our next steps will be here in the house. Thank you.

Rep. Krajewski

Thank you. So I'll pass it to my co chair, Rep. Schemel.

Rep. Schemel

Thank you Chairman. I look forward to the testimony today, and also want to thank the majority Chair and staff for including a testifier, a former US attorney that we've requested today's hearing. So thank you very much.

Rep. Krajewski

Thank you Chair, and I am personally very excited and invested in this conversation. I think this is one of the components of a recreational framework that we really need to get right and get right on the first time, given what we know about the criminalization of cannabis and the ways it is has, it has impacted black and brown communities, working class communities, right, and the ways in which that record still carries a burden, right, stops people from being able to economically prosper, causes recidivism, all the things we know about criminal records and expunging those records, and the ways those can have extreme beneficial impacts on someone's life.

And if we're gonna be talking about legalizing cannabis, regulating it, having it be something that is part of a beneficial economy to Pennsylvania, part of that conversation has to be how we also correct the past wrongs of criminalization and the ways in which it has impacted Pennsylvanians and folks in our Commonwealth. So I look forward to hearing from experts you can speak to directly the ways in which those impacts can happen, how we as legislators can do it most effectively. And I look forward to taking this information and doing what we can to make sure we have a just framework.

So we're gonna switch things around just a little bit based on timing. We're actually gonna start with our last panel first. we are joined by Frank stipel, who is a Senior Policy Associate with the last prisoner project, as well as Sharon Dietrich, litigation Director for Community Legal Services. So I see we're joined online by Frank. We'll start with Frank, and then we'll pass over to Sharon.

Crosstalk

Hi, everyone. Can you hear me?

It's a little faint, okay. Can you hear me now? That's a little better. Yes, okay, I'll just, I'll talk a little bit louder. That's fine. That's good.

Frank Stiefel, Last Prisoner Project

All right. I forgot. Awesome. Well, good morning everyone. My name is Frank Stiefel, and I'm a Senior Policy Associate with the last prisoner project. I look forward to sharing information on national best practices and evidence based policies for creating a justice informed pathway to cannabis legalization. The last prisoner project is focused on cannabis related criminal justice reform. When a state legalizes adult use cannabis, it is acknowledging that public interest has shifted regarding the criminalization of cannabis. The magnitude of this shifting perception is clear in the landscape of national legalization as the Pew Research Center reports, most Americans now live in a legal cannabis state, and most have at least one dispensary in their county.

However, simply repealing the prohibition of cannabis is insufficient. across the United States, Millions of individuals still bear the lifelong version of having a cannabis criminal record, and 10s of 1000s are actively serving sentences for cannabis related convictions and sitting in jail or prison for the exact same activity that others are now profiting billions from our work as the policy arm of the last prisoner project is to provide technical assistance to states to ensure that when they legalize they are simultaneously implementing systems of retroactive relief for individuals who have been criminalized by prohibition. It's important that these retroactive relief processes are state initiated so that individuals who are eligible are not left behind and actually end up receiving the relief that they're entitled to.

Thankfully, the inclusion of criminal justice reform policies has become the standard for states that have sought to legalize cannabis. Since 2018, 13 of the 14 states that legalized adult use cannabis have included record clearance policies, and since 2021 they have all been state initiated, re sentencing policies are also growing in importance, and have been included in more than half of the legalization bills that have been enacted since 2020. last year, Minnesota legalized adult use cannabis, and as a part of their legislation, they created both a state initiated record clearance process, as well as the state initiated re sentencing process for individuals that have been thrusting the criminal justice system for cannabis related activity.

This year, the last prisoner project has worked with the legislators in the Virginia General Assembly to pass a state-initiated cannabis re sentencing bill that is currently sitting on Governor Youngkin's desk. Virginia already has a state-initiated record clearance process in place for individuals with cannabis records. We believe that if Pennsylvania decides to legalize adult use cannabis, the state is uniquely set up to enact these state initiated retroactive relief processes for individuals who have been criminalized during the prohibition of cannabis. One of the main reasons for this is because Pennsylvania was the first state in the nation to develop and implement clean slate record clearance, a process that is already inclusive of cannabis offenses. In fact, every single state that has a clean slate law in place and has then gone on to legalize adult use cannabis, has ensured that when legalizing they are they have simultaneously set up a separate state-initiated record clearance process for individuals with cannabis records. These states include New Jersey, Michigan, Connecticut, Delaware, Virginia, Colorado, California, Minnesota and New York. The need for retroactive relief for individuals with cannabis Records was also recently exhibited in Pennsylvania in 2022 when then-Governor Tom Wolf announced a 30 day program for cannabis clemency. More than 3500 clemency applications were submitted during that one month period, but unfortunately, the program only considered a little over 200 of those applications. That is why we would recommend that any adult use cannabis legalization bill include language for the creation of a state initiated record clearance and re sentencing process.

Now I want to start by touching on what a state initiated re sentencing process could look like as a part of the legalization package. A state initiated re sentencing process would mean that anyone who is sitting in jail, prison, or is under community supervision for a cannabis related sentence can be scheduled for re sentencing hearing in front of the court of original jurisdiction. I want to note here that this process does not mean that these individuals will necessarily be released from incarceration or supervision. It simply gives them the opportunity to have their sentence reconsidered after a hearing in front of a judge in light of the fact that the state has legalized adult use cannabis, it's important for the state to be proactive and ensure that these eligible individuals are notified and fettered through this resentencing process. The process should also ensure that stakeholders outside of the judge have limited input during a re sentencing hearing. New Mexico provides a great example of what this process could look like as a part of the legalization package, New Mexico charged the Department of Corrections and local jails with identifying individuals with qualifying cannabis cases for possible sentence modification, and required prosecutors to review all cases and determine whether they wanted to challenge them.

Oversight is another imperative piece of the resentencing process, because it ensures that individuals with eligible cannabis sentences are being scheduled for hearings in front of the court, and that the court is rendering a decision on whether their case will be modified in a reasonable amount of time. Minnesota's resentencing process provides another good example of how state can provide this oversight. Minnesota legalization law requires that the courts report all data related to their re sentencing hearings to an independent board which provides oversight over the process.

Now I want to shift to talking about what national best practices highlight regarding the creation of a state initiated record clearance process for individuals with cannabis records, as I noted earlier, Pennsylvania is uniquely set up to implement a state initiated record clearance process for cannabis records, because it is a leader in the nation in implementing Clean Slate. although the Clean Slate process in Pennsylvania is already inclusive of cannabis offenses, these cannabis offenses adhere to the same eligibility criteria and limitations that govern the record cleanse process for other criminal convictions. Another distinction to make regarding the Clean Slate process is that it allows for the sealing of a cannabis record, which means that an individual's record is still accessible to certain stakeholders, including law enforcement.

When a state decides to legalize adult use cannabis, they're explicitly acknowledging that cannabis related activity is not inherently criminal, therefore, cannabis records should be put through a separate state initiated expunction process that would allow for the full erasure of an individual's record and ensure that all barriers to relief, like mandated waiting periods are eliminated. The eligibility criteria for state initiated record clearance process should be clearly defined and inclusive of all convictions and non-convictions. This allows the process to have clear guardrails and only allows the courts, prosecutors or other state actors that are involved in the record clearance process to object to the clearing of a record on the grounds that that record is statutorily ineligible. It is also important that there are no unnecessary hurdles to record clearance. An individual should remain eligible for state initiated record clearance regardless of whether or not they have been granted a prior expungement for a different offense, and all related fees should be waived. Missouri provides an example of what an effective eligibility scheme could look like for a state initiated process. Missouri legalized adult use cannabis in 2022 and set up a state initiated record clearance process for cannabis records, which actually included most felony convictions, all associated costs were paid by the state as a part of their record clearance process. The eligibility scheme that Missouri set up has allowed the state to clear hundreds of 1000s of cannabis record since 2023 with minimal fiscal impact on the state.

Finally, it is important that individuals are made aware that their criminal record has been cleared by the state, so that they may respond accordingly when questions about their criminal history, whether that's during a job interview or when applying for public assistance. The same goes for alerting folks that they are eligible to petition to have their record expunged. There are numerous ways to educate the public about their newly cleared record, or the opportunity to petition to have their record cleared. The state can use billboards, social media, pages, educational webinars for schedule meetings and presentations with community based groups to spread the word.

Pennsylvania has been a leader in the nation when it comes to enacting effective and evidence based record clearance policies. If the state decides to legalize adult use cannabis, we would hope that the legislature takes our recommendations seriously to ensure that no Pennsylvanian continues to suffer the most harmful consequences of cannabis prohibition. I thank you for your time, and I look forward to answering any of your questions.

Rep. Krajewski

Thank you so much, next We'll hear from Sharon Dietrich at Community Legal Services.

Sharon Dietrich, Community Legal Services

Good morning. Did that work? My name's Sharon Dietrich. I'm the litigation Director of Community Legal Services in Philadelphia. I thank you for having me here today. I have been an employment lawyer with Community Legal Services since 1987 and I can tell you that over that time, having a criminal record as an employment barrier started as this tiny, little legal problem that we saw and eventually grew to the extent that two thirds of the people who came to us for intake were there to seek help with their criminal record. So it is clearly the most serious barrier that not only low income people, but many people who have had interactions with the criminal justice system experience when they looking for a job. So I'm here today to talk with you about how we could implement here in Pennsylvania, the broadest possible record clearing relief based on what our situation is, both in terms of clean slate and the controlled substance act.

And by the way, if I could just for a minute, thank everyone here who was involved in the enactment of act 36 in December Clean Slate expansion. I'm happy to tell you that we already changing lives with the implementation of that law. I have seen many people with felonies already get their records cleared. And let me tell you, it is a totally different thing to wake up one day from having had felonies on your record the first the day before and having nothing the day after. So that was very effective piece of legislation, and particularly, I want to thank the members of the Judiciary Committee who helped kick off that bill.

So the number of records that have been sealed so far under clean slate in Pennsylvania. Are you ready for this? It is approaching 46 million, 46 million cases have been sealed, either totally or in part, by computer technology for people who are eligible to get their records sealed. That is infinitely more than were being sealed before clean slate, and that is why we conceived of the idea, in order so that the millions of Pennsylvanians who have criminal cases on their records can get them sealed effectively, and not, you know, back into it because they happen to find a lawyer and figure out the process and be able to pay the lawyer the filing fees, et cetera.

So what Clean Slate shows is that broad record clearing and done by automation can work, and has worked. In fact, I believe even though about a dozen states have passed Clean Slate laws by now, ours is by far the most effective, in part because we have the best database that the Administrative Office in Pennsylvania courts has put together over the years, and it works really well, and you don't hear any complaints about mistakes. You really don't, if anything, it's less inclusive, rather than more inclusive, because if there's any

doubt about whether a case should be sealed, it's not sealed. But you do not hear about cases that have been sealed that should not be sealed.

Now, let me say that there are some differences between clean slate and what we would propose for marijuana clearance. And first of all, we've seen iterations of a legalization bill that call for expungement. So clean slate is sealing. Let me tell you what the difference is and why we support expungement in this context, rather than sealing. So sealing the idea is you don't completely eliminate the information. You don't get rid of files. You don't destroy anything, but you basically keep it out of the public circulation. So for instance, aopc no longer puts a sealed case on its website, and it tells its buyers of its data: You cannot use these cases for background screening if you want to continue to get Pennsylvania data. But it is there if law enforcement wants it. It is there for other uses, like if you go to the border, the border police are going to know that you have the case. Expungement really is what it sounds like. Basically, the case ceases to exist. It is eliminated from the data. Nobody can use it again. It will no longer exist. Now it seems to us that the move for expungement in the context of marijuana legalization makes sense, because, as Frank said, basically a decision is being made that the conduct for which the person had been arrested or convicted is no longer illegal, and so we support the idea of expungement and not just sealing in this context.

Now, doing that by automation is going to require a lot of care, because you obviously don't want to completely eliminate cases that you decide later on, You should not have done that for--- but I have complete confidence, given how well aopc implemented claim slate, that they can do the same for marijuana. You know, simply by doing adequate testing to make sure that they are expunging eligible cases.

The second difference is that not all marijuana convictions or arrests are going to be easily identifiable by automation. In fact, not very many of them will. A limited number of them will. Why is that? Well, it's because the controlled substance act essentially puts all substances within the same provisions. So if you are convicted of a cocaine offense or a marijuana offense, they'll both show up as knowing an intentional possession. So when the computer is trying to figure out by dealing with data, is this a marijuana case or not? That for a large number of cases, the computers will not be able to make that determination. The data does not exist in order to identify those cases, except in one very important case, which is that under Section 31 of the controlled substance Act, the offense is having a small amount of marijuana for personal use. So by definition, that offense is solely for marijuana cases. So those cases are subject same as under clean slate, criteria to be sealed by automation, or, I'm sorry, expunged by automation. I fall into talking about sealing when I talk about clean slate, because that's what Clean Slate does. But you can run a computer query that will expunge small amount of marijuana cases, and we should do that, but because of that data limitation, there's really going to be a need to be aggressive in how we remove such cases by petition. And the reason we got plain slate to begin with was the petition process wasn't robust enough, wasn't easy enough, for people to use it even when they were eligible. So I'll have something to say about what a petition process might look like that would be most viable.

So our recommendations will be on both automation and petition filing for automation. As I said, we recommend there be a provision that all of the section 31 cases small amount of marijuana be expunged by automation. And we'll keep looking to see if we can figure out other ways, by looking at data, that marijuana cases can be identified. But so far, that's what we've got for you.

We also recommend an expansion of the Clean Slate process to records of the Pennsylvania State Police. Clean Slate works by identifying records by the courts, and then after they've identified the records, they send them over to the state police, and the state police then also seals those cases. But there are some cases that never make it to the courts. When you are arrested, your fingerprints go to the state police database, and if the district attorney decides not to charge you, they are not eliminated. So a lot of people have the unhappy experience that when they get a state police background check or an FBI background check, it shows charges that they had not even been prosecuted for. So we believe that the state police could use the same kind of automated procedure for those cases that the courts used for the Clean Slate cases to identify section 31 cases and eliminate them from their database. And it seems to be an important part of this solution, because you know where the DAs have decided not to charge people, those are cases that are even less compelling to have showing up on background checks than all the other ones.

Now on petition processes-- We think something very simple needs to be in place and easy for individuals to use. Who is most likely to know that their case was about marijuana, the individual that was charged and may or may not have been convicted, so we recommend that there be a very simple form petition that people can fill out that basically says I was arrested or convicted of a marijuana case, they should be able to file it without paying a filing fee. I mean, currently, if you file a petition in Philadelphia and you're not informed of {cant make out word}, you pay \$147 that can be expensive, especially if you have more than one to file. And we believe that the district attorneys can easily check which they will want to check their petitions anyway to make sure that they're about marijuana and they're not about some other substance. So we think that's a way to cover a lot of the other cases.

Finally, other recommendations, I agree with what Frank said about waiving all financials connected to these cases. In fact, I don't think you can expunge the cases unless you waive all the financials, because the financials are connected to case, so it seems like a necessary part of this whole process. And finally, I also agree that there needs to be broad public notification about these remedies so that people can avail themselves of them. Thank you for listening to me, and I'm happy to answer any questions.

Rep. Krajewski

Thank you. Thank you, Mrs. Church, for your testimony. So we'll open it up to questions from yourself, I see you Rep. Kinhead.

Rep. Kinhead

Thank you. I think that this is a critical piece. If we're going to be serious about legalizing cannabis, we need to be serious about actually addressing the reality of criminal records. One thing that I'm not sure if any other state has taken into account, but it's something that I think about a lot when it comes to criminal records, when records with marijuana, there's also the reality of criminal prior record scores. So if you have been, you know, convicted of something else after your marijuana conviction, that was taken into account when, when you were sentenced for that incident, or, you know, any number of things.

So I wonder if either of you could speak to how other states are sort of dealing with, or if they are dealing with prior record scores and marijuana convictions, and how they are impacting those

Sharon Dietrich, Community Legal Services

I will turn that one over to Frank. As an employment lawyer, unfortunately, I don't practice criminal defense, so I can't answer your question,

Frank Stiefel, Last Prisoner Project

yeah, so that's a great question, and it's definitely an issue that we see in a bunch of different states. You know, I think, like, a lot of times, refer to as, like a co-mingling offense, you know, with with the cannabis offense. And I think for a lot of reasons, like as a part of the record clearance process, that can be, that could, that can provide some states difficulties, right, to separate out those records and clear that specific cannabis offense. I will say, like, it's much harder for states that don't have the infrastructure and capacity that a state like Pennsylvania already has and has been able to build that infrastructure through the implementation of a process like clean slate. So you're seeing that in states like Hawaii, Missouri, even where that's a lot more difficult because they don't have that infrastructure already in place. But like I said, in other states, like California, Michigan that have these clean slate processes already established and have the infrastructure in place that is a lot easier. It's also, I think it also touches on the re-sentencing side of things, right? In that, you know, that's why we, you know, advocate for the creation of a state initiated re sentencing process, is to go back and look at modifying those sentences in light of enhancement, right? That that cannabis, cannabis condition could have allowed for it in the past. And so, you know, it's not only obviously, like looking at folks who are solely incarcerated for a cannabis offense, but also those, those individuals who might have had, you know, a sentence enhanced because of the fact that cannabis was a part of that as well.

Rep. Kinhead

Just as a quick follow up, are we seeing any states that are doing re sentencing, not just with cannabis as part of the offense, but as you know, let's say somebody was convicted previously for a cannabis offense and then had another conviction later, but because of the prior record score the cannabis offense that actually triggered them to have a longer sentence. Are any states taking up that aspect of things and sort of doing re sentencing of folks who whose prior record score would actually drop because of the expungement of a cannabis offense.

Frank Stiefel, Last Prisoner Project

Im not certain that's a good question. I mean, I will say a lot of these, unfortunately, we don't have much data on, like, the specific numbers of individuals that have been resentenced in some of these states. We know, like, as the eligibility in these states, like, for example, we're working on a re sentencing package in Connecticut right now with the legislators there. And we know right the population of individuals, and it's been around 200 300 for certain parts of the re-sentencing policy. But we don't have specific numbers, but I'm more than happy to look into that and provide more information after today's hearing.

Rep. Krajewski

Thank you. Appreciate that. Thank you. And just some quick housekeeping hearings before, I know folks in the audience have recorded parts of these hearings, and I just want to check and make sure that members were comfortable with that if there were any objections, okay, thank you.

I have a couple questions as well. I knew I mentioned that Missouri was one of the places that have done a pretty effective expungement framework in other places as well. Do you have any estimates as to how much that cost the states to do that automation and all the petitions and everything needed for a proper expungement framework and how states pay for it?

Frank Stiefel, Last Prisoner Project

Yeah, absolutely so Again, unfortunately, it's not like a it really varies, like, and again, it is really a result of the amount of capacity infrastructure that already exists within that state's record clearing system. And so in Missouri, you know, there was a lot of money that, you know, was needed to just, was needed as far as, like, building up that capacity and that infrastructure. So, you know, I think for Missouri, they had, yeah, they had signed a bill to basically, essentially pay their employees overtime and to hire more workers. So I think was around, I think it was \$4.5 million for that, for Missouri to do that. And then other states, it really varies, I will say, like in states that have already have passed clean slate. And so inherently, right, like when you're passing a law like clean slate, you have to build up the infrastructure capacity to implement that law. And so you know, the transition to doing something like a state initiated record plans for cannabis right is a lot smaller, as Sharon had highlighted, the amount of records right that you're tackling is a lot smaller than

when you're looking specifically at cannabis records. So it allows for the fiscal note to be brought down significantly, as compared to a state, right, like those states that don't have that don't have clean slate and don't have the capacity, like we're working with folks in Hawaii right now. I can't tell you the difference between Hawaii and Pennsylvania as far as the capacity in their court system to deal with the implementation of a state-initiated record claims process. So you know, that's what I'd say. But I'm more than happy to also provide we have some numbers from different states as far as what that fiscal note looks like, but it really varies, like I said, depending on the statement and what their capacity looks like before passing something like this

Rep. Krajewski

Sure that would be great. Thank you. And then another separate question regarding outreach, about the petition process and just these changes generally, that feels like a really important part of this process. We've been thinking about all the people right now who are eligible for expungements or pardons. I mean, even have people who think they still can't vote once they're back home. So we already have issues around outreach, around all the different ways people can receive relief right now. So what are your thoughts about how we can do an effective outreach program, and what that looks like around expunging these records.

Frank Stiefel, Last Prisoner Project

yeah, yeah. Sharon, do you want to go first? Or I can jump in and go ahead, okay, I was just gonna say, I think it's like, it's just trying all the options, right? Like, there's not, there's not, like, a one password that's going to work effectively for every audience, right?

So, like, I think, you know, using Facebook ads, using billboards, you know, having presentations during community meetings, right? Building relationships with community based organizations that are already right, like, have audiences in different communities, in different neighborhoods, right? So, yeah, I think it's, you know, what we've talked with states about doing is you kind of have to tackle every single, you know, tool in the toolkit to reach every single person. And yeah, so that's what I would say that's what I would say we've seen in California, it's been effective. As far as, like, I think they've started to do webinars. They've also, like, have tried to do community meetings and presentations. So yeah, like I said, it's just trying, trying every single avenue to get the word out there. Because, you know, different audiences, right? Those different tools can apply to different audiences I would say.

Sharon Dietrich, Community Legal Services

I agree with what Frank said. I will say that when we tried to do outreach on clean slate, we found two things particularly useful. The first was on Facebook ads. And you know what CLS as a small nonprofit can

do? You know in terms of raising money to put behind that, since you have to buy them, it was limited. And so if there were actually state resources to do that kind of outreach, think it would be helpful. The other thing that was really effective was when the governor would talk about clean slate, because when the governor talks, it gets covered by every news outlet in the state. So we found that a lot of people learned about the new program based on information that came out of the governor's office.

Rep. Krajewski

Have you, like, seen any states where they've incorporated it into like other social services. You know, I'm thinking of like health clinics, places like that, where people are already getting some kind of state related service. And then as part of that, there's also some outreach or information about, hey, also you can get this record expunged while you're here. Have you seen any states that like done that successfully?

Frank Stiefel, Last Prisoner Project

I'm not sure. None come to mind. I Yeah. I think, yeah, none comes to mind. But that doesn't necessarily mean that it isn't happening. I can look, look more at look look more into that and provide additional information, but I think it's a great idea.

Sharon Dietrich, Community Legal Services

Yeah, we've had success, particularly with the Workforce Development System, but less than social services.

Rep. Krajewski

Thank you. I know rep schemel had a question, and I'll open up for other members that have questions as well.

Rep. Schemel

Thank you Mister chair. Thank you both for your testimony. A couple of questions. They might be more naturally directed toward Mr. Stiefel, but certainly Ms. Dietrich, if you also have something to add. So in those states that have legalized recreational marijuana and then set forward an expungement type program, is that expunging records for simple possession and possession with intent to deliver for selling marijuana to or just for simple possession.

Frank Stiefel, Last Prisoner Project

again, it depends. You know, there's states like I mentioned that, like Missouri, it's more it's more expansive. It's not just cannabis possession, they're actually including felony convictions. So yeah, and there are other states where it's solely related to cannabis possession or more of the misdemeanor offenses, if that makes sense. But there, there are plenty of states that have much broader eligibility for a state initiated record clearance process. And it just goes back to the, you know, what the state is legalizing, right? And you know, noting that in the fact that the fact that they're legalizing right, and acknowledging that is no longer inherently criminal, and allowing for, you know, a broader array of convictions and non-convictions to be eligible for that state-initiated process. So yeah, like in California as well, there's a more expansive eligibility for that state-initiated process that is outside of possession. So we're actually saying, yeah, it's actually would say, the majority of states are now have a much more expansive state initiated process than just solely for possession.

Rep. Schemel

So in those states that have legalized recreational marijuana. I assume, as far as I know, in all of those states, you still have to have some sort of a license. So in those states, selling marijuana without a license would still be a criminal offense.

Frank Stiefel, Last Prisoner Project

Correct. Yeah, yeah, there's still, yeah, I mean, unfortunately, I mean, it's like, any, any, any law you know, you're creating, right? Like, there's going to be penalties if you break the law. So in creating a legal market, you know, there, there are ways in which you can break the law if you go against what is a part of that the apparatus is a part of the legal market. That's correct.

Rep. Schemel

Thank you. I've long been a supporter of a lot of criminal justice reforms, including clean slate. So I'm glad to hear you talk about clean slate very positively, with regard to expungement or something with expanded Clean Slate regarding marijuana offenses. Could those also be implemented? Instead of legalizing recreational marijuana, we simply reduced simple possession to a summary offense.

Frank Stiefel, Last Prisoner Project

that's a good question. I think it would make it a little bit more complicated. You know, by legalizing it, I think, like I mentioned, it allows the state to have the legal backing to, like, ensure that the you know that and stating that is now no longer criminal, that they can, they can do that. There's no reason why you

couldn't. I think if you, if you reduced it to it you said to a summary offense. But I think, yeah, it just might make it a little bit more complicated, particularly like on the court's end, so that's what I would say,

Rep. Paul Schemel

Very good thank you.

Sharon Dietrich, Community Legal Services

May I say one thing about the felony question? another way in which the controlled substance act here is not very helpful is that a great continuum of conduct is included within a drug felony. From one end, maybe somebody standing on a corner with a nickle bag versus somebody driving a truck with bails of it. Those are two very different types of conduct, I think you would agree. And the way that we dealt with that in the plain extension Bill act 36 was you all put a guardrail on your work behavior by looking at the sentence right and saying that it had to be if you were excluded from sealing if the minimum sentence was 30 months or more where the maximum sentence was 60 months or more, so that the most serious conduct would be triggered and excluded based on the sentence. So that would be a way that you could think about, if you are concerned about what might be considered the worst behavior, to draw a line but still allow the guy who sold the nickel bag to get relief also.

Rep. Krajewski

All right, thank you. I want to thank Mr. Stiefel and Ms. Dietrich, for your testimony, we are going to move on to our next panel. We're going to continue working backwards here, and we'll go next to Bob Schroyer, who is a former US Attorney. All right, never mind.

We are going to we are going to go in order so we will be joined in person by executive Chad Bruckner, law enforcement action partnership. Thank you, detective bruckner, for being here.

Det. Chad Bruckner (Ret.), Law enforcement Action Coalition

Thank you very much. We did the opportunity for you today. My name is Chad Bruckner. I am a speaker with the law enforcement National Partnership, and he's a nonprofit member of judges, police officers, lawyers all coming together, coming from the system, seeing from the inside out, we come together, work together to try to make systems and process as best as possible. And I'm honored to be working with Lee. Our mission is to decriminalize Adult Use of Marijuana in Pennsylvania, and that's what I'm here to speak with you about, Today.

I want to tell you a little bit about myself before I begin, because I think it's important to understand my collective background and why I'm here to advocate for what I'm advocating for. First, I led combat missions here in the Pennsylvania National Guard in 2004 and five as a member overseas in Iraq, and it was an honor to do that, leading those missions and being on the ground in highly stressful, dynamic environments. I learned one thing, humans are all short sorts of all sorts of shapes and sizes that require all sorts of interventions and all sorts of modalities to help them. I've been seeing this for the past 20 years. I came out from Iraq and became a police officer here in Pennsylvania, in Lansdale, Montgomery County. I did that for 13 years. Spent most of those years as a detective, three of which I was undercover, buying drugs, arresting people for drugs, including marijuana, for felony delivery. I have a master's degree in digital forensics, and I testify as an expert in that. I'm a mental health and emotional health advocate. I do work right now with veterans and police officers who are struggling with mental health disorder, which, by the way, are skyrocketing. They are using drugs and data substances and alarming right behind the scenes and tell nobody, because they'll lose their career and be shamed for it, but that's the only way they can navigate their treacherous career right now. I'm also certified recovery specialist here in Pennsylvania, so it's a state certification. I work with people early in their recovery journey. I'm dealing with people with heroin addictions, fentanyl, marijuana, alcohol. I bring that up for a reason. I'll tie that in later, working with people and meeting them where they're at in the community, in the back alley. I had a client I met last week, anyone that met over an hour because that's where he felt most comfortable. I like to do that with people, and I've learned exactly how to speak with people and see and read them for who they are. And I think that is important, given my experience. As part of being an undergrad, I wrote a paper on marijuana being a gateway drug, and I advocated it's the most harmful thing in the world that was about 15 years ago.

So that brings me to what I'm here to talk to you about, decriminalizing adult use marijuana in Pennsylvania. We are advocate for four pillars. And these four pillars are, excuse me, reducing violence, promoting community trust, time and money. And these are kind of informal titles, health and safety.

And I want to walk you through a couple of these, all of these, as far as far as reducing violence, if we decriminalize focus of marijuana, we are going to reduce the amount of encounters people have when they're trying to purchase it illegally. That's just that's logical correlation. And more young adults are using a cannabis now at a very alarming level, stress that an all time high mental health disorders are up over 35% since 2012 young adults are using cannabis or doing gummies or smoking it, they might not tell anybody about it, but they're using I talk to them all the time. I'm also a professional coach. That's another part of my business. So just by increasing the amount of encounters you have, it for illegally, as the use goes up, logically, you're going to reduce violence. And when the prohibition in between drugs and alcohol, Coors and Miller were not rioting for turf wars. So this can be done legally, can be done safely, to promote and promote and reduce violence.

Second pillar, promoting community trust. The research is clearly going up. The public is trusting cannabis more as research comes out that it could be a whole host of treatments for PTSD, substance use disorder. There's a whole healing properties coming on with this product that's grown on Mother Earth. And as the research has become more illuminating to it, and we're taking the spotlight and we're putting on the darkness that was cannabis and marijuana, this is dirty drug. As that becomes more illuminated we're seeing, it does have benefits. So as the public starts to realize this, it's only natural as an entity that we meet their level of trust and meet them, whether, hey guys, we recognize that as well. What that also does. It helps reduce stigmas. Any one of us can go out here right now. We can go to a bar, get drunk, stumble home, and everybody laughs at all, oh, that's sad. So and So, that's funny. It's acceptable, because of how common alcohol is we can take a veteran in the back alley who saw more combat tours and a police officer stops him from smoking a blunt and arrest him. We shamed him for that. He'd feel shame for that, because he was doing something that society told him was wrong, even though that had great healing properties, and he wasn't a robbing a stool or beating anybody like the person who was intoxicated on alcohol.

The third pillar is time and money, reducing law enforcement effects. Investigating marijuana just makes sense. As an undercover detective, I've had countless investigations for possessions. Have delivered wiretapped cases and all sorts of undercover buys and using confidential informants to buy marijuana. In the end, most of these people are not paid people. They recognize the profit that could be made to making marijuana. Marijuana is the most profitable drug to sell. That's why you got a lot of people want to sell it illegally. Most of them are smoking a little bit of themselves, but they're not really engaged in any hard drugs. It's an interesting culture where the other drugs, fentanyl, crack, is a huge combination of people that are selling and using combination with each other. By saving law enforcement efforts, they can focus on fentanyl, which is an absolute crisis right now. We can't deny that what's coming through the southern border, and we can focus our efforts more on fentanyl, and then the other harmful drugs that are devastating families and communities, which would also save money for enforcement efforts. We can reallocate those funds elsewhere, building the other programs that can go after the fentanyl and that allows law enforcement to train and build up what they need. We also have to train criminally investigate marijuana cases. Of those training and enforcement goes into that they can reallocate the time to do that. The flip side, all this is double---It's a double win, because once we're saving money on the enforcement side, then we can make it decriminalizing. They were doubling, you know, double earnings, therefore taxing the product.

Last is health and safety. I'm a big proponent of harm reduction. As I work with people in recovery, I see the need that people that are coming off heroin, some of them need to use Suboxone. I use this as an example. Can some heroin addicts come off clean cold turkey? Some have done it brave, that they brave themselves through and they go cold turkey. Most need some sort of intervention or therapy like Suboxone. They do that for a short period of time. Marijuana learning has the same sort of properties for people coming off alcohol or any sort of other drug. It's an absolute harm reduction and I use Kensington as an example for people that are anti harm reduction. It's clear what's happening Kensington. If you look at it esthetically, it doesn't look good for society, humanity, and it's a shame you can't fix this--- that stem from harm reduction, creating centers to allow people use heroin. None of those people walking around as travesty as

it is--- these days are on marijuana. Those are people on fentanyl and opioids. So when we talk about harm reduction, we have to almost separate what we believe about is fentanyl and opioids as composed of marijuana being an absolute viable intervention for people like veterans and first responders and other people.

Lastly, PTSD is not a military condition. I think we've done big disservice. I've had PTSD. I was diagnosed with that 2005 and in the course of the last 15-18, years, working with people as a cop, as a recovery specialist, as a mental health, emotional advocate, as a life coach, what I've learned is, I talked to so many women who had sexual assault trauma experience PTSD. They might not have a diagnosis for it, but they've experienced these events, people that were robbed at gunpoint and embarked on a civilian who has no idea what combat or they're not trained to be hyper vigilant, and now they were robbed at gunpoint, and then they developed a serious case of PTSD. They might not get a diagnosis for now, they're unavailable to get this sort of intervention or treatment. So by decriminalizing marijuana, we've really helped to promote that is a viable tool to help people with their mental health and emotional health disorders by also promoting it that really statistically, is not a dangerous drug.

I want to just highlight a couple other things before I wrap up. We're in the CDC in 2020 there were 5168 fatal reducing drugs here in Pennsylvania, 5168 fatal reduced deaths. 2021 that goes up to 5449 fatal overdose deaths. This is just total drugs. 2022 and 2023 not reported yet. I imagine it's going to be much, much higher, given everything going on southern border and the influx of just tons and tons of fentanyl, I could not find one cannabis case in those two years of a fatal overdose were attributed solely to cannabis. You will find some cases, whether it may be co-morbidities or co-substances are being used, but as much research as I found, I could not find one case of a fatal marijuana overdose. We just don't take statistics for that for one and so you have to do manual labor, and they're just different. Just, they're difficult to find.

So in closing, I just want to reference prohibition again. We're getting back to prohibition. Marijuana was the reason marijuana was made illegal way back when it was really anti was really racial laws against Mexicans. That's how this all started. Harry antilinger was a really big proponent for the war drug. That's really all started because of him. He had a real issue with cannabis, and marijuana in general, said it was a Mexican drug, and it became a very public statement. You find it on Google, was anti Mexican, and that's how this whole thing started. Why are you sitting here today because of somebody's opinion about cannabis being a dirty drug? So I just like to reference that as we pull ourselves out of potential prohibition and you'll see what the alcohol industry is able to regulate itself, I see that being the track going forward for cannabis, and this is coming from me, as a former undercover detective, I've seen cannabis completely transform veterans lives. Working with them, I've seen it completely transformed. I've seen veterans come off SSRIs and all prescription medication, and they're simply implementing medical cannabis right now. That's their only regimen, and they're proud of it, and I celebrate them for that. They don't feel ashamed because they have gotten rid of all pharmaceuticals and have derailed many of these guys for a decade, and

they're using this natural product to regulate through their feelings and emotions, and it's helping them live a very productive life.

Imagine if we can help other adults who don't have non combat traumas heal, but maybe we're afraid to come forward and get their diagnosis because we have shamed and give stigma as a diagnosis. Maybe there's a lot of survivors out there who would love to go to a store and not tell a soul about it because they read that This can have healing properties, go in there and buy it, come home and take care of their family much better than they were before. So I thank you for that, I think for the opportunity to speak to you about this and put a light to the whole layer I've seen for 21 years in government, I looked the world in one way, and now for the last three years, I've been in the wilderness of business since I retired 2021 I almost see the world from a completely different way, and seeing things from a 360 degree approach has really changed my advocacy and seeing things for what they are. And I think cannabis is something that could be decriminalized in Pennsylvania, so thank you.

Rep. Krajewski

Thank you. Thank you. Detective Bruckner, we'll now take questions from members. I see Representative Sanchez.

Rep. Sanchez

Thank you and Detective, thank you for your testimony. Here today, I'm curious what your perspective would be for cannabis use among active law enforcement personnel and first responders. How like, what would that kind of look like in your ideal world?

Det. Chad Bruckner (Ret.), Law enforcement Action Coalition

Yeah, that's a great question. Those are topics that we're talking about right now. How to regulate that? You know, I can give so many different case studies of agencies that are doing that is right now, looking into the numbers, and, excuse me, polling their officers. See what substances are using to try to get a handle on it. You know, most, most officers are using alcohol self medicate. So if there was a harm reduction program acceptable through the unions and the police departments say, look to help cops get off alcohol. You're going home and drinking a six or 12 pack every night. What if we help them get on a medical cannabis plan to help regulate that? It's got to be monitored and enforced, doctor approved.

So I think there's a lot of a lot of work to be done there, but if you can help them come off the alcohol, which is devastating police families devastating as the mental health issues go up, I think it's gonna be a lot of regulation, a lot of pivots and trying to figure out how to best implement that. Again, getting back to you can

be intoxicated on alcohol and intoxicated on cannabis, so I get up, there's gonna be a huge educational proponent in there to help tell people understand how this can be helped and implemented in a safe and effective way.

Rep. Krajewski

Thank you. I also want to recognize we were joined online by Rep Friel-Otten and also in person by Rep. Khan.

Rep. Kinhead

Thank you. Thank you for your testimony. I think it's really important to have somebody with your experience talk about this, because I do think there's a lot of concern about, you know, marijuana that has been sort of marketed as a gateway drug, and, you know, you've obviously been on sort of front lines of that. So I think that that's really incredible. And I think it's when you highlighted the fact that this is a way for folks to actually, sort of use marijuana, almost as a suboxone for alcohol. I think that's a really important thing, because one thing that we don't talk about a lot is that alcohol is actually one of the most dangerous substances to detox from, and so the ability to have something that can help folks to detox from alcohol, especially when we're talking about first responders and police officers. Because, yeah, the detox process from alcohol is can be deadly. My sister did was a nurse at a detox. Those were folks that she they have to be most concerned about.

I guess my question is, if we're going to not just decriminalize this, but also to, you know, address folks that have criminal records, what do you see as the best way for us to be working, you know, with law enforcement, to to kind of help initiate that.

Det. Chad Bruckner (Ret.), Law enforcement Action Coalition

That's probably a question much bigger than my scope. I don't know the first probably angle we could do to tackle that, because I think there's gonna be, you know, what? How far back do you go? And then what does that look like, and what areas and who spearheads this? So I think it'd have to be a decision as first, how far back do we have to decide what records do we grandfather or do we enact, you know, just starting today, which might be the cleanest way to do it. I think going back making any change takes personal courage to do that when you make bold decisions like this. So I think that's going to be an element of, you know, this is what we think is best, that we're going to go forward and take as much information from law enforcement, obviously, that collaboration has to be key, and that that relationship has to be, you know, strong to make that implementation happen. So I think it's a program that can take three or five years, really, for you to really see how that would work. Thank you.

Rep. Frankel

One of the things we've seen in other states who've gone down this road, and particularly if you take a look at New York, where we've had decriminalization take place before, the marketplace for adult use was set up, it kind of created the Wild West. Shops set up, food trucks selling cannabis all over town. Can you have decriminalization without setting up the marketplace ahead of time, where simultaneously, please?

Det. Chad Bruckner (Ret.), Law enforcement Action Coalition

Yeah, again, that might be a little over my head, sir but Ill take my best to get a shot at it. You know, I think a lot of mine, I've been following New York a little bit just, I'm curious about this, how this implement is implementing up there, and a lot of things, I think it comes down to execution. So it comes down leadership, so we can have a great plan, but if it's not being executed to what we decided, or we don't have the right leaders in place to make the pivots successful work. Again, not knowing much the details up there, I think that really does come into play to do policy and a new program. So I think doing bringing the best people involved is really paramount, because people that are on the front lines that know about this the most in Pennsylvania, I think we have a great state. I can't speak for New York, but just growing up here, working here for so long and working with so many professionals, I know we have the people here to get it done. So yeah, I don't think that that's there.

Rep. Krajewski

We'll pass it to representative Bonner, then Rep. Schemel

Rep. Bonner

Thank you, Mr. Chairman, and thank you detective, for your service to our country and to our state. Thank you, sir. What limit if any, do you believe should be the dividing line between legal and illegal possession of marijuana based on your experience.

Det. Chad Bruckner (Ret.), Law enforcement Action Coalition

that's a great question. I think when it comes to cannabis, there are many people have been using it for a long time in the trauma space, cancer patients, especially, they just require higher dosages, higher amounts. So I think we get into the topic of limits and ranges. I think that's great topic of being I mean, we're talking about we're getting further down that road. Getting further down that road, and I think getting people much smarter than talking about toxicology and things like that. Because a small amount of possession to somebody might be, you know, something that's not even one dose to somebody else. So, you know,

somebody spoked, or injects a gram a day for their PTSD or part of their maintenance program that might only be a morning routine somebody else. So it's really, you're gonna have to have a broadband then, and it's gonna require a lot more research and conversation.

Rep. Bonner

Do you think there should be any limit on the quantity of marijuana that someone should be entitled to possess?

Rep. Schemel

A great question. Yeah, I would say yes. I think there probably should be some limit. If you're getting up or high the higher levels to you know, if you're assuming you can still distribute marijuana legally. So if you have those higher level cartel regions that still have the resource and funds that want to be involved in that market, yeah, there should be a limit, I think to preempt some of that.

Rep. Bonner

To bring up some of that collateral question relative to possession and growing compliance, do you have any suggestion to us as to what the limit should be on an individual's right to grow marijuana within their own legally owned structure.

Det. Chad Bruckner (Ret.), Law enforcement Action Coalition

Yes, sir. So I actually had a case like this, and I'll reference this case to answer your question. Uh, when I was undercover detective, we had a defendant, 20 plants in his house. We seized those plans, we did an investigation, used an informant, did surveillance, made an arrest, executed a search warrant, talking to this defendant who didn't have a prior criminal record, no law abiding says who had a job, telling us about he grows this for medical purposes. I was not in the mindset, nor was anyone on my team in the mindset to hear this level of thinking, because back in 2012 we weren't talking like that then. If I had that same exact case right now, that would have been entirely different conversation and an entirely different outcome, because him telling me there's 20 plans as far as medical purpose now, 2024 and everything I know and learn, I would say absolutely, that makes sense. So if I could use that story to answer your question, sir, I think, yeah, I think it can be a quite number of plants that people harvest, and because you really did, at the end of the day, the final product, looks a little deceiving with the actual plant looks like.

Rep. Bonner

We're seeing a movement in other states to legalize other drugs as well. I'm just wondering, based upon your experience, whether you would support any legislation that would move into what we refer to as the heart of drugs.

Det. Chad Bruckner (Ret.), Law enforcement Action Coalition

So that's definitely out my lane. I'm going to stick to the cannabis guy. I haven't spent any time really thinking on that, or don't get the numbers on that, and I would love to make an informed guess on that. As far as societal impact, I know, crack cocaine, cocaine, heroin, fentanyl, alcohol, even, are devastating American families and communities right now. So that would be for me, personally, to give you an answer, and I have to say here and do a lot more thinking, because my first answer is no, not. But again, after looking at numbers, and I have never done that yet.

Rep. Bonner

Do you have any concern that the legalization of marijuana will result in a pushing of the envelope in Pennsylvania, that we're not going to get pressure to legalize other drugs, as we are seeing in some other states?

Det. Chad Bruckner (Ret.), Law enforcement Action Coalition

I don't believe so. In my opinion, sir, in circles that I've operated in and advocated with other people, I've not had those discussions, and nor have people brought those questions up. So to me, it's really focusing on this and kind of getting in line with the best practice of cannabis, is the focus on this movement.

Rep. Bonner

Thank you for your answers and for your service again. Thank you, sir. Thank you.

Rep. Schemel

Thank you, Mr. Chairman, Mr. Bruckner, thank you for your service. I spent 11 months in {unintelligible}. I know what you saw. So thank you, sir. So many things you talked about with regard to the use of cannabis relate to what I more conventionally call sort of a medical use. Pennsylvania has a fairly significant medical program. Do you believe the medical program needs to be revised, or the people that are seeking it seeking the use of cannabis to treat medical conditions, PTSD, other conditions such as that, that don't have access because in the Medical program, an individual that's seeking treatment for something, whether it's other

substance abuse, stress and anxiety and so forth, is at least tethered to a medical professional. So are there inadequacies there that you see that we need to work on?

Det. Chad Bruckner (Ret.), Law enforcement Action Coalition

Yes, I have, sir, first of all, I think the program is a great program, and it is a significant program. I've seen the implementation that has grown, and it's a phenomenal program in the recovery space that I'm working with clients. I've had multiple clients tell me that they've used their--- they call them the weed doctor, and he gave him a diagnosis of anxiety to get their medical card. So I think it can certainly be exploited, and it is because there isn't an access to it. So that's a great just another example of how we can have a streamlined program. I think that medical marijuana numbers may go down because people have been able to get into other interventions.

Rep. Schemel

But if they're seeing if they're utilizing cannabis to treat a condition, shouldn't the Medical program be where that person would be finding their cannabis?

Det. Chad Bruckner (Ret.), Law enforcement Action Coalition

Correct, Yes. I mean, that's the pathway they're using to get it. I just think that it bloviates The numbers of, you know, mental health disorders in Pennsylvania, if everyone's saying that anxiety to get medical cannabis, then you only have anxiety because you want to get cannabis like you just create a situation where we don't really know what the numbers are. I think by decriminalizing it, I think we'll get a better idea of who's using it medicinally, who's using it recreationally.

Rep. Schemel

Okay, great. Thanks. My only question.

Rep. Krajewski

Thank you. Good to jump in with a couple of questions, and thank you again for your testimony, your experience. One of the things that's really jumped out to me as an important benefit and part of legalization is the benefits of regulation, and regulation around usage. You talk a lot about the ways, and I'm sure you know from direct hand experience, there's all kinds of stuff out there. And because it's an illegal illicit market, we have no control over dosage amounts, what's in it, ingredients, labeling, etc. And Pennsylvanians are using cannabis. They're self medicating. Are using it for whatever reason. So the usage

is happening and will continue to happen, whether we legalize it or not. And if we do legalize it, we actually have the opportunity to promote responsible usage, promote safe usage, labeling things like that. And so could you speak from both your law enforcement perspective and any health perspective you might have about the benefits of regulation around legalizing cannabis?

Det. Chad Bruckner (Ret.), Law enforcement Action Coalition

Yes, sir, it's a great question. I think regulating it obviously is as much benefit so we can see exactly what's coming in and what's not. It is a free for all right now. And I think just by regulating control the strain, we can control the product, much like on the medicinal side. We can give people real information because they're finding it anyway, and we can actually educate them, teach them how to use it, be safe, about it. Younger kids are doing it for like. One of my other coaching is mindset coaching for teenagers. So working with 14-15, year olds, they're using it now. It's It's crazy, and to see this, so really we need a big educational push. If we could decriminalize it, then we can really get all hands on deck. Everybody down there talk about the effects of it, because these kids are hearing about it, but parents are using it. People are telling Hey, you're anxious. You know, marijuana is way to go. Man, it's easy and kind of get it from somebody not knowing what's in it. So if kids are going to do it, we want to teach them how to do it safely. So nobody wants our children are using it. For sure, that's a whole nother advocate advocacy project. But again, wanting to educate me, want to be safe about it as a harm reduction person, that's something I advocate for.

Rep. Krajewski

Thank you, no, and I appreciate your candidness around it. I mean, I think you could say the same about it, kids are drinking right? And so if we can have an opportunity to promote responsible usage, we should. another question I have is, What are your thoughts about when we do decriminalizing, legalize, how to educate law enforcement about that transition as well, and what that will look like around active officers also being aware of the changes to the law and changing their own policing behaviors appropriately.

Det. Chad Bruckner (Ret.), Law enforcement Action Coalition

So that's a very big question there, changing, I think changing any, any part of system, a large system, process or ideology just takes time, takes a lot of training, a lot of mentorship, a lot of daily encouragement and affirmations. This is the way we're going to do it now and police. So you're really speaking to a larger issue of changing organizational culture and how we do that. So I think time is time is our friend on that one, going through it and really changing the ideology is going to be the best way, and that's it takes instituting the right leaders into the right roles and giving them the resources to make that change happen.

Rep. Krajewski

Yeah. Yes, understood. Thank you. So next I'll pass it to representative Twardzik.

Rep. Twardzik

Good morning. Thank you for your testimony. Appreciate your time. Learn a lot at every one of these hearings. When we first passed medical marijuana act 16, there were 24-- actually 17 serious medical conditions, and now there's 24 and you had mentioned that you know, anxiety is probably our biggest issue, is 40% of the people coming into our medical marijuana field. So it's a challenge, because when we as legislators, I was not here when it happened, but when they did it, you know, they created the law that made it happen, but now the advisory board makes the recommendations to Secretary Halton, add new conditions, and that's where the anxiety came about. And now that we have all these new conditions, we don't have any, you know, say over those--- it's out of our hands. And it's just, you know, I understand you talked about how you know this is an important drug that can help our first responders, our police, our veterans, but they can get that now through the medical marijuana program. Why do we need to have legalized cannabis for all adults.

Det. Chad Bruckner (Ret.), Law enforcement Action Coalition

Thank you, sir. Speaking to the police, even though it's we have a medical marijuana program because it's still deep that's still criminalized, agencies do not let their officer use that they participate in the medical marijuana card. I think it is most chiefs of Pennsylvania, and I've never done this, but I just know from knowing a lot of them, they're not allowing their officer to participate in that program, because there's a stigma associated with is it criminalized? I can't let my officers use a drug that's criminalized. So it really goes away to help stigmas and break down stigmas. I think we can help even police leaders understand, hey, we can reduce some stigmas. We'll do our part to help you guys. You guys promote it. We can institute programs. Part of my coaching, I go around and help police officers and police departments embrace holistic endeavors or harm reduction endeavors. That was help their officers heal, because it really is a crisis going on, whether we understand this or not. So yeah, I think that could be a big way to help her by reducing the stigmas, decriminalizing it.

Rep. Twardzik

Okay. Thank you. One other question, in the past year, we talked about the tainted and synthetic marijuana that's showing up in our vape shops and convenience stores, the Delta eight, Delta nine. Are you familiar with that? And how do we combat that unregulated product before we open up the market? Would that increase more Delta eight and delta shops in every corner, because now the marijuana is legalized, they'll just continue to sell their off-hemp based product?

Det. Chad Bruckner (Ret.), Law enforcement Action Coalition

In my personal opinion, shops go way down, and people have access to it. I know so many people, professionals are using gummies that go in those vape shops, but they're hood up and they go and grab a bunch of gummies so they can go home and be with their family, just relax the brain for the night and then go back to work the next day. So yeah, they have access to other interventions, more kind of mainstream. I think some of the shops will go down. Those are those will be niche, kind of a niche clientele that kind of always used to be that way. I think you have more people going in there, more ordinary citizens now using those products. Now, if you get more shops pop up, it's not from the niche culture to get bigger. It's more people like us using them.

Rep. Twardzik

Thank you. Thank you, Chairman,

Rep. Kinhead

I said a quick follow up from rep. Krajewskis question. I think it'd be helpful if you could talk a little bit about what changed your mind about this, and sort of the process of how that took place.

Det. Chad Bruckner (Ret.), Law enforcement Action Coalition

Wow. I'm gonna get very personal with you, so I appreciate that. So when I was leaving law enforcement 2021 I was not planning on leaving law enforcement. I was slipping and falling and going through my own series of events, emotional health and mental health. and I've been public about this kind of doing my own YouTube channel, about to help make difference and help the people behind me. One of the things I did is really did a self analysis of my life and where I was and all the things that was going on, good and bad, and what things I was doing. And I realized I'm using alcohol to self medicate, and it was not good. I was drinking four to six double IPAs every night when I never drank before. And my wife says, Chad, this is not normal. And I said, You're right, baby, but this is what cops do. And she goes, cops do. And she goes, that's an excuse. I said, You're right. And as I started to work through my mental health and emotional health, I started to realize there are other ways to be healthy and to come off products like that. So here in Pennsylvania, I got my medical card, a year and a half ago, proud to admit it, because what it's done, it's helped me reduce all medications in my life. I'm now on zero prescription pharmaceutical medications. I take a little bit of medical cannabis and a little capsule or a little concentrate, I rolled up between two crackers, taking an hour before bed, and I sleep amazing. And I wake up the next day ready to tackle the day, got off all pharmaceuticals, I lost 35 pounds. So medical cannabis, to me, has been a huge, huge, huge deal for me, you know, took all my nightmares away, and all this just holistic stuff came in my life. I live in the best life now 43, and I wasn't 33 when I was dealing a lot of nightmares and just emotional health

issues, so I'm a huge proponent of it. As I work with people in recovery, I'm in recovery myself, using medically assisted treatment like medical cannabis at night ---has profound effects, and I'm a living proof of it. I was on one side of the aisle now on the other, and I can speak to both and say it's not a harmful thing. It can do amazing things for people who regulate it, work together to control it and listen to people going through it. I think we can really do this.

Rep. Krajewski

Thank you. Thank you, Detective Bruckner. I think we're gonna move on to our final panel, but thank you for your testimony and for sharing your story as well.

Thank you so lastly. Lastly, we are joined online by Bob Troyer, who is a former US Attorney for the District of Colorado, Mr. Troyer, Are you online and available?

He is online. Is he available?

All right, can you guys hear me now? Yes, we can hear you, sir.

Bob Troyer, former U.S. Attny, Colo

Thank you, sir. Sorry about that. I'm ready to go. No problem you have the floor. Thanks. You guys have been getting a lot of information. I think I'm here today as the former US Attorney from Colorado who lived the commercialization process out here during seven years of my tenure in that office, and trying to give you guys, from that perspective, just some objective information about the the criminal impacts during, well, throughout the period really, from 2012 to the present, but especially focusing on the period when I was the US attorney. And so I submitted some prepared remarks. And really, I really want to make this as informative as possible, and you guys know better than I would what would be most informative for you. So I can talk for a little bit, but mainly, I would think a conversation with you guys, getting to the heart of what your questions are, what your concerns are in Pennsylvania, might be the most helpful to you, as you've probably seen from my prepared remarks, there were many criminal impacts from commercialization here in Colorado.

They fall loosely into five or six different categories. The first category, which is justified in our experience, to be the number one concern. And I hear about it all the time from others who've had similar commercialization experience, is the black market. The black market out here did not go away or disappear as some hope or thought or promised. It is a very hard thing to estimate, but it remains strong, and it is

currently estimated by the Haida task force out here to be about 30% of the overall marijuana market is sourced from several different illegal activities. But one of greatest concern to law enforcement, usually, are these international drug trafficking organizations that sort of set up in what they in their own language, call theaters of operation, at least in Colorado when it became a commercial state. Then you also have licensed growers, retailers, operators, who end up with more product than they can sell on the legal, regulated market, and they divert that to the black market, then you have individuals often who are growing their six plants and producing more than they can consume, and contrary to the law and regulation, they're selling that on the black market. So we experienced a big black market impact here.

We experienced violent crime impacts here as well these I know, I'm sure you guys are as frustrated by this as many in law enforcement are, but proven causation between commercialized marijuana and the increase in some kind of crime statistic is almost always impossible, in my experience, and that's due to a lot of things, one of which is it's not especially when they when law enforcement gets overwhelmed with a deregulation of something that commercialization of something that had hitherto been criminal, I mean, been been criminal and now is not criminal. And they have to deal with all the impacts of that--- to ask them also to keep statistics on which violent crimes were caused by or associated with a particular product or motive is too much to ask, so they don't do it. So they don't keep statistics that way. They don't say which aggravated assaults, robberies, burglaries, murders were related to marijuana. So that tends to be more anecdotal, just by the nature of it, my experience when I was a US attorney and in close communication with all the district attorneys in the state was that you saw a lot of the kind of violence that you would expect when there's sort of a wild west atmosphere, especially in the early days of commercial marijuana, various kinds of inventive rips they call them, which is basically a robbery. Deals are set up. People are ripped at gunpoint. Grows, dispensaries, black market, legal, illegal, whatever the operation or transportation link is in the chain violent interruption of that for the criminals benefit, whether he's stealing money or product or whatever. We saw much of that, especially in the early days of commercialization.

Another big category, there a few more than another big category that we experienced here was driving under the influence of drugs. That remains. I mean, all of these things remain reality out here. They remain concerns for law enforcement, but driving under the influence of marijuana in particular is of concern to a lot of people out here. Marijuana related traffic deaths in Colorado increased 138% from 2013 to 2023 now, of course, we had a lot of other changes in that period, like covid, population increase, things like that, but non marijuana related traffic fatalities in Colorado during that same period only increased by 29%, whereas marijuana related deaths increased 138.

You will likely experience a lot of a lot of new, creative investment fraud, tax fraud, securities fraud, bank fraud, you'll see some examples of public corruption and money laundering, these kinds of things. Again, I am not aware of any state I know we were tied with Washington for the first state to go down this road, and certainly had no learning experiences and no models like you guys are trying to learn from in Pennsylvania-

-- But I'm still unaware of any any place that has as has gotten it right. I hope you guys do if you decide to go forward with this. So maybe your experience, especially with the white collar stuff, might be different if, if your care in the implementation and your care with regulating it is better than it was in Colorado, but will still be some measure of speculation Wild West Gold Rush mentality going on, and into that space, you will see some fraudsters step.

the kind of other things you'll frequently hear about from commercial states in terms of law enforcement impact, are sort of petty Property Crime increases. Theft from parked cars, kind of easy crime of opportunity, you know, steal something of value that can be fence traded, whatever, to pay for or trade for marijuana. We did see some increase in that kind of stuff, especially in urban areas, especially in the most disadvantaged and struggling urban areas in Colorado, lot of increase in juvenile crime. Of course, because juvenile use of marijuana was still illegal, and juvenile use of marijuana increased after commercialization, and continues to increase in Colorado.

You know, again, data is tricky, but based on self report use data collected by various organizations, kids aged 12 and older, marijuana use in Colorado is 61% higher than the national average, and we hold the title third in the nation, so I guess we're not number one--- That's good, for youth marijuana use. So that, in and of itself, is criminal, provides great challenges for folks working in schools for probational juvenile justice, folks like that, all of the many folks who work in in community support and gang violence intervention and Community Youth Services all have a lot of challenges now in Colorado, with our youth, for whom marijuana use has become normalized and they have a harder time complying with parole, probation, terms of supervision, terms of mentoring and tutoring programs in schools, things like that.

Probation and parole at the state level in Colorado, greatly stressed after commercialization, from 2013, to 2020, 25-30% of probationers from age 15 to 20, tested positive for marijuana three times or more during the course of their probation. So that that creates a lot of work and a lot of frustration on all sides of the criminal justice experience.

Final thing I'll mention quickly and then, and then finally, do what I promised and have a conversation with you guys. But the final thing I mentioned that often gets overlooked is law enforcement relationships in our experience out here were-- became very difficult, both the relationship between law enforcement and communities and relationships among different law enforcement agencies, particularly, what evolved out here at least, is various law enforcement agencies felt frustrated that they were not supporters of this. They did not want this, and they were left holding the bag and expected to do all of the enforcement as all of these new categories of crime either increased or sprung up out here for us. And so there's tension between them and regulators, tension between them and political leaders, frustration between the states and the Feds on who was supposed to do what, who wasn't doing what, and also frustration in communities and the citizenry generally, that Marijuana, once commercialized wasn't just sort of seamlessly and without impact

introduced as just another thing in our lives that was going to make things nicer and simpler for everybody. And instead, people in their communities were seeing all these impacts, but not seeing law enforcement doing anything about it, which created further erosion of trust.

So that's just something to be aware of. I guess all of these are things to be aware of. Again, these are just our experiences out here in Colorado. This commercialization passed as a constitutional amendment in 2012 we spent about a year putting together, you know, getting the implementation framework together on this state legislative and regulatory level, and then went live with this, where our governor called the grand "experiment" in January of 2014, so that's about 10 years of experience I can converse with you guys about.

Rep. Krajewski

Thank you, Mr. Troyer, does that conclude your testimony? Just wasn't sure if your audio cut off.

Bob Troyer, former U.S. Attny, Colo

Nope, that's it. I'm here for questions. Thank you.

Rep. Krajewski

Thank you so much for your testimony, and we will now open it up to questions from members.

Rep. Schemel

Thank you for your testimony. So with regard to the illicit market, in the 10 years since, since you've had legalization of recreational marijuana in Colorado, is the illicit market increased, decreased, or stayed the same?

Bob Troyer

Increased.

Rep. Schemel

and with the legal recreational shops, I assume that those are licensed from a prosecutorial standpoint and a law enforcement standpoint, are prosecutors in law enforcement still prosecuting people for selling marijuana without a license?

Bob Troyer, former U.S. Attny, Colo

Yes, they are. I mean, just to give you an example, in 2020 in the state, there were 300 illegal marijuana sale conspiracy prosecutions, in Colorado. There were, I mean, I can give you other statistics like that, but yes, absolutely.

Rep. Schemel

One of the issues we've had in Pennsylvania, and I'm sure we're not unique to this, is the sale of products that are currently legal, that are hemp derived, Delta eight and other products like that. I assume perhaps that those are available in Colorado. Has the legalization of recreational marijuana had any impact that you can see on the sailor use of these other kinds of products?

Bob Troyer, former U.S. Attny, Colo

Yes, I mean, they've, they've enabled it. Frankly, It's, it's hard to explain--- marijuana is all things under the umbrella of what you guys are calling cannabis, whatever the term is, is so normalized in virtually every age group, across class, race, geographic lines. Out here in Colorado, now that there's just greater increase use, there's no sort of social norm, you know, stigma or caution or anything like that that causes anybody to stop and think twice about wait---Is this, you know, is this a hemp derived product? Is this? Is this just flower? Is this chemically enhanced, concentrated, higher THC than the other thing. It's all just out there. And so I would say the evolution of the product you're talking about their acceptance and their use out here has been facilitated by the mindset that I've described that really started with commercialization.

Probably really started with medical marijuana, because when you start calling stuff medicine, everybody, maybe they're right. I don't know. I'm trying not to try, just to give you guys facts, but when you call it medicine, it sounds like it's good for you. So it, it becomes more normalized when it you have more commercial dispensaries in your state than McDonald's, it looks to everybody, from kids to adults, like, Well, this looks like it's something we're allowed to do, and there's nothing wrong with it. And so when you once you have that mindset, the introduction of those other whether it's concentrates, whether it's the kind of product you're talking about, the hemp derived stuff, it enters the system more easily.

Rep. Schemel

In Colorado, is my last question. Thanks. In Colorado, where you have the stores or facilities that sell recreational marijuana, are you familiar at all with their geographic location? Do you find is there a higher concentration in poor neighborhoods, richer neighborhoods, rural, suburban? Are they all over the place? What can you tell me about where the retail facilities, at least in your experience in Colorado, have ended up.

Bob Troyer, former U.S. Attny, Colo

Just like with liquor stores, they're concentrated in the in the most disadvantaged neighborhoods or at convenient transportation intersections. So 66% of the jurisdictions in Colorado have opted out of commercial marijuana sales in Colorado over the last 10 years. So there are many places here that don't have commercial dispensaries, the places that do have them, the stores are, across the board, more concentrated in the disadvantaged urban neighborhoods. And then when you get into communities that have opted, that are outside of Denver, so smaller cities, 50-100,000 population cities, you also see the dispensaries right next to truck stops on convenient highway exits.

Rep. Krajewski

Thank you. Next, we'll hear from rep Kinkead.

Rep. Kinkead

Thank you, Mr. Chair, for your testimony. I obviously Colorado was first, and there was, as you said, no model, and Pennsylvania is certainly trying to learn from the folks who come before us.

So I wonder if you could speak to what lessons have been learned in terms of what, what would you have hoped the Colorado could have done differently in the implementation, if they had not been first.

Bob Troyer, former U.S. Attny, Colo

Well, generally, I think every, everybody will tell you. And I caution you, I'm not an expert on how you would fix this. I'm not a policy person or a regulator, but everybody will tell you that funding your regulators beyond what they even think they need funding for, is essential. Our primary problem out here

that created many of the Wild West, snake oil sales, gold rush, stuff that I talked about earlier was the result of the Marijuana Enforcement Division, which is the name of this new agency that was created overnight, was grossly under resourced, and it wasn't clear what their jobs were. So they were ambiguously, in my view, ambiguously tasked with issuing, considering applications, issuing licenses, auditing and checking on compliance with licenses, keeping data, reporting license violations to criminal authorities when those occurred and they just did not have anywhere near the expertise or the personnel to keep up with all those various jobs. And pretty quickly that became clear, and folks who wanted to take advantage of it did, by not to the extent you're seeing in New York City now, but similar, similar explosion of illicit businesses to those that I've heard are openly, selling and operating gaudy storefronts, completely unlicensed in New York. So we saw a little bit less than that, but we saw a ton of growing sales, distribution activity that was totally beyond the reach of the reach of the regulators, because they just said they have the bodies or the guidance to handle them, so that would be the main thing. Just do not leave loopholes ambiguities in the definition of the responsibilities of the regulators, and do not under resource those regulators, because that's where a lot of our mischief started.

Rep. Kinkead

Thank you. I know that you have sorry. I know that you have said that it's hard, and as we know, it's hard to pinpoint the proximate cause of crime, again, because Colorado was first. Do you is there any evidence? Do you have any thoughts on whether or not some of the increase in violence? Some of the increase in violent crime was the result of sort of the conflict between sort of the unregulated illegal market now having legal competition?

Bob Troyer, former U.S. Attny, Colo

No, I don't think that's what was going on. Let me put it this way, there were occasionally, there were fully compliant, legal, regulated dispensaries that got robbed, where they were basically the equivalent of a home invasion. Those were fairly rare, because those are secure, more secure facilities, higher risk, probably targets for criminals and the majority of the crimes therefore happened --between criminal organizations, among criminal organizations trying to establish territory out here for whether, whether it was distribution, transportation, distribution networks, or actual physical, physical locations for grows. We have a lot more public land out here than I think you do in Pennsylvania, West of the Continental Divide, 66% of the land mass in Colorado is public land. So we had an extraordinary amount of completely illegal sort of invasion and growing in national forests and Bureau of Land Management lands, and fair amount of violence involved in staking out that territory or robbing and stealing from those who had staked out territory in those regions, we had a lot of smaller black market stuff also, again, we were first it was pretty unusual. So we a lot of social media driven people from out of state saying, hey, let's drive to Colorado and score some weed. And they would set up, you know, they contact someone, they drive in from Kansas, they show up with their money, and what they would find is no marijuana, but a barrel of a gun stuck in their face. Their money was stolen, and they were sent on their way back to Kansas. So a lot of the violence was that kind of stuff. It wasn't like it was open warfare between the black marketeers and the legal sellers.

Rep. Kinkadee

Thank you. Final question, I'm not sure how it works in Colorado, but in Pennsylvania, our wine and liquor stores are state run, and one of the proposals that we've been considering is, is legal cannabis sales through those stores, and to the point even make about New York, about Colorado. Do you... Could you foresee that that that proposal may sort of circumvent the the kinds of, you know, fraudulent shops and and whatnot, selling things--- instead. Is that, you know, do you support? Could you foresee that being a possible solution to that issue?

Bob Troyer, former U.S. Attny, Colo

Yes, I think it's, I think it's a fantastic idea, and things would have gone very differently out here, had that been the approach. I worked in Pennsylvania a couple of summers as a camp counselor, and I was much younger than I am now, so I remember that liquor system that you guys have back there that that creates a completely different, I use the term earlier, sort of social norm, you know, the government reflecting to the citizens how it views this, what it's for, what it's not for, how controlled it is or not controlled. And that, again, not, not a policy expert. We didn't try it so we don't have, like, a double blind control, longitudinal study of this. Boy that system would have been a lot easier to manage and a lot easier to stay in control of any criminal impact that was evolving.

Rep. Krajewski

Thank you. So for the sake of time, we're going to go to Chairman Rapp, then Rep. Otten, then Rep. Bonner. Then I'll ask a final question, and then we will conclude our hearing.

Rep. Rapp

Thank you, Mr. Chairman, Mr. Troyer, thank you. I'll try to have a quick question--in the Colorado's Department of Public Safety and your regional poison control center. From my question, is from 2012 and to 2019 and to today, there seems to have been a huge increase in calls to the poison control in Colorado for marijuana related incidences in children between zero to five, even though there's been strict regulations regarding packaging and warning labels. So is Colorado---Have you taken steps to have a decrease, to see that decrease that there's not that access to children and to also to 15 to 19 year olds? Your studies from the Center for poison control, they saw sharp increases. Have there been steps taken to decrease the exposure to very young children and to adolescents?

Bob Troyer, former U.S. Attny, Colo

There have not been effective steps taken. Let me put it that way, I think there have been, there been actions taken. Again, I'm not you know, as the US Attorney, obviously not involved in this, but there have been steps taken that people, politicians and people in the industry talk about steps taken to reduce those things. The reality is, they haven't been reduced. Those statistics you cited are accurate in my understanding and experience, and you know they're consistent with another statistic. It's statistic that's particularly disturbing to us out here, and that is that 51% of all 10 to 19 year olds out here commit suicide. And last year, we had one of the highest, if not the highest, per capita teen suicide rate in the country. 51% of the teen suicides tested positive for THC. So whatever those steps have been, they haven't been effective.

Rep. Rapp

Thank you. For the sake of time, I will just comment. The exposure to our young people, especially zero to five and our adolescents, is an extreme concern of mine, and I know Colorado isn't the only state. We're seeing that same kind of increases in other states that have legalized. Thank you for your testimony, sir.

Rep. Friel-Otten

Thank you, Mr. Chairman. thank you, Mr. Troyer, I had a recent conversation with one of my police chiefs, and something that came up was the growing number of smoke shops that are opening within that municipality, that are of concern. And you know, I think that you mentioned the concentration of where, where the dispensaries have started to concentrate. And my conversation with him was centered around having conversations at the municipal level about ordinances to put some guidelines around how this industry develops within our communities. And I just wonder if you have any thoughts on that, in terms of how municipalities might address the possibility that this may come their way and that there are companies or businesses that may target their community for concentration, and if there are suggestions in terms of municipal guardrails that could be put in place to protect communities and make this more manageable.

Bob Troyer, former U.S. Attny, Colo

Well, not, not an urban planner, I'm sorry, but I guess based on my criminal experience, I can say the municipal guard rails would be some kind of volume limitation, and enforceable, maybe some separation from other, from other magnet kind of establishments, liquor stores being the main one that comes to mind, out here, at least. But you know, requirements for lighting, parking, cameras, and those kinds of things that at least make you know the premises appear protected and safe can be of some assistance, but just some level of control, which we had none of some level of control to keep the numbers limited by area so they don't become as concentrated in those poor areas. But sorry, I can't be more helpful on that.

Rep. Otten

Something that came up was the growing number of smoke shops that are opening within that municipality that are of concern. And you know, I think that you mentioned the concentration of where, where the dispensaries have kind of started to concentrate. And my conversation with him was centered around having conversations at the municipal level about ordinances to put some guidelines around how this industry develops within our communities. And I just wonder if you have any thoughts on that, in terms of how municipalities might address the possibility that this may come their way, and that there are companies or businesses that may target their community for concentration, and if there are suggestions in terms of municipal guard rails that could be put in place to protect communities and make this more manageable.

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Rep. Krajewski

Thank you. Next, we'll go to rep Bonner.

Rep. Bonner

Thank you, Mr. Chairman. Mr. Troyer, thank you for your testimony and for your service to our country as well. I'll try to be relatively quick with this – Does the federal judicial system prosecute possession of marijuana

Bob Troyer, former U.S. Attny, Colo

No, no.

Rep. Bonner

Is that true only in those states that have legalized marijuana? Or is that true across the system?

Bob Troyer, former U.S. Attny, Colo

It's true across the system. I've never, never seen or heard of a I mean, I suppose it's possible. There's an exception out there somewhere in history, over the 93 different US Attorney's offices we have in this country. But I've never heard of a federal marijuana possession prosecution.

Rep. Bonner

Even though there is a federal law, I'm assuming that you're looking for large quantities where you would have the intent to deliver as well as part of the component.

Bob Troyer, former U.S. Attny, Colo

That's correct.

Rep. Bonner

I've read some studies that those states that have legalized marijuana are actually finding that the social costs as a result of that legalization is four to five times the tax revenue that those states are generating. Do you have any information based on your experience, whether that is a fairly close proximity to the cost actually being incurred to treat the expansion of marijuana usage.

Bob Troyer, former U.S. Attny, Colo

Yes, that's, I mean, it's certainly consistent with my experience based on law enforcement, resource costs, mental and physical health, resource costs, community cleanup, et cetera. Municipal costs clearly exceeded the tax revenue production from commercialization. The exact number by which it exceeded the tax revenue---I don't know, but I've read two different studies now that indicate that, or in Colorado, for every dollar that's taken in for marijuana tax revenue, we spend \$4.50 and in services related the government does and services related to marijuana use. I don't know if that's precisely accurate, but it's consistent with the experience of those, those of us who were in government positions seeing the amount of resources being devoted to this and finding out year to year as we went, that every year, the total revenue taken in

was less than 1% of the state's budget. So it really wasn't providing much funding to compensate for all the resources being expended.

Rep. Bonner

Thank you. Final question, it's a quick one. Are you finding that there's any growing support in Colorado for the legalization of other drugs as a result of the legalization of marijuana?

Bob Troyer, former U.S. Attny, Colo

Yes.

Rep. Bonner

Could you expand on that, please?

Bob Troyer, former U.S. Attny, Colo

We legalized psilocybin already, and that was that was clearly, clearly the result of sort of that social norm change that I described earlier. And there continue to be pushes, despite the Oregon experience and recent reversal of their experience on harder drug decriminalization. There continue every year, there continue to be efforts legislatively to decriminalize, legalize, what have you--other categories of drugs. You know, what I would call the categorized as more addictive substances. So yes, it remains within the within the cannabis industry as well, every year there are pushes to expand in different ways, but, but yes, we continue to see those pushes every year in the legislature, and you know, in for all manner of controlled substances.

Rep. Bonner

Thank you, Mr. Troy, thank you Mr. Chair

Rep. Krajewski

Thank you, Rep. And then just a closing question, and you had mentioned Mr. Troy, and I could tell from your testimony that no concern about our youth and youth usage is very important to you. One of the stats I think we heard from an earlier panelist, is the increase in mental health challenges and mental health issues that we're seeing, I mean, amongst our population generally, but also amongst our youth. And I just

wanted to see if you could speak to if you feel as though there are any socio-economic factors, any mental health factors that may be a result of the increased usage amongst youth of cannabis?

Bob Troyer, former U.S. Attny, Colo

Well, I think, well, let me put it this way, one of the things I do now, now that I'm no longer the US Attorney, is I'm doing a project out here that's a community based youth gun violence reduction project. So I work with a lot of people in Colorado who are the hands on providers of different kinds of programming for youth from primarily from historically grossly disadvantaged, traumatized neighborhoods and generational poverty, etc. And the folks who work in those communities, the grandmothers trying to raise these kids, the actual program, people delivering cognitive behavioral therapy, gang intervention, mentoring, those kinds of services--- All will tell me and would tell you, that one of their greatest challenges to getting a degree of physical and mental health necessary from these kids to engage with them, to pull away from gang life, to pull back into a healthy relationship with school. The greatest obstacle impediment right now has been the view among these children that marijuana is allowed, marijuana is healthy, marijuana is medicine. Marijuana is something that even could help them when in fact, it is in the view of these folks, it has been an impediment to trying to develop in these kids a more mature, healthy impulse control, engagement with education and healthy community life. And so, you know my answer is rooted in that that people who are actually not the not the politicians who will say this is this is a form of reparations, or this is a social justice issue. This is designed to help those communities---the people I know who are literally doing the work in those communities, Will say, have told me again and again and again. I met with a couple of them yesterday, mentioned I was doing this today, and they said, Yeah, this remains. The biggest challenge is that using this substance is so normalized and creates such an obstacle to us, reaching them and getting them to change their lifestyle, that it's a major challenge for us in that work.

Rep. Krajewski

Thank you. Thank you, Mr. Troyer, and thank you to answer that question, you know, I will say, as someone who often also works with a lot of at risk youth and thinking about how we talk about substance use and abuse, generally, often it is important to have a holistic view as to some of the contributing factors to that usage and if, whether it's more of a symptom than the cause itself. But I thank you for your testimony. I want to thank all the members for being here. I'll open it up to our chairs if they'd like to provide any closing remarks. No, okay in that case, thank you. This hearing is adjourned.