



P.O. Box 32159  
Newark, NJ 07102  
Tel: 973-642-2086  
Fax: 973-642-6523  
info@aclu-nj.org  
www.aclu-nj.org

## TESTIMONY IN SUPPORT OF THE LEGALIZATION, TAXATION, AND REGULATION OF MARIJUANA FOR ADULTS

**UDI OFER, EXECUTIVE DIRECTOR  
AMERICAN CIVIL LIBERTIES UNION OF NEW JERSEY**

### SENATE JUDICIARY COMMITTEE

*November 16, 2015*

Thank you Chairman Scutari, Vice-Chair Gill, and other members of the Committee for holding this historic hearing and for the invitation to testify today. My name is Udi Ofer and I am the Executive Director of the American Civil Liberties Union of New Jersey. Founded in 1960, the ACLU-NJ is the state's leading organization dedicated to defending and advancing civil rights and liberties. We are a non-profit, non-partisan organization with nearly 20,000 members and donors across New Jersey. The ACLU of New Jersey is a proud steering committee member of New Jersey United for Marijuana Reform, a broad-based coalition driven by leaders in the law enforcement, medical, civil rights and religious communities to work together to support the legalization, taxation, and regulation of marijuana for adults.

The ACLU has opposed marijuana prohibition since 1968 and has helped lead the movement for legalization of marijuana for adults in Washington State and Washington, D.C., and is working for reform in other places around the country. Reform of our marijuana laws is a civil rights priority and a key component of reforming our broken criminal justice system.

### **It's Time to Legalize, Tax, and Regulate Marijuana for Adults**

It's time to face facts: New Jersey's marijuana laws have long been a failure and it's time to legalize, tax, and regulate marijuana for adults. We have used our police officers to arrest New Jerseyans hundreds of thousands of times in the past decade, yet have little to show for it. In its wake we find a trail of often devastating collateral consequences in peoples' lives after an arrest.

And not all communities are impacted equally by the enforcement of marijuana laws. Black New Jerseyans are nearly three times more likely to be arrested for marijuana possession than White New Jerseyans,<sup>1</sup> despite government research showing marijuana use is similar among Whites

---

<sup>1</sup> AMERICAN CIVIL LIBERTIES UNION, THE WAR ON MARIJUANA IN BLACK AND WHITE p. 165 (2013), available at <https://www.aclu.org/files/assets/aclu-thewaronmarijuana-rel2.pdf>.

and Blacks.<sup>2</sup> Our state wastes more than \$127 million a year in police, courts, and corrections costs enforcing our marijuana possession laws,<sup>3</sup> even though nearly 60 percent of New Jerseyans believe it should be legal.<sup>4</sup> These are resources that could be better spent focusing on serious crime and public safety issues.

We have insisted squandered more than \$1 billion in the past decade on arresting New Jerseyans for an activity that the last 23 years of United States presidents have engaged in.<sup>5</sup> The status quo has failed and is causing continued damage to New Jersey communities—it's time to begin fixing our criminal justice system by legalizing, taxing, and regulating marijuana for adults.

### **A Growing Consensus Supports Legalization, Taxation, and Regulation of Marijuana**

Legalization of marijuana is wise public policy and a growing consensus of the public and policymakers demonstrates this support. The most recent Rutgers-Eagleton Poll found that a clear majority—58 percent—of New Jerseyans support legalization, taxation, and regulation of marijuana for adults; up nine points from the year before.<sup>6</sup> This mirrors national Gallup polling showing 58 percent support nationally for the policy change—the highest number on record in the history of the poll.<sup>7</sup>

Today, four states—Washington, Colorado, Oregon, and Alaska—and Washington, D.C. have legalized marijuana for adults. That number will likely double by this time next year, and New Jersey should lead that path, not follow. This support is not limited to one side of the political spectrum. Conservative leaders like Glenn Beck<sup>8</sup> and the late William F. Buckley<sup>9</sup> supported legalization, as do progressive leaders like George Soros<sup>10</sup> and Bernie Sanders.<sup>11</sup> Prominent American business leaders, including the CEOs of PayPal,<sup>12</sup> Whole Foods,<sup>13</sup> and Men's

---

<sup>2</sup> Justin Peters, *Whites and Blacks Use Marijuana at Similar Rates. Blacks Are Almost Four Times Likelier to Be Arrested For It*, SLATE (June 4, 2013), [http://www.slate.com/blogs/crime/2013/06/04/marijuana\\_possession\\_laws\\_aclu\\_report\\_why\\_blacks\\_are\\_four\\_times\\_more\\_likely.html](http://www.slate.com/blogs/crime/2013/06/04/marijuana_possession_laws_aclu_report_why_blacks_are_four_times_more_likely.html).

<sup>3</sup> See WAR ON MARIJUANA, *supra* note 1 at 165.

<sup>4</sup> Rutgers Eagleton Institute of Politics, Press Release, *Marijuana Legalization for Adults With Taxation and Regulation Supported by Most New Jerseyans: Rutgers-Eagleton Poll* (June 18, 2015), available at <http://eagletonpoll.rutgers.edu/rep-marijuana-apr2015/> (finding 58 percent support for legalization, up nine points from 2014).

<sup>5</sup> Ryan Teague Beckwith, *The Next President May Not Have Tried Pot*, TIME MAGAZINE (Feb. 3, 2015), <http://time.com/3633921/president-marijuana-hillary-rubio-rand/>.

<sup>6</sup> See Rutgers Eagleton Institute of Politics, *supra* note 4.

<sup>7</sup> Jeffrey M. Jones, *In U.S., 58% Back Legal Marijuana Use*, GALLUP (Oct. 21, 2015), <http://www.gallup.com/poll/186260/back-legal-marijuana.aspx>.

<sup>8</sup> Ana Marie Cox, *Glenn Beck: Free The Weed*, THE DAILY BEAST (May 25, 2015), <http://www.thedailybeast.com/articles/2015/05/25/glenn-beck-free-the-weed.html>.

<sup>9</sup> See Lily Rothman, *The Conservative Case for Legalization*, TIME MAGAZINE (Feb. 26, 2015), <http://time.com/3724131/conservatives-marijuana-buckley/>.

<sup>10</sup> George Soros, *Why I Support Legal Marijuana*, WALL STREET JOURNAL (Oct. 26, 2010), <http://www.wsj.com/articles/SB10001424052702303467004575574450703567656>.

<sup>11</sup> Christopher Ingraham, *Bernie Sanders signals support for marijuana legalization*, WASHINGTON POST (Oct. 13, 2015), <https://www.washingtonpost.com/news/wonk/wp/2015/10/13/bernie-sanders-signals-support-for-marijuana-legalization/>.

<sup>12</sup> Jonathan Fisher, *Peter Thiel favors pot legalization and says it's an irreversible trend*, BUSINESS INSIDER (Mar. 3, 2015), <http://www.businessinsider.com/peter-thiel-favors-pot-legalization-and-says-its-an-irreversible-trend-2015-3>.

Wearhouse<sup>14</sup> have endorsed legalization. The editorial boards of major newspapers like the *Star-Ledger*<sup>15</sup> and *New York Times*<sup>16</sup> have also thrown their support behind the change.

This trend is emerging internationally as well. Global leaders, including former heads of state of Poland, Colombia, Mexico, Brazil, Greece, Portugal, Nigeria, Chile, Switzerland, and former international leaders like Kofi Annan, have called for ending the criminalization of drug users.<sup>17</sup>

Uruguay became the first country to fully legalize marijuana in 2013<sup>18</sup> and the recently elected Prime Minister-elect of Canada, Justin Trudeau, has pledged to legalize marijuana for adults.<sup>19</sup> Further, the Mexican Supreme Court recently found a constitutional right to grow and distribute marijuana for personal use, opening the door to legalization efforts there.<sup>20</sup> Shortly, our neighbors to both the North and South may move forward in legalizing marijuana. New Jersey should do the same.

### **Marijuana Arrests are at an All-Time High: Our Criminal Justice System is Broken**

The ACLU of New Jersey strongly believes that reform of our marijuana laws is a critical part of reforming our broken criminal justice system and beginning to tackle our crisis of mass incarceration.

New Jersey's enforcement of marijuana possession laws are simply spiraling out of control. In 2013, New Jersey law enforcement agencies made 24,765 marijuana possession arrests,<sup>21</sup> the most ever on record. By comparison, 20 years ago, in 1993, we made 12,639 marijuana possession arrests.<sup>22</sup> While New Jersey's population increased twelve percent over that time, the

---

<sup>13</sup> See Josh Harkinson, *Whole Foods CEO Welcomes Climate Change, Warns of Fascism*, MOTHER JONES MAGAZINE, (Jan. 18, 2013), <http://www.motherjones.com/environment/2013/01/whole-foods-market-john-mackey-interview-conscious-capitalism>.

<sup>14</sup> Jane Wells, *Men's Wearhouse founder comes out in favor of pot legalization*, CNBC (Sept. 19, 2015), <http://www.cnn.com/2015/09/18/mens-wearhouse-founder-comes-out-in-favor-of-pot-legalization.html>.

<sup>15</sup> Editorial, *Star-Ledger Editorial Board, Time to legalize marijuana: Editorial*, NEWARK STAR-LEDGER (Apr. 8, 2013), [http://blog.nj.com/njv\\_editorial\\_page/2013/04/time\\_to\\_legalize\\_marijuana\\_edi.html](http://blog.nj.com/njv_editorial_page/2013/04/time_to_legalize_marijuana_edi.html).

<sup>16</sup> Editorial, *New York Times Editorial Board, Repeal Prohibition, Again*, NEW YORK TIMES, (July 26, 2014), <http://www.nytimes.com/interactive/2014/07/27/opinion/sunday/high-time-marijuana-legalization.html>.

<sup>17</sup> Global Commission on Drug Policy, Press Release, *New Report: World Leaders Call for Ending Criminalization of Drug Use and Possession and Responsible Legal Regulation of Psychoactive Substances* (Sept. 8, 2014), <http://www.globalcommissionondrugs.org/new-report-world-leaders-call-for-ending-criminalization-of-drug-use-and-possession-and-responsible-legal-regulation-of-psychoactive-substances-2/>.

<sup>18</sup> Malena Castaldi & Felipe Llambias, *Uruguay becomes first country to legalize marijuana trade*, REUTERS (Dec. 10, 2013), <http://www.reuters.com/article/2013/12/11/us-uruguay-marijuana-vote-idUSBRE9BA01520131211#pt8Lg6qHMwR8WgYy.97>.

<sup>19</sup> Kristy Kirkup, *Justin Trudeau Prepares to Tackle Marijuana Legalization*, CANADIAN PRESS (Oct. 28, 2015), available at [http://www.huffingtonpost.ca/2015/10/28/trudeau-marijuana-legalization\\_n\\_8409710.html](http://www.huffingtonpost.ca/2015/10/28/trudeau-marijuana-legalization_n_8409710.html).

<sup>20</sup> Elisabeth Malkin & Azam Ahmed, *Ruling in Mexico Sets Into Motion Legal Marijuana*, NEW YORK TIMES (Nov. 4, 2015), <http://www.nytimes.com/2015/11/05/world/americas/mexico-supreme-court-marijuana-ruling.html>.

<sup>21</sup> NEW JERSEY STATE POLICE, 2013 UNIFORM CRIME REPORT 71 (2014), [http://www.njsp.org/info/ucr2013/pdf/2013\\_ssect3.pdf](http://www.njsp.org/info/ucr2013/pdf/2013_ssect3.pdf).

<sup>22</sup> NEW JERSEY STATE POLICE, 1993 UNIFORM CRIME REPORT 69 (1994), [http://www.njsp.org/info/ucr1993/pdf/1993\\_ssect\\_3.pdf](http://www.njsp.org/info/ucr1993/pdf/1993_ssect_3.pdf).

number of arrests has nearly doubled. To put that in perspective, somebody is arrested for marijuana possession in New Jersey approximately every 21 minutes. At least six people will be arrested while this hearing is taking place. Marijuana possession arrests make up nearly half of total drug arrests in New Jersey each year.<sup>23</sup> In fact, New Jersey makes more arrests per year than the far more populous states of Pennsylvania and Ohio.<sup>24</sup>

While few New Jerseyans spend long periods in jail for small marijuana possession offenses, a single adult marijuana arrest can have devastating consequences for someone and their family. Potential penalties for one disorderly persons marijuana possession offense include up to six months in jail,<sup>25</sup> \$1,255 in fines and fees; a driver's license suspension of between six months and two years;<sup>26</sup> deportation;<sup>27</sup> eviction from public housing for an entire family;<sup>28</sup> a three-year ban from public housing;<sup>29</sup> a loss of student financial aid;<sup>30</sup> a five-year ban from adoption;<sup>31</sup> and a criminal record without the possibility of expungement for five years, among other penalties.

These extensive penalties can make it extraordinarily difficult for individuals to move past a marijuana arrest and can lead to far too many individuals wrapped up in the criminal justice system when they should not be. This is the troubling link between our marijuana laws and mass incarceration—with so many New Jerseyans arrested each year, year after year, for marijuana possession, these laws have taken their toll on our communities.

While it may be easy to dismiss these facts by saying New Jerseyans should not use marijuana if they do not want to suffer the consequences, it's worth considering how many people in our state and across the country use marijuana. A recent Pew poll found that nearly half of all Americans have tried marijuana.<sup>32</sup> I would ask those on the committee who have tried marijuana—and I am not asking for a show of hands—would you be a New Jersey State Senator today if you had been arrested for it? Probably not. Yet that is what our laws are doing to tens of thousands of New Jerseyans every year.

When we think about those that have admitted using marijuana, we should ask how the course of history might have been different if they had been arrested? Would Presidents Clinton, Bush, or Obama have become President? Would Clarence Thomas have become a Supreme Court justice, Newt Gingrich Speaker of the House, or John Kerry Secretary of State? Would Andrew Cuomo or George Pataki have become governor of New York, Jeb Bush governor of Florida, or Bill

---

<sup>23</sup> Marijuana possession offenses constituted approximately 46 percent of total drug offenses statewide—possession and distribution. See 2013 UNIFORM CRIME REPORT, *supra* note 21.

<sup>24</sup> In 2010, New Jersey made 21,659 marijuana possession arrests, compared to 21,287 in Pennsylvania and 19,178 in Ohio. See WAR ON MARIJUANA, *supra* note 1, at 39.

<sup>25</sup> N.J.S.A. 2C:43-8.

<sup>26</sup> N.J.S.A. 2C:35-16.

<sup>27</sup> 8 U.S.C. § 1227(a)(2)(B)(i) (note that while there is an exception for 30 grams or less of marijuana possessed for personal use, the limit is lower than the 50 gram threshold under state law and the exception only applies to a first offense).

<sup>28</sup> *Dep't of Hous. v. Rucker*, 535 U.S. 125, 130 (2002).

<sup>29</sup> 42 U.S.C. § 13661(a).

<sup>30</sup> 20 U.S.C. §1091(r).

<sup>31</sup> N.J.A.C. §10:122C-5.4(a)(8)(iii).

<sup>32</sup> Seth Motel, *6 facts about marijuana*, PEW RESEARCH CENTER (Apr. 14, 2015), <http://www.pewresearch.org/fact-tank/2015/04/14/6-facts-about-marijuana/> (“Nearly half (49%) of Americans say they have tried marijuana”).

Bradley governor of New Jersey? Would Michael Bloomberg or Bill DeBlasio have been Mayor of New York City? Even if you haven't tried it, with so many of New Jerseyans having done so, we have to examine the hypocrisy of determining New Jerseyans' futures depending on whether or not they are one of the unlucky ones who get caught.

### **Enforcement of Our Marijuana Laws is Racially Discriminatory**

Data also make clear that not all communities in New Jersey are treated equally when it comes to how our marijuana possession laws are enforced. Federal data shows that Blacks are nearly three times more likely than Whites to be arrested for marijuana possession in New Jersey,<sup>33</sup> despite the fact that Blacks and Whites use marijuana at roughly the same rates.<sup>34</sup> Nationally, and in New Jersey, the war on marijuana has disproportionately been a war on people of color.

A study released by the ACLU in 2013 found that in some counties, the racial disparities are even worse. In 2010, Black New Jerseyans in five counties—Hunterdon, Ocean, Monmouth, Warren, and Salem—were arrested four or five times the rate of Whites.<sup>35</sup>

Over time, this disproportionate arrest rate has resulted in a disproportionate impact of the extensive collateral consequences that result from a marijuana possession arrest. We must stop turning otherwise law-abiding adults into criminals by ending these arrests and legalizing, taxing, and regulating marijuana.

### **Marijuana Legalization Can be Implemented Safely and Responsibly**

There is no one way to legalize, tax, and regulate marijuana for adults in New Jersey. But we do have the benefit of learning from the experience of other states that have legalized marijuana and developing the next generation of marijuana legalization. A legal and regulated system need not result in the legitimate “Big Marijuana” fears that have been expressed by some. Responsible regulation of the system, including strict labeling, packaging, potency, portion-size, advertising, health and safety, licensure, inspection, and ownership rules, can help shape a regime that protects and benefits New Jersey. Ensuring that individuals have the right to safely grow a limited number of marijuana plants at home for their own personal use will also be a bulwark against such forces.

What we have seen so far is that the doomsday predictions about the effects of legalization in Colorado and Washington simply have not come true.

For example, crime in Denver, the city with the largest concentration of marijuana-related

---

<sup>33</sup> See WAR ON MARIJUANA, *supra* note 1.

<sup>34</sup> Justin Peters, *Whites and Blacks Use Marijuana at Similar Rates. Blacks Are Almost Four Times Likelier to Be Arrested For It*, SLATE (June 4, 2013), [http://www.slate.com/blogs/crime/2013/06/04/marijuana\\_possession\\_laws\\_aclu\\_report\\_why\\_blacks\\_are\\_four\\_times\\_more\\_likely.html](http://www.slate.com/blogs/crime/2013/06/04/marijuana_possession_laws_aclu_report_why_blacks_are_four_times_more_likely.html).

<sup>35</sup> See ACLU of New Jersey, *Marijuana Arrests in New Jersey* (2013), [https://www.aclu-nj.org/files/8813/8980/8519/2014\\_01\\_15\\_MarijuanaArrests\\_NJ.pdf](https://www.aclu-nj.org/files/8813/8980/8519/2014_01_15_MarijuanaArrests_NJ.pdf).

businesses in Colorado, dropped nearly three percent in 2014 compared to the year before, and violent crime was down two percent over the same period.<sup>36</sup>

In Washington State, violent crime in 2014 was down 10 percent from 2011, the year before the people of Washington voted to legalize, tax, and regulate marijuana.<sup>37</sup>

We have also not seen the dramatic increase in teen marijuana use that was predicted by the opponents of legalization. In Washington, for example, eighth grade marijuana use was down 2.1 percent and 12th grade use remained the same between October 2012—the month before legalization passed—and October 2014.<sup>38</sup> Colorado has seen road fatalities down three percent year-to-year from 2013 to 2014 at a rate below average for the previous 13 years.<sup>39</sup>

Marijuana-related DUI offenses consisted of 12 percent of total DUIs in Colorado in 2014<sup>40</sup>—this data was not tracked in previous years, so comparison is difficult, and the state is continuing to monitor the situation on the roads.

While these states will undoubtedly need course-corrections as implementation of legalization moves forward—ending a decades-long system of prohibition and putting a new, legal, regulated system in its place is not easy—what we have seen so far indicates that there is a safe and responsible way to legalize and regulate marijuana.

### **Savings and Revenue Should be Reinvested in New Jersey Communities**

While the amount of revenue New Jersey could potentially generate from legalizing, taxing, and regulating marijuana is dependent on the structure of the legal marketplace and associated rates of taxation, New Jersey will face an important question about how to use that revenue and enforcement cost savings.

The ACLU of New Jersey, and our partners in New Jersey United for Marijuana Reform, believe that, at a minimum, revenue should be dedicated to at least two important purposes. The first is on drug abuse prevention and treatment. We should use revenue from legalization to invest in evidence-based prevention programs that work, focused on our youth. We can and should boost our youth drug prevention efforts to make sure young people understand the risks associated with

---

<sup>36</sup> DENVER DEPARTMENT OF PUBLIC SAFETY, CRIME IN THE CITY AND COUNTY OF DENVER BASED ON UCR STANDARDS (2015),

[https://www.denvergov.org/Portals/720/documents/statistics/2014/UCR\\_Citywide\\_Reported%20Offenses\\_2014.pdf](https://www.denvergov.org/Portals/720/documents/statistics/2014/UCR_Citywide_Reported%20Offenses_2014.pdf).

<sup>37</sup> Drug Policy Alliance, Status Report: Marijuana Legalization in Washington After 1 Year of Retail Sales and 2.5 Years of Legal Possession 2 (July 2015),

[http://www.drugpolicy.org/sites/default/files/Drug\\_Policy\\_Alliance\\_Status\\_Report\\_Marijuana\\_Legalization\\_in\\_Washington\\_July2015.pdf](http://www.drugpolicy.org/sites/default/files/Drug_Policy_Alliance_Status_Report_Marijuana_Legalization_in_Washington_July2015.pdf) (citing Washington Statistical Analysis Center).

<sup>38</sup> Looking Glass Analytics, Healthy Youth Survey 2014 at 12 (Apr. 2015),

<https://www.askhys.net/library/2014/StateGr08.pdf>; <https://www.askhys.net/library/2012/StatewideGr08.pdf>.

<sup>39</sup> Radley Balko, *Road fatalities in Colorado have plummeted since marijuana was legalized*, THE INDEPENDENT (Sept. 13, 2015), <http://www.independent.co.uk/news/world/americas/the-us-state-where-road-fatalities-have-plummeted-since-marijuana-was-legalised-10499069.html>.

<sup>40</sup> John Ingold, *Marijuana involved in 12 percent of Colorado State Patrol DUI cases*, DENVER POST (Jan. 29, 2015), [http://www.denverpost.com/news/ci\\_27421987/marijuana-involved-12-percent-colorado-state-patrol-dui](http://www.denverpost.com/news/ci_27421987/marijuana-involved-12-percent-colorado-state-patrol-dui).

using drugs. Further, as New Jersey continues to suffer from a significant lack of treatment beds<sup>41</sup> to tackle the troubling increase in heroin addiction in our state, revenue from legalization of marijuana could be put toward ensuring the state is able to better help those suffering from addiction with more and better treatment beds and programs.

The second is a strategy of justice reinvestment. As not all communities have faced enforcement of marijuana possession laws at the same rates, we believe it is important to reinvest savings and revenue into communities of color that have suffered disproportionately from the war on marijuana in New Jersey. Investing in treatment, re-entry, job training, affordable housing, and related programs in communities that have borne the brunt of enforcement practices will help enshrine a value of justice into reform of our marijuana laws.

### **Policy Considerations for Legalizing, Taxing, and Regulating Marijuana for Adults**

The ACLU of New Jersey is grateful for the opportunity to testify today and we look forward to working with the Chairman and all lawmakers interested in advancing these critical reforms. Legalizing, taxing, and regulating marijuana is a large undertaking and will necessarily implicate hundreds of policy choices involving criminal justice, taxation, public health, business, agriculture, employment, and more.

As you begin to examine legalization in New Jersey, we encourage you to consider these important policy reforms:

*Automatic Expungement of Marijuana Possession Convictions:* If the state legalizes marijuana possession for adults, we should not leave behind the many thousands of New Jerseyans who will continue to have a marijuana possession conviction on their record. As has been well documented, a criminal record can have devastating consequences for individuals and hiring an attorney to file an expungement petition is out of reach for many. Automatic expungement of a conviction for conduct the state decides should be legal is important to ending the overreach of the criminal justice system in this area.

*Disentangle Criminal Justice System from Marijuana Where Possible:* While legalization efforts should be limited to possession for adults for personal use below a certain quantity, we should also be looking at ways to ensure that New Jerseyans do not continue to become unnecessarily entangled with the criminal justice system because of marijuana use after legalization. For example, we should ensure that suspicion of possession of marijuana will not provide legal justification for stop-and-frisk practices by police, that possession of paraphernalia related to marijuana use is also lawful to possess, decriminalizing or reducing penalties for those who possess marijuana around the periphery of the legal limit, ensuring that public consumption remains unlawful but no longer creates drastic criminal justice consequences for individuals violating the law, and more.

---

<sup>41</sup> Stephen Stirling, *Dying for help: Treatment options don't meet demand of growing N.J. heroin and opiate epidemic*, NJ.COM (July 27, 2014), [http://www.nj.com/news/index.ssf/2014/07/dying\\_for\\_help\\_available\\_treatment\\_doesnt\\_meet\\_need\\_of\\_growing\\_nj\\_heroin\\_and\\_opiate\\_epidemic.html](http://www.nj.com/news/index.ssf/2014/07/dying_for_help_available_treatment_doesnt_meet_need_of_growing_nj_heroin_and_opiate_epidemic.html).

*Protect Users in the Legal System from Discrimination:* The legislature should consider building in protections for those adults who will use or possess marijuana after legalization from discrimination from employers and others. While employers must retain the ability to prevent their employees from using marijuana at work, absent certain situations of medical necessity, employees should not generally face employment consequences for marijuana use or possession on their own time if it does not impact their job performance.

*Juvenile Marijuana Use:* While legalization of marijuana should apply to those 21 and over, we should consider what reforms may be appropriate for those found with marijuana under age 21. Youth marijuana use is a serious problem and we must develop a comprehensive way to address it that is effective at reducing teen use while not relying solely on our overstretched criminal justice system.

### **Conclusion**

Legalization, taxation, and regulation of marijuana for adults is a critical policy reform for New Jersey and the state should move towards passage of legislation as soon as possible. I thank you for beginning this process in New Jersey, and the ACLU-NJ, together with our partners in New Jersey United for Marijuana Reform, look forward to working with you and stakeholders across the state to safely and responsibly legalize marijuana.